

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

EIGHTH DAY

June 8, 2010

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

Verbatim Minutes Taken By:

**Alison Mahoney, Lucia Braaten & Donna Catalano
*Court Reporters***

Verbatim Transcript Prepared By:

**Alison Mahoney, Lucia Braaten, Donna Catalano
& Kimberly Castiglione - Legislative Secretary**

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

*(*The meeting was called to order at 9:29 A.M. *)*

P.O. LINDSAY:

Okay. Mr. Clerk, call the roll.

MR. LAUBE:

Good morning, Legislator Lindsay.

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

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

(Not present).

LEG. BROWNING:

Here.

LEG. MURATORE:

(Not present).

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

(Not present).

LEG. HORSLEY:

Here.

LEG. NOWICK:

Yes, what? Here.

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:

Fifteen.

LEG. SCHNEIDERMAN:

Tim, I didn't hear you call me.

MR. LAUBE:

I did. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Here.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. Could everyone rise for a salute to the flag led by Legislator Horsley.

Salutation

Okay. If you could remain standing, Legislator Horsley will introduce our visiting Clergy.

LEG. HORSLEY:

Good morning, everybody. I am welcoming Reverend Lee Gangaware, the Pastor of Grace -- United Methodist Church on Wellwood Avenue in Lindenhurst.

Reverend Lee, as he is more commonly called, Gangaware hales from Lancaster, Pennsylvania, and attended Asbury Theological Seminary in Wilmore, Kentucky. He was ordained Elder in 1976. Pastor Lee is interested in contemporary worship styles as well as traditional services. Pastor Lee has served at Grace United Methodist Church in Lindenhurst since February of 2007. He is married to his beloved wife Polly, and Polly is here, and is proud father of twin daughters, Hannah and Elizabeth, and the Grandfather of Julianna. He also has one foster daughter who has five children. In addition to ministering in his parish and spending time with his family, Pastor Lee enjoys spending time singing in the choir and playing the saxophone. Pastor Lee? Welcome.

PASTOR LEE:

Thank you very much. Thank you. May we be at prayer, please? All mighty God, you rule all the peoples of the Earth, inspire the minds of all women and men to whom you have committed the responsibility of government and leadership in the nations of the world. Give to them the vision of truth and justice that by their counsel, all nations and peoples may work together. Give to the people of our country zeal for justice and strength of forbearance, that we may use our liberty in accordance with your gracious will. Forgive our shortcomings, purify our hearts to see and love the

truth. We pray all these things through our God who loves us all. Amen.

("Amen" said in unison)

LEG. HORSLEY:

Thank you very much, Pastor.

P.O. LINDSAY:

Thank you, Legislator and Reverend. If everyone would remain standing for a moment of silence for Army Lieutenant Joseph Theinert serving in the 71st Calvary Regiment of the U.S. army, gave his life in a truck bombing in Kandahar, Afghanistan recently. The Lieutenant was a Shelter Island resident.

Also, for former Chairman of the Smithtown Republican Committee from 1969 to '79, Nicholas Barbado who died recently at the age of 87.

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 Observed

Good morning, everyone, fellow colleagues. We have quite a long agenda before us today. First we have a series of proclamations. First Legislator Browning, if you go for the purpose of presenting a proclamation.

LEG. BROWNING:

Good morning. Oh, I forgot to push the button. Okay, good morning. I would like to present to you today the William Floyd Rugby Team. If they can all -- and believe it or not, this is not all of them. Come on up and make some space. Okay.

And while they're moving forward, rugby is the second most popular sport in the world. It is the origin of American football and it's a sport that is up and coming here in the United States, and it's another option for our young people with very little cost to the players.

Rugby is scheduled to be in the next Summer Olympics. The William Floyd Rugby Team is not a school sport, it's a club, and they're affiliated with the Metropolitan/New York Rugby Football Union which includes New York, New Jersey and parts of Connecticut. And I don't know, is Ali Nazir here, Legislative Aide to Legislator Kennedy? Okay, he's back here. He is a Director with the Union. The William Floyd team has approximately 50 members, a men's team and a women's team. This year the men's team consisted of 9th through 12th grade high school kids and some college freshman. They had a friendly match with the Stony Brook freshman team and they beat them 31-0, so they're very impressive. Just think what they can do in a couple of more years.

The men's team was undefeated this year, making them the Under 19 Division Champions and the Long Island Champions. The woman's team are also, this year, the Under 19 Long Island champions. The Captain of the men's team is Raul Rodriguez; where are you? Put your hand up. Raul is a senior in the William Floyd High School. And the Captain of the girls team is Eva Bouchard; where are you, Eva?

MS. BOUCHARD:

Right here.

LEG. BROWNING:

There you are, okay. And I have to tell you, I barely recognize some of them this morning, the girls especially, because I usually don't see them like this.

*(*Laughter*)*

I have to say, Chad Herth is the coach of the women's team and Mark Richter coach of the men's team. However, together, you know, they work together for the overall success of the program. The success of the William Floyd team would also not be possible without the direction and these outstanding coaches who not only put their time and effort with no stipends, but they also contributed their personal funds for the team with no reimbursement. So they, I can tell you, are extremely dedicated. Chad is a retired New York City Police Officer and Mark is a teacher in the William Floyd High School.

So with that, I have certificates. And I want to say congratulations to each and every one of them, they did a phenomenal job. I've been to the games. My son, who is not a sports kid, music kid, decided he wanted to learn to play rugby and he is absolutely in love with the sport. So it's amazing what the sport of rugby does with these kids.

I will like to -- like I said, I do have certificates for each and every one of you. Congratulations, you are a phenomenal bunch of kids. They don't look at themselves as a team, they look at themselves as a family. So if the two parents of these kids would like to come over -- do you have any words you'd like to say?

MR. HERTH:

Sure.

LEG. BROWNING:

You have to hold the button, or I'll hold the button for you.

MR. HERTH:

Again, thank you for having us here. This program started approximately seven years ago at my dining room table during Christmas holiday. My son asked his best friend, Joe {Foss} at the time, "Do you care to be a hooker?" He answered, "As long as I can wear heels." The William Floyd Rugby Club was started at that point.

I think Kate mentioned before that this is the second most popular sport in the world, it is the fastest growing sport in the United States. As of evidence, you can only point to NBC holding the Sevens Championship for collegiate teams over the weekend. I mean, if you didn't see that, you missed out.

We're also going to be part of MSG Varsity Sports, they've come down and actually critiqued, looked at this team, photographed it and apparently we're going to be on television some time in the future, I'm looking forward to it.

LEG. BROWNING:

You want to mention the girls?

MR. HERTH:

The girls, they're a Division I side. These girls, we have seven members, no less than seven members. Have made them Met Union Select-sides. They were also invited to our national tournament, so a big hand for them as well. Both sides work tirelessly. They're hard working kids, both on the field and academically, we're very proud of that. And we're looking forward to quite a few of them going on and playing in college and hopefully coming back to help the club. So, listen, thank you very much. I appreciate it.

Applause

LEG. BROWNING:

Mark?

MR. RICHTER:

Thank you once again. I'll make this real quick. I just want to say that we strictly do this voluntarily and we do it for the kids and the community as a whole and we'd love to see this grow and continue to grow on Long Island and in New York and the whole metropolitan union. The camaraderie that we have, the fitness that it brings and the whole overall family is just a wonderful thing for these kids. Thank you.

Applause

LEG. BROWNING:

Thank you. And I should mention, I do have certificates of appreciation also for our coaches. Thank you.

P.O. LINDSAY:

Okay. Next, Resolution No. 927-2007 establishes a Be-Pool Smart Public Education Campaign to promote pool safety. Posters were judged by the Budget Review Office and we are pleased to have the winners of the poster campaign with us today. And the 2nd Place Winner is going -- the proclamation is going to be presented by Legislator Viloría-Fisher's office. So Legislator Fisher, if you could call up your recipient.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I'd would like to Ashley Resnick and her family to join me here at the podium. This is Ashley's poster. Ashley, congratulations. Her teacher was my student.

*(*Laughter*)*

LEG. NOWICK:

I wouldn't be sharing that.

D.P.O. VILORIA-FISHER:

It's really great to have you here and to congratulate you, Ashley. Ashley, come along here, alongside me. You know, a few years ago I served on the task force that developed the message going out about pool safety, and we worked for a whole year. And I see that you incorporated in this beautiful poster many of the regulations and the rules and the safety tips that we wrote in our -- you know, our outline. Every year there are kids who die because of pool accidents, and that's a tragedy that we can avoid. And if people were to follow the great message on your poster, then we could save a lot of lives.

Thank you so much for the good work that you did. Thank you for participating. Thank you to your parents and your teacher for their support. And I have a proclamation for you here. You know, it's hard to hold all this stuff and keep my finger on the button so people can hear me, so I'm kind of juggling everything. Would you like to say anything, Ashley?

MS. RESNICK:

No.

D.P.O. VILORIA-FISHER:

Well, thank you very much. Congratulations.

Applause

P.O. LINDSAY:

Okay. And the first place winner is from my district and it's Sofia Polimine. Sofia, are you here? Stay right there, I'll come over to you.

Come on up, Sofia. Why don't you hold your poster and show everybody your poster. Sofia is a kindergarten student from Merrimack Elementary School and she's the 1st Place Winner in the poster contest. Great job, Sofia; really, really good job.

Applause

Now I'm going to switch the poster for the proclamation, okay?
You take this, that's for you, and then we're going to get a picture.

(*Photograph Taken*)

LEG. NOWICK:

We can't see her, Bill.

Applause

P.O. LINDSAY:

Next up is Legislator Cooper for the purpose of a proclamation.

LEG. COOPER:

Thank you, and good morning. On the evening of March 23rd, Suffolk County Police Officers John Peter Gaudio and Timothy Tonkin from Huntington's 2nd Precinct responded to a desperate 911 call.

In an attempt to save the lives of three victims of carbon monoxide poisoning, they rode a small dingy through rough, frigid waters to a houseboat moored 200 feet off-shore in Huntington Harbor. Once on board, the officers were able to carry the individuals to a small mooring adjacent to the houseboat where they attempted to perform CPR on the victims. The three victims were ultimately transported to Huntington Hospital, but they unfortunately did not survive.

In the course of discharging their duties, Officers Gaudio and Tonkin were also exposed to carbon monoxide fumes which resulted in them requiring medical attention as well. From their arrival on-scene to their release from the Huntington Hospital ER after treatment, officers John Peter Gaudio and Timothy Tonkin displayed extraordinary bravery, strength and dedication to our community. They never hesitated and they never gave anything but a hundred percent.

My colleagues and I welcome the opportunity to thank both of you for your tremendous effort, hard work and commitment to the residents of Suffolk County. And I'm honored to present you today with these proclamations in recognition of your heroism.

Applause & Standing Ovation

P.O. LINDSAY:

Not only do those two Police Officers deserve our thanks and respect, but the Marine Officers that eventually arrived that treated those officers also deserve our respect and our thanks.

Next is Legislator Cilmi for the purpose of a proclamation.

LEG. CILMI:

Thank you, Mr. Presiding Officer. That is certainly a tough act to follow. My utmost congratulations to those two Police Officers and thanks.

It's always a privilege to be here to sort of pay tribute to some of our Probation Officers who really go above and beyond each meeting. Today we honor Probation Officer Steve Watkins. He was recently assigned a pre-plea investigation on a Miguel G on charges of Robbery I and Robbery II. In the course of reviewing the information on the individual, Probation Officer Watkins noted that an

arrest warrant had been issued in Aguadilla, Puerto Rico on a charge of Aggravated Assault or Attempted Murder II. PO Watkins followed up with great effort and contacted the Suffolk County Police Department Fugitive Squad, also contacted the Police Department in Puerto Rico and was able to sort of bring this fugitive to justice.

Probation Officer Watkins is a 26-year veteran with the Suffolk County Probation Department. His current assignment is completing pre-sentence investigations for Criminal Court. He is to be commended for his persistence in this investigation and in going beyond what is required to ensure that the defendant is answerable for his alleged involvement in crimes both in Suffolk County and Puerto Rico.

So Probation Officer Watkins, congratulations from all of us in the Legislature.

OFFICER WATKINS:

Thank you very much.

LEG. CILMI:

Continue the good work that you're doing.

Applause & Standing Ovation

Now we have a series of proclamations to be presented to the 2010 Brookhaven National Laboratory Science Fair Winners. The first is Legislator Romaine for the purpose of a proclamation.

LEG. ROMAINE:

Good morning. Is Brandan and his family here? Come on up.

Brandan is a 3rd grade elementary school student at Miller Avenue School in Shoreham, and he participated in the Brookhaven National Lab Science Fair and he won the 3rd Grade Award. And he did something on his bike, and he's got his medal right on, he did something on his bike that we should all practice not only on our bikes but our cars. He tested his bike by 60 pounds per square inch of pressure, then 30, then five to determine which was the most efficient. And he found, obviously, that the highly inflated number worked the best, provided the least amount of friction, he used chalk to demonstrate on the tires how much friction there would be. Obviously, at five pounds per square inch, there was a great deal more friction with the pavement than at 60 pounds per square inch. And by proving this factor, he has placed first amongst 3rd graders in the Brookhaven National Lab Science Fair. Brandon, congratulations.

Applause

P.O. LINDSAY:

Okay. The next proclamation will be presented by Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Can Emily Horan please come to the podium?

Emily Horan is the Kindergarten Winner of the Brookhaven National Lab competition. Hi, Emily. How are you? Congratulations. Emily is just so amazing. Her family had gotten her a sandbox, and when Emily felt -- come on along here beside me so all the Legislators can see you, too. Isn't she terrific looking? Look at that, with her medal. Anyway, Emily had this sandbox and she wondered what kind of sand would be the strongest for building a sand castle; right, Emily, got it right so far? And she -- her parents cooperated and got her three different types of sand, and when Emily first felt the sand in her fingers, she thought that the sand that seemed to feel the wettest, right, in her hand would be the strongest, the one that kept the moisture longest. So she conducted an experiment and built a sand castle and then had a contraption with weights on it, right, and then you filled it with -- from a soda bottle, right, you used that to measure how much moisture you were

putting in; yeah? And her conclusion was that what she had thought instinctively when she first felt the sand was correct, that the sand that she thought would be the strongest really turned out to be the strongest; right, that sand castle stayed up the longest. And so she conducted that experiment, proved her theory and won 1st Place in the Brookhaven National Lab Science Fair. Congratulations to you. Very good work. Very good work.

Applause

This is a proclamation for you, Emily, congratulating you.

Do I do the next one?

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

The next winner of the Brookhaven National Lab Elementary Science Fair is our 4th grader who is Zain Khan. Come up and join me here.

Applause

Now, what Mr. Khan decided to work on was the effect of multi-tasking; the effects of multi-task on our ability to concentrate, our ability to complete tasks. And it's very interesting because we had looked at this and I had read about what Zain did for the fair, and if anybody saw yesterday's New York Times had an article that was several pages long, I brought it in and gave it to Zain for him to see that he's ahead of the curve. His results were exactly the same as the study that was cited in the New York Times, and that is that we really can't multi-task effectively. That if, in fact, you are multi-tasking, you are not concentrating and focusing enough on any one task. How about coming right next to me so your Mom can get that picture. And you're not focusing -- what am I missing? You can't focus enough on the task, you don't do them as well, and what was the third thing you proved?

MR. KHAN:

You can't like -- yeah, that's it, I guess.

D.P.O. VILORIA-FISHER:

It takes longer, too.

MR. KHAN:

Yeah.

D.P.O. VILORIA-FISHER:

And it takes a little longer to finish the task. So all of you who think that you can drive and talk on your cell phone and look at your GPS and do all of those effectively, hang up and drive, or as I tell my daughter when she says that she's talking to me when we're trying to have dinner and she's texting her friend under the table --

(*Laughter*)

That's not a real, quality conversation, right?

MR. KHAN:

Yeah.

D.P.O. VILORIA-FISHER:

So congratulations. It's a very timely study and very well done. Congratulations, we're very proud of you.

Applause

P.O. LINDSAY:

I know this presentation is a little long today, but I think it's important that we honor some of our students that are doing so well in the various competitions we have around the County.

I have the next two award winners. Jennifer Philbin; is Jennifer here today? Come on up, Jennifer.

Applause

Jennifer is a 5th grade student from the Cherry Avenue Elementary School in Sayville and her project was a very interesting one, it was called "Police Line: Do Not Cross/I witnessed a crime." Jennifer got her idea from watching a television show about a man who was mistakenly sent to prison based on eye witness testimony. Was that Law & Order?

MISS PHILBIN:

Dr. Phil.

P.O. LINDSAY:

Ah, Dr. Phil. I think I saw the same incident on Law & Order. She decided to discover how reliable eye witness accounts were and then to determine who the best eye witness would be, a young person, old person, a male or a female.

Jenny put together a 37-second video of a crime in progress. It was filmed as if the viewers were walking home from a movie with friends and witnessed two suspects breaking into a car. Unaware that they were about to see a crime, she asked 47 people aged from 8 to 78, both males and females, to view the video. They were then asked to recollect details about the crime based on the questions asked by the 911 dispatcher; a point was given for each correct detail. She then chartered and analyzed her results. Jenny's conclusion was -- Jenny's conclusion was that her eye witnesses who averaged ten correct details were helpful but not a hundred percent reliable. The best witnesses were males and females in the age group 11 to 30. They were followed by the age group of 40 and over because males in that group remembered more vehicle description details than any other group; right, yeah, that makes sense, that makes sense.

*(*Laughter*)*

Congratulations, Jennifer. What a great job and a great honor, and here is your proclamation.

Applause

Thank you. And the next winner is Bridget Fabini; is Bridget here?

UNKNOWN AUDIENCE MEMBER:

Fabiani.

P.O. LINDSAY:

Fabiani, I'm sorry. I'm sorry for the mispronunciation. Bridget is from the James Wilson Young Middle School in the Bayport-Blue Point School District, and Bridget's project was "How smart are bookworms?"

The purpose of Bridget's experiment was to determine whether or not enjoying reading and reading a lot helps you do better on tests and quizzes. Bridget hypothesized that students with higher survey points would do better on the tests than the students who got lower survey points. Bridget tested this by giving a survey to 8th grade students determining whether or not they enjoyed reading. Next, the students were given a test of a series of questions. After all the data was collected, the final results were that the students who scored higher on the survey did better on the tests than the students who scored lower. Congratulations, Bridget.

Applause

Thank you. Congratulations.

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

Legislator Horsley?

LEG. HORSLEY:

Good morning to all. And I would like to call up Olivia O'Hara. Olivia? There she is.

This is an honor. Let me first comment, let me show off some of my Eagle pride, that Olivia not only is a 1st Place Winner this year, but she was also a 1st Place Winner in kindergarten, so now she's in 1st grade. So I have one of our students in West Babylon in JFK School, which Mr. Cunningham is the principal and is standing behind us, is a two-time Brookhaven Lab Science winner, so that's really something to be proud of.

The first time, Olivia last year, when she gave her presentation, she found natural ant control that cinnamon is a natural ant control. If you place cinnamon around a strawberry, that that would repel ants rather than attract them. So I thought that was pretty cool. But this year, this year Olivia came up with a new idea, and I thought this was very interesting and I'm going to give a little test to my colleagues up there. She looked at the fact that when you're learning that you would -- you can put ideas or words on an index card and you have like flash cards, like we used to have flash cards, well, the words were in front of her, she had 20 words in front of her and then she looked at fluorescent cards. The reason why we use fluorescent golf balls or cards or whatever is to draw your attention to the subject matter; well, she put those words also on the fluorescent cards. So Legislators, are -- do you believe that -- which would be the more -- if you had to memorize words, the words that are on the fluorescent cards or the words that are on the white index cards?

LEG. GREGORY:

Oooh, oooh, oooh.

LEG. HORSLEY:

Legislator Gregory, your guess?

(*Laughter*)

LEG. GREGORY:

Fluorescent cards, I guess

LEG. HORSLEY:

Fluorescent cards. Anyone else?

LEG. BROWNING:

Fluorescent.

LEG. HORSLEY:

Fluorescent? Mr. Presiding Officer?

P.O. LINDSAY:

(No response).

LEG. HORSLEY:

The answer is the white index cards.

Congratulations, Olivia. Job well done. We're very proud of you in West Babylon.

Applause

P.O. LINDSAY:

Okay, the last proclamation is by Legislator Nowick.

LEG. NOWICK:

Last but certainly not least, Nicholas Tournour and Christopher Scoleri, could you come on up?
Come on down.

Applause

I have a couple of 2nd grade students here from Fort Salonga Elementary School. Bring your parents here, bring your teachers. We've got everybody? Okay.

I think that this was a really, really interesting experiment. These young men -- and correct me if I'm wrong -- were getting together and they were, I'm sure, studying and they decided to have some snacks, and what they were snacking on was potato chips. My all-time favorites, pizza, pasta and potato chips, you can't beat them, right? So the young men wondered which potato chips are good for you and which potato chips are not? And when I say good and not good, I mean which ones have more fat and which ones don't. So I think -- did your Mom bring you Wise Potato Chips to eat, is that what Mom did? Wise Potato Chips. Wise Potato Chips, you could die for them they're so good; right, Ric? So these young men decided let's find out which ones are the greasiest and which ones are not, so -- and if I'm saying this wrong you have to tell me. So what they did is they put the potato chips and they put them on -- is it graph paper you put them on?

MR. TOURNOUR:

Uh-huh.

LEG. NOWICK:

And they watched to see what the spill of grease was, right? So what did you do, five different potato chips, five different kinds?

MR. SCOLERI:

Yes.

LEG. NOWICK:

And in the end, they put the Wise Potato Chips, they put several other potato chips, and Lays, Baked Lays. So I'm sure my colleague can guess this one; which ones were better? The Baked Lays, right? Less fat, probably the same amount of salt, but the Wise Potato Chips, out of all the potato chips that you experimented with, were the greasiest, was that right?

MR. SCOLERI:

Yes.

LEG. NOWICK:

Oh, but, God, they're so good, aren't they?

*(*Laughter*)*

So congratulations. When you live in a house like I do, three women, we eat the no-fat, no-taste, no-sugar, no -- nobody-wants-to-eat-them potato chips; no calories but nobody likes them.

So congratulations. And I think that it's young people like you and all of these people today that make our future and I'm so proud, I'm so proud that you work to do these things, I love your blue ribbons. Congratulations, Mom and Dad also.

Applause

And of course, the teachers at Fort Salonga. So I have for both of you, I have proclamations. Nicholas, that's for you.

MR. TOURNOUR:

Thank you.

LEG. NOWICK:

Christopher, that's for you. That goes here we'll take a quick photo over here.

*(*Photograph Taken*)*

P.O. LINDSAY:

Congratulations to all of the winners of the Science -- Brookhaven National Lab Science Contest.

There is just one other proclamation and the recipient couldn't make it here today, but Legislator Cilmi is going to explain what that is and why they deserve this award.

LEG. CILMI:

Thank you very much. Since we're honoring so many fine, exceptional young people today, I thought it was appropriate to call my colleagues' attention and everyone in the audience to a young lady from Islip. An 11-year old girl who's in 5th grade by the name of Olivia Boulter.

Olivia heard about the catastrophe in the Gulf with the oil spill and decided that she wanted to do something and make a difference. So Olivia put together a Facebook page which I would encourage everybody to go to, it's called "Save the Gulf, Olivia's Bird Illustrations". And she's now gotten, in a very short period of time, more than 6,000 fans on this Facebook page, and the idea of the page is to raise money to support the efforts in the Gulf and to support organizations such as the National Audubon Society. So what Olivia committed to doing was painting a water color for every person who made a donation in this regard. Olivia has collected to date \$60,000 of donations for this effort.

Applause

She sent out 130 drawings, and it's just -- you know, for an 11-year old to take that initiative and accomplish so much in so little time is really very special. She would have been with us today except that she, as we speak, is on her way to CNN for an interview. If anyone wants to find out more about Olivia, her last name is B-O-U-L-E-R, Olivia Boulter, she's from Islip and my applause goes out to her and her family. Thank you.

P.O. LINDSAY:

Okay. That concludes the presentations for this morning, now we'll go right into the Public Portion. The first up is Supervisor of Southampton, Anna Throne-Holst. Madam Supervisor?

SUPERVISOR THRONE-HOLST:

Good morning, everyone. I'm here to speak on Mr. Lindsay's bill that addresses the scattered site suggestion for the homeless sex offenders. I would like to offer an idea for a compromise there. As I think you all know, my concern is that should that program not, in fact, come to fruition and, you know, more time goes by, it's hard for us in the Town of Southampton to believe that in 30 days you're going to get done what hasn't been done in three years.

I have spoken to the County Executive's Office and I've spoken to Legislator Schneiderman and he has offered, in the spirit, to present to all of you this afternoon a companion bill, a late starter bill that would give the County the 30 days to put the program in place to present the program and then an additional 90 days to implement the program. And if in the event those 90 days come and go and the program has, in fact, not come to fruition -- you have not been able to establish scattered sites, you have not been able to establish caregiver organizations -- then at that date the voucher program does go into effect, you all agree to fund it and the trailers are decommissioned in the Town of Southampton.

I think it is a very good faith effort on our part to compromise, and I'm hoping on your part, to put your money where your mouth is. And if, in fact, you are committed to decommissioning the trailers and to take an equal responsibility for the homeless sex offenders, this would, in fact, allow you to do that. And it would give Southampton reassurance that there was a hard and true date for, if you have not managed as a County to put the scattered site program in place, there is a fallback and the fallback is the voucher program, one that, as you all know, our County to the west uses. They use it with success, there is no record of any increased recidivism, it is a much lower cost to the taxpayer. It is about half the cost of what this County is spending to taxi the sex offenders at this point, and it also spreads the share of the burden here.

There are over 900 sex offenders on Long Island. There's no increased supervision for those who are not living in homeless shelters and there is nothing to suggest that the voucher program will somehow increase recidivism. I, too, support the scattered site program, but I need to know and the constituents in Southampton need to know that there is a fallback position here if, in fact, the scattered site program does not get affectualized.

So I am going to ask all of you, in fact, I'm going to implore all of you to support Mr. Schneiderman's late starter bill that he has assured me he will be presenting to you later today. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Stephanie Stellaccio? Forgive me, Stephanie, if I mispronounced your name.

MS. STELLACCIO:

You said it very well.

P.O. LINDSAY:

Thank you.

MS. STELLACCIO:

I first would like to thank Legislator --

MR. LAUBE:

You have to hold the button down so the green light stays on.

MS. STELLACCIO:

I would first like to thank Legislator Jon Cooper for inviting me here today.

I picked up Newsday Tuesday, June 1st, and on page six these words hit me like a ton of bricks; "House boat deaths, matter of minutes. Debate over Police staffing, not enough Police boats and not enough Marine Bureau staffing." Yes, pruning of personnel can prove lethal and I only know it too well.

My husband Salvatore and I moved to East Norwich, 1995, to be near the beautiful waters of Oyster Bay, Long Island, to continue in his love for boating and fishing. My husband drowned in Oyster Bay November 25th of 2008. It was a preventable death had the right channels been followed.

There were three emergency vehicles only feet from where my husband drowned that night, but no one followed up and no one followed emergency procedures. I was told by well-meaning people from the constable's office that there weren't enough people on staff and the budget had been cut. Even with a 911 call in place, all help fell through. It is an outrage and to this day his family and I beg for information that will give us closure.

Reading what happened to those three people who died in Huntington was sickening because they perished due to the same lack of emergency procedures in staffing on our Long Island waters, as did my husband. Whoever I contacted in Nassau County has turned a blind eye to this need. They are refusing to let me know what was said in the call for help so I could establish what might have happened that night. Was my husband suffering for one hour, a half hour, two hours, three hours? Was he screaming? I have made three attempts to follow through with FOIL requests; I have been turned down three times. There is a law in Nassau County that they hide behind, but to hide what?

There was a call to the 2nd Precinct that night because kids heard him screaming for help by the flag pole. What happened after that I don't know, because whoever made that call is also afraid to come forward and tell me. I was told they have relatives in the Police Department and they don't want to get him in trouble, or them in trouble. I was also told that there was only one patrol car out that night to answer calls. Even so, where was the follow-up call to the Constable's Office, Marine Bureau offices? Where is the call to Atlantic Steamer Fire Company which operates one of the three emergency boats that was only feet away from where my husband was screaming for help, with the Police boat also there. Don't they take someone screaming for help in the water seriously? And if 911 calls don't get forwarded to the marine emergency units, more people will die and so they have.

Maybe we need to establish a new emergency number that would immediately relate to water rescue divisions and Coast Guard units so that these accidents could be avoided. Responders, when they arrive, can start saving lives, not drive away and leave someone to drown. Three weeks after my husband's death, the Town of Oyster Bay, after fighting for ten years, finally broke ground on a Fire & Rescue Center in Oyster Bay. I know my husband's death prompted that much-needed facility. We need to figure out ways to prevent needless deaths on the water of this great and beautiful place that we live in instead of cutting the much needed personnel.

My husband's passion was the water of Long Island and so ironic it took him down. But now I want to move in a positive direction, I want to help others not go through my pain. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you. Carolyn James followed by Vincent Vizzo.

MS. JAMES:

Yes, good morning. Presiding Officer Lindsay, Members of the Legislature, thank you. My name is Carolyn James, I'm here to speak on behalf of the Press Club of Long Island in reference to Resolution No. 1584.

The resolution, as I understand it, seeks to remove the weekly newspaper, The Smithtown Messenger, from the County's list of official newspapers, thereby removing it from the list of newspapers that receive the County's legal advertising. This resolution, sponsored by lawmakers DuWayne Gregory and Ricardo Montano, is a reaction to the newspaper's decision to run an editorial cartoon that many, including the lawmakers, found to be offensive, racist and filled with, quote, "a hatred that cannot be tolerated". In part, it depicted President Barack Obama and the First Lady as characters from the sitcom Sanford and Son.

Even the newspaper's publisher, Philip Sciarillo, commented that he was mindful that the satire seemed to some to be in very poor taste. Before I raise our point, I want to say that we respect the opinions and sentiments of Legislator DuWayne Gregory and Montano as well as those who support them in their decision. We're not here to diminish nor to -- we're not here to diminish their points of view. They have raised legitimate concerns and they have raised the debate and discussion on this issue. That, however, is not the issue.

What we are concerned about here is a move by an official government body to apply economic sanctions against a newspaper purely on the basis of what it prints. I will not be presumptuous stand before you today and lecture about the First Amendment and its pivotal role in maintaining our free and democratic society. But I really do wish to remind you that clearly, when elected officials who in the name of protecting the public from what they determine to be offensive, critical, unfair, objectionable, uncomfortable, racially, ethnically, sexually or socially unacceptable commentary tread upon the First Amendment, and that raises our grave concern.

There are some, even within our own industry, who define this controversy simply as one in which the consumer, in this case the County government, is exercising its right to advertise where and when it pleases. I would respond that government, unlike the consumer in a free marketplace, is bound to the limits of the First Amendment. Others point out, and rightfully so, that there have been elected officials, a few at every level of government, who over the course of decades have used legal advertising to newspapers both as carrots and sticks; we're not naive to think that this doesn't take place. But recognizing that reality and its misguided --

P.O. LINDSAY:

Ms. James, you're out of time. Ms. James, you're out of time.

MS. JAMES:

Okay. We just ask that you consider this legislation and reject it. Thank you very much.

P.O. LINDSAY:

Vincent Vizzo followed by Luongo.

MR. VIZZO:

Good morning. My name is Vinny Vizzo, I'm principal at Murphy Junior High School in the Three Village Central School District. I'm also the Suffolk County Director for Counsel of Administrators and Supervisors. I'd like to thank you for giving me the opportunity to say a few words this morning regarding Legislator Cooper's bill on bullying.

Each school district has a set code of conduct approved by their local Board of Education. In the code, bullying is one of the main topics addressed. Each and every day, my staff and I address some type of bullying, whether it be cyber sexting, anything. We never take anything for granted. We investigate every single incident, nothing goes unnoticed. We treat every incident as a major one. We meet with students, families and our local school resource officers.

Together with my administrative colleagues across Suffolk County, we have worked diligently to implement school-wide bully prevention programs. All school staff members have a heightened awareness regarding students in our schools that may take on the role of a bully, victim or bystander. For instance, in our school, I'm proud to support our "Get a Voice Program" where all students go through leadership and tolerance training. Other schools facilitate similar programs that assist in mediating bullying situations. Our main concern deals with bull -- dealing with bullying starts at home on their personal computers and Facebook. What starts at home finds its way into the school and then we deal with it. Our efforts in the school community and County legislation should be focused on supporting intervention programs. Additionally, I feel strongly that school principals have a passion for the profession each has entered and need to be supported.

Please acknowledge the work that we do with students and local communities and join us to confront the issue of bullying. We would welcome future discussion and collaboration. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

Applause

P.O. LINDSAY:

Lorraine Luongo. Following Lorraine is Anthony Laurino.

MS. LUONGO:

Good morning.

UNKNOWN AUDIENCE MEMBER:

Hold your finger on the button.

MS. LUONGO:

Good morning. My name is Lorraine Luongo, I'm here for the Woodside Avenue Resolution, No. 1532.

July 14th, 2008, my son Nicholas Luongo, at the age of 17, was killed in a car accident on Woodside Avenue; he was a passenger in a car that was speeding. Two months later a young woman, age 16-years old, was also killed on Woodside Avenue; contributing factors were speeding. A year or so prior to my son's death, another young man, teen-ager, was killed on that road directly across the street; same contributing factors. Years prior to that, five teen-agers lost their lives on that road.

The current design of the road, which is four lanes, encourages speeding and the kids use it as a race track. The Police speed machines only encourage speeding as they use that as a means to monitor their speed and to see how fast they can excel. Reducing the four lanes on Woodside Avenue to two lanes would reduce speeding, eliminate the in and out of the automobiles, which they swerve in and out just to get through, and it will maintain the speed to promote safer driving. Of course you can say behaviors need to be modified, but in order to modify a behavior, you need to modify your environment. The lane reduction will create a safer road and a safer community in the Medford community and I encourage your vote today. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Okay. Anthony, followed by Gwen O'Shea.

MR. LAURINO:

County Legislators, thank you for giving me the opportunity to speak today. This is what we call democracy in action, our elected officials listening to the people who elected them.

I'm here to speak today on the Introduction Resolution 1507, the accountability of schools on bullying behavior. The proposed bullying accountability legislation states that the Legislature believes that administrators do not take bullying seriously and fail to adequately intervene. How the Legislature arrived at this conclusion without evaluating the measures that already exist within the Suffolk County schools without speaking to school officials and without examining State Law is beyond comprehension. There is nothing that we, as administrators, take more seriously than the safety and well-being of our students.

The premise on which this bill is based ignores the significant requirements, measures and steps that have already been adopted pursuant to the Safe Schools Against Violence and Education legislation of 2000 that addresses student safety and bullying. It's stated within the proposed legislation that the Legislature believes there is a need for clear requirements and uniform process when dealing with incidents of bullying; however, these already exist. Every school in the County has adopted a code of conduct policy that aggressively targets bullying. This proposed piece of legislation offers absolutely no additional or different requirement or process for dealing with bullying. It offers no useful tools or different requirements for combating bullying. It offers -- in fact, the current school policies go well beyond the requirements of this proposed legislation by mandating that every single incident of bullying be fully investigated, whether it's the first or the second or the third.

Furthermore, if an administrator were to ever elect not to follow district policy by not investigating or disciplining where an incident of bullying, he or she, would be subject to not only a fine but the potential loss of employment. As a result of the many -- as a result of the many efforts and steps schools have already implemented, traditional bullying in our schools is shown to be decreasing. As you get older, it's tougher to --

P.O. LINDSAY:

Anthony, your time is up.

MR. LAURINO:

Okay.

P.O. LINDSAY:

All right?

MR. LAURINO:

I would just like to say on behalf of the fourteen hundred administrators that I represent, every student has a right to a full education. No student or group of students has the right to deny that education to another. Thank you very much for your attention.

Applause

P.O. LINDSAY:

Thank you. Gwen O'Shea and Gail Casciano, followed by Gail Casciano.

MS. O'SHEA:

Good morning. I'm Gwen O'Shea, President and CEO of the Health and Wellness Council of Long Island.

Communities are about individuals. They are as strong or as weak as the individuals that comprise them, and each needs a safety net to ensure the sustainability and the success of not only the individuals but of the community as a whole. Whether it's domestic violence services, foster care,

senior citizen services, child care, mental health or substance abuse, the need for these services crosses each and every socioeconomic line and are a vital part of a community's health and well-being.

I was at a conference the other day where an elected official said that there are many things that government does well and there are many things that only government is fit to provide. There are other things, he said, that government accomplishes best by partnering with or supporting others to complete. Government assures the availability and provisions of the services that I just mentioned earlier by contracting with non-profit health and human service providers throughout our communities. And frankly, the reason you do that is because we do it better; we are much more effective and we are much more cost efficient in providing those services. And that's why I'm here today, to provide a unified voice for all of the health and human service providers serving Suffolk County residents. Because we all need them, the services and the organizations, because the implications of not having them would be disastrous for every individual and every community.

The Smart government for Strong Families Coalition which has testified before you previously represents a group of over a hundred different health and human service providers, many of which are in the room today, that have worked with a County administration to make some changes related to contracting over the past few years, and some headway has been made and we are extremely thankful for that. We have seen a number of timely executed contracts in both 2009 and 2010 and we acknowledge that some of our suggestions and recommendations have been taken into account to streamline the process. However, the issue is neither completely fixed nor completely protected.

While the administrative changes that have been made are a step in the right direction, this administration will not be in office forever. Without complimentary legislation, the headway that has been made can be completely undone when there is a transmission in administration. These two bills, 1415 and 1490, not only protect the headway that has been made, but allow for what this coalition believes is the establishment of a foundation that can create a technology-based, innovative, efficient system, unlike what is currently in place in this County today.

I would like to thank Legislators Gregory and Romaine for cosponsoring both of these bills, 1415 and 1490, as well as the members of the Ways & Means Committee that brought it here today. The issue at hand is not about one non-profit or another, its about a sector that is united and cannot be divided and conquered by threats, idle or real. Since the bill has been introduced, there has been back and forth on the validity of issues related to contract execution and payments and there have been threats made to organizations that they will lose their advances if this bill passes. We believe no matter what you believe, whether there are no issues or there are issues, this legislation benefits both beliefs. For the naysayers who say there is no problem --

D.P.O. VILORIA-FISHER:

Gwen, can you wrap it up, please?

MS. O'SHEA:

-- it will cost too much money if there is no problem, this will not cost a dime. We urge you to support both pieces of this legislation. Thank you.

D.P.O. VILORIA-FISHER:

Thank you. Our next speaker is Gail Casciano. And Ms. Casciano is followed by Kevin O'Hare.

MS. CASCIANO:

Good morning, everyone. Thank you for letting me speak this morning. As you've said, my name is Gail Casciano, I've been a principal in Suffolk County for almost 20 years and I am currently the Vice-President of the Suffolk County Elementary Principals Association. I'm here to talk about the proposed bill on bullying as well.

Current regulations from Project Save requires schools to develop comprehensive codes of conduct which are created by teachers, administrators and parents. These plans are reviewed annually and updated each year. They identify specific behavior which includes bullying that is not tolerated in schools and the consequences that must be imposed by administrators. Furthermore, all schools must develop RTI plans, Response To Intervention Plans, by July 2012 for students in grades K through 4. Behavior interventions are to be implemented to address inappropriate behaviors while promoting a positive school environment. New York State Education is also recommending that all schools develop plans to address social emotional literacy through school-wide action plans to meet goals that are identified through a needs assessment.

In summary, schools already have a variety of mandated programs and plans to address bullying. These plans are approved by each district's board of education and hold principals accountable for student management and discipline. Quite frankly, the proposed legislation does not acknowledge all that the schools already do to create comprehensive plans to place to address all forms of inappropriate behavior. Principals take their responsibility very seriously to provide a safe environment for all students; we know we're accountable for that. To see legislation like this be proposed without input from administrators diminishes all that we do to maintain safe and secure schools for our students. Thank you very much.

Applause

D.P.O. VILORIA-FISHER:

That you. Kevin O'Hare, followed by Susan Haske.

MR. O'HARE:

Good morning. Before I go into the resolution I'll be addressing today, I just want to let you know some of my background.

I'm involved in six veterans organizations. I have fought for veterans since I left Vietnam in 1967. I see some of my fellow vets here; God bless you guys. I'm also a member of the Board of Directors for WLIW TV Channel 21. I put together a heroine addiction show last Tuesday, that will air again on the 28th on our sister station, Channel 13. I'm also a member of the Smithtown Child and Family Alliance Board and the Kings Park in the Know, which are two anti-drug task forces which, as you know, is the biggest problem in Suffolk County and Nassau County today. None of the above do I receive any monies or benefits from any of these organizations.

The resolution I am addressing today is the removal of the Police Commissioner, Richard Dormer. I am currently the President of the Suffolk County Civilian Police Academy. We have two graduates here today, DuWayne Gregory and our Deputy Presiding Officer Vivian Fisher have graduated in the past. This is an organization that let's the citizen see what it's like to be a police officer, to go through everything but the physical. We have a current class that's going to graduate on the 23rd at the academy. We are the silent voice for the police officers out there when people sort of tear the officers apart. We have the knowledge of what they go through and we stick up for them each and every day.

We are, by the way, the only 501 C-3, non-profit in the State of New York. I found out from a woman who created another one, another civilian academy in Albany, in Troy, and she looked on the Internet and found out -- so we can raise money. We've now given money to the SNAP organization, to the Police Department Food Drive in the winter and so on, that's what we're doing with this organization.

Another organization I was involved in is with the Summer Beach Program; there are five of them in Suffolk County. This organization and the Citizens Police Academy were going to be discontinued two years ago, some of you may remember that. When I met with Commissioner Dormer and sat down with him and created a reason, they both were restored and have still been resorted. And that's why I'm supporting him today, because when I needed him for my anti-drug programs, when I needed him for everything to do with kids and also with the citizens academy, he was there for me.

I think the proudest moment I had today was when all the Legislators that brought their kids here today, because you know what? That's the future of America. Everything you're going to argue with today, in another year it's going to be gone, you won't even remember it, but remember the kids because they're very important. And all I can say is thank you for letting me speak today and God bless America. Thank you, guys, for being here.

Applause

D.P.O. VILORIA-FISHER:

Thank you. Our next speaker is Susan Haske -- I'm not sure if I'm reading that correctly, I can't tell -- followed by Albert Voorveveld.

MS. HASKE:

Good morning. My name is Susan Haske, I'm Principal of James Wilson Young Middle School in the Bayport-Bluepoint School District. In my eleven years as Principal, bullying prevention has been a prime issue for my principalship because I firmly believe that learning is very difficult for children who do not feel safe and comfortable in their school.

When I read this legislation, I had some concerns. For example, the legislation does not address that bullying has to occur in school. And so I've gotten calls from parents about bullying that occurs on a little league field, over the weekend that has nothing to do with school and been asked to address that. So the legislation does not specifically address bullying at school.

It also does not delineate between kindergartners and 12th graders; there's a big difference between what occurs in kindergarten and what happens in 12th grade and it does not look at that at all. It also does not look at what kinds of consequences would be acceptable. For example, would talking to a kindergarten be acceptable, would that still be acceptable at 12th grade?

So I'm asking for the Legislators to consider some kind of task force to look at this issue that would include parents, teachers, administrators, students -- because they know what's going on out there -- Suffolk County Police and the Legislators and look at this issue and look at this legislation and develop something that is of a preventative nature also, because prevention is the way to go. The research shows that a school-wide anti-bullying program is the way that bullying is prevented and reduced.

So I would ask respectfully that you consider a task force that would look at this legislation and develop something that would help to prevent the issue. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Albert Voorneveld followed by Tim Mooney.

MR. VOORNEVELD:

Good morning, Legislators. My name is Albert Voorneveld, I'm the Principal of Walter G. O'Connell Copiague High School and I've been a school Principal in Copiague for over 25 years. Thank you for the opportunity to come before the Legislature this morning regarding Resolution 1507 entitled a Local Law increasing the accountability of schools on bullying behavior.

As a school principal, I, like many colleagues throughout Suffolk County, have devoted my professional life to working with children and developing educational programs that promote school safety and create a safe learning environment for all of our students. The proposed bill before the Legislature is flawed and fails to cover all the provisions already in place in every school district in Suffolk County that were created as a result of the Safe Schools Against Violence Education Legislation, more commonly known as project SAVE, that was enacted by the New York State Legislature in 2000 and communicated to all educators in the field by the New York State Education

Department through Commissioners regulations later in 2000.

Specifically, SAVE requires all New York State public school districts to develop and implement a comprehensive conduct and discipline policy that addresses all form of school violence, including threats, harassment, intimidation and hazing. All public school must have a comprehensive safety plan in place to combat these types of problems and they must also have programs in place to train staff to prevent and resolve these types of behaviors. Although Resolution 1507 is well intentioned, it is redundant and fails to provide school district administrators, teachers, guidance counselors, social workers and support staff with any additional substantive schools to combat what at times is a complex societal issue that often occurs in our neighborhoods, outside of school, in the community after and apart from the school day.

Since 2000, local school districts in Suffolk County have spent hundreds of thousands of dollars to develop school-wide strategies for bully prevention, intervention and staff development. I won't bore you with all the programs in place, but understand that we have school safety teams, annual veta reporting, numerous bullying prevention programs, victim identification, bully identification, peer mediation, deescalation programs, anger management programs, confidential reporting; the list goes on and on about the preventive measures.

Before going any further with the proposed legislation, I ask that the Legislators consider gathering more information from all stakeholders in the school community; the teachers, parents, administrators, counselors and board members along with local law enforcement agencies to develop meaningful programs that will help schools protect children and not punish school administrators. I don't think that we're at odds; in fact, I think we all want the same thing and that is to provide all of our students with the opportunity to be educated in safe schools throughout our County where they are free to learn without fear of threats, harassment, intimidation and violence.

I believe that if the Legislator investigates -- Legislature investigates the matter further, it will find that we indeed take school bullying very seriously, keep accurate records, have effective programs in place. We also take our responsibility to create and maintain a school environment without question and are held accountable by our boards of education and the New York State Education Department. By working together on behalf of the children of Suffolk County, we should be able to develop additional bullying prevention and intervention programs that will continue to reduce incidents of bullying in our schools. Thank you for the opportunity to address you this morning.

Applause

D.P.O. VILORIA-FISHER:

Our next speaker is Tim Mooney followed by the Reverend Roderick Pearson.

MR. MOONEY:

Good morning. My name is Tim Mooney, I'm President of Fire Island Ferries and Fire Island Water Taxi. I'm here to address Procedural Motion No. 7 that's on the table today in support of IR 1414 for rate alteration.

We started this process back in March. I'm here if there's any questions that come up during the public hearing portion of the event. So we've addressed this a couple of times and we'll have a couple of more, so if anything comes up, I'm here to answer any questions you might have. Thank you.

D.P.O. VILORIA-FISHER:

Thank you. Our next speaker is the Reverend Roderick Pearson followed by Robert Santo.

REVEREND PEARSON:

Good morning, Legislative body. My name is Reverend Roderick A. Pearson, as has been stated. I am President of the Islip Town NAACP and I'm here representing the NAACP New York State

Conference, our President is Hazel M. Dukes. I'm here in -- the NAACP is here in support of the resolution being offered by Legislator Gregory and Legislator Montano concerning the removal of the Smithtown Messenger as an official newspaper for the County. I would like to read a statement from the NAACP Conference in New York State and then provide a very quick summary.

First of all, we are calling for the immediate pull of Suffolk County sponsored advertising from the Smithtown Messenger and its sister papers after the papers ran a racially motivated advertisement mocking President and Mrs. Obama. The ad depicts before and after photos of recent Presidents. However, for the Obamas, while the first picture shows President and Mr. Obama hugging, the second picture is from the old TV show "Sanford & Son", showing Sanford's sister-in-law {Onesther} arguing with Red Fox.

Suffolk County currently designates the Smithtown Messenger as an official paper spending more than \$50,000 last year on advertising in the Messenger. To avoid any misimpression that the County sanctions or financially supports this kind of racially divisive advertising, we call on the Legislature to immediately pull any and all County advertising and business from any paper that runs this vile ad. It is simply shocking on outrageous that such a blatantly racist ad would run in any newspaper, much less an official paper of Suffolk County. New Yorkers of all races and ethnicities are disgusted by it and reject it.

As far as the notion that we are impeding upon the 1st Amendment rights, let me remind the Legislator that just this week Helen Thomas, a long-time Washington correspondent, was forced to retire because of her disparaging and her offensive remarks, and they were, against Israel. And so we are not impeding upon the rights of newspapers, but Suffolk County already has a disgraceful reputation for being a County that is filled with racial tensions and hate and we certainly do not need the Legislative body to help any newspaper to bolster what is already a mock against us as a County. And so we ask that you would support this legislation, support this resolution and remove the Smithtown Messenger and any other newspaper that helps to promote such racial views.

The other Presidents that are depicted in this ad were depicted in a respectful way and the Obamas should be treated with the same kind of respect. Thank you for hearing me and thank you for listening.

Applause

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you. Robert Santo followed by Moke McGowan.

MR. SANTO:

Good morning. Thank you for this opportunity to address the Legislature. I want to thank Legislators -- I'm Robert Santo, American Legion Greenlawn Post 1244. I want to thank Legislators Stern and Cooper for introducing Resolution 1452, to prohibit demonstrations at funerals.

I hold a picture of Marine Lance Corporal Matthew Schneider who died in Al Anbar, Province in May of 2006 at the age of 20. Here is a photo of the Westborough Baptist Church members harassing the family of Lance Corporal Schneider. They believe that U.S. Troop deaths are divine punishment for our nation's tolerance of homosexuality. These people traveled from Kansas to protest outside of Matthew's funeral in Maryland in in 2006. There have been over 200 protests carried out by these religious fanatics at the funerals of our fallen soldiers, sailors, airmen and Marines. Our government has not protected these families. The only protection that has been offered by the families of these -- to the families of these fallen heroes has been provided by the volunteer members of the Patriot Guard Riders, patriots in every sense of the word.

I want to acknowledge those Patriot Guard Riders here today and thank them for their sacrifices that they continue to make on behalf of our fallen heroes and the gold star families that they support. Surely the right of any family to assemble to mourn the loss of a loved one, whether military or not, trumps the free speech rights of a group to specifically target that family with harassing signs and foul language. And believe me, the signs that I just showed you are very tame, I've seen lots worse.

The cherished right of free assembly does not give a group the right to assemble in Mississippi, to burn crosses, to terrorize people, nor should groups of Nazi's be allowed to assemble in Jewish neighborhoods to cause anguish to concentration camp victims. Americans understand that the freedoms in the Bill of Rights are not absolute, especially when they conflict with the legitimate rights of others. Oliver Wendell Holmes said, "My right to swing my fist ends where the other man's nose begins." And free speech is limited by very specific laws against of malicious defamation, of character and slander.

There are moral and ethical codes in situations where freedom does have bounds. This is not an issue of an infringement on the right to the free speech of protesters at funerals; this is a case of whether a free and civilized society is willing to accept some limitations on behavior that infringes upon the rights of a vulnerable family to mourn the loss of a loved one in peace. Surely we can agree that some limitations exist on deliberate and patently offensive and targeted behavior, and surely there are unique values we Americans hold dear in our culture. One of those values should be the protection of the vulnerable families and to permit them to mourn their loss in peace. I urge the Legislature to enact this law and extend its protection to all Suffolk County families who have lost a loved one. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Santo. Moke McGowan followed by Dr. Dennis O'Hara.

MR. McGOWAN:

Good morning. I'm Moke McGowan, President of the Long Island Convention and Visitors Bureau. I'm here this morning in opposition to IR 1531 which would require the LICVB to set aside one-third of the Suffolk Specialty Tourism Marketing Fund to create and administer a matching grant program to assist local tourism promotion organizations with their advertising programs.

Using our current budget as an example, we've projected that the Suffolk Speciality Advertising Fund will actually be approx -- will be about \$935,000 this year, setting aside a third of that would be setting aside 308,000 plus dollars. The bureau currently, and on its own initiative, has set aside \$105,000 this year for a reimbursable matching grant program, patterned after the State's I Love New York Matching Funds Program. The bureau's program began modestly about five years ago when only \$30,000 was set aside. It's intended to provide modest assistance to the market efforts of existing tourism promotion entities, to drive overnight visitation and to encourage tourism partnerships.

We have built accountability into this program including criteria, eligible and ineligible expenses, reporting and record keeping. Funds set aside for the bureau's current program have increased incrementally over the years as the bureau's budget has expanded due to increased demand for lodging and the resultant taxes generated. However, at no time did the bureau increase funding to this program at the expense of existing marketing programs such as consumer advertising, press relations, on-line or interactive marketing that benefit Suffolk County as a whole. IR 1531 would greatly diminish the Bureau's ability to effect the marketplace by significantly reducing its consumer advertising and other marketing programs in order to fund this new matching grant program.

I would also like to add that we do face uncertain futures as it relates to the potential impacts on our tourism industry resulting from the Gulf oil spill disaster. We don't know what those impacts may be at this time, we are working with Commissioner Michel and the Department of Economic Development to try to identify those impacts and ways to mitigate them. But I believe that one of the major keys to being able to our efforts will be the flexibility of our resources in formulating communications as the situation unfolds. I thank you for your consideration.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you. Before Dr. O'Hara speaks, I need a motion to extend the Public Portion.

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Motion to extend.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Vilorina-Fisher.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen (Not Present: Legislators Muratore, Losquadro, Montano & Nowick).

P.O. LINDSAY:

Okay, we're extended. Dr. O'Hara followed by Mario Mattera.

DR. O'HARA:

Good morning. My name is Dennis O'Hara, I'm a resident of Farmingville and I'm also the Principal of Oyster Bay High School, which is in our neighboring County. However, I did feel compelled to come and speak today about this proposed legislation.

First I'd like to say any legislation that would lend support to our schools is always most welcome. However, I believe this legislation as it's proposed doesn't adequately address the vexing issue of bullying. The legislation does not provide support in terms of funding or programs, it simply opens what I believe is the possibility of litigation which, as we know, is always costly, time consuming, and in the end doesn't help us better serve our students. So we could find parents who are unhappy with the school district and now have an even easier path to a lawsuit and we don't have anything new that helps us solve bullying.

Bullying is not a technical problem; technical problems are problems in which you know the problem and you know the solution. Bullying is an adaptive problem, it requires constant work, requires constant effort; it's not going to go away overnight and this legislation will not help it go away. So what I ask is the same thing that many of my colleagues who spoke before me is please slow down, let's form a partnership. This is a great opportunity, so let's get it right. Form a task force that includes students, principals, teachers, parents, community members, school counselors, social workers. Let's attack bullying on many fronts, not just with legislation that would possibly open schools or principals to litigation and lawsuits. Thank you very much for your time.

Applause

P.O. LINDSAY:

Thank you. Mario Mattera followed by Ray Dean.

MR. MATTERA:

Good morning. Thank you, Presiding Officer Lindsay and all Legislators for letting me speak on two very important topics. My name is Mario Mattera, I'm the Business Agent with Plumbers Local 200, and I'm also representing Nassau Suffolk Building Trades in place of James Castellane. Jimmy sends his regards, he's sorry he could not be here, he's up in Buffalo at a very important meeting. But he wishes that we would please pass two resolutions, Tri-Tech 1363 and the EIS Study, 1656A. First I'm going to speak on the Tri-Tech Project which is the new village; the affordable housing, the 3.75 million for the rent control and for the affordable housing.

I want to commend, first of all, Tri-Tech for actually building in these very hard times. The {Cogglin} Brothers, Jim and Bob, I've had -- me personally, I've had a special relationship with the two, I could call them up at any notice, we could set up a meeting at any time and they are always there, which this past Friday we did actually sit down with business managers and agents and one, two, three they were there. They're great builders. Tri-Tech is the type of company that I could actually sit down and actually do a handshake in good faith with a lot of things. I wish the monies were there with the projects, with these banks what they're doing with holding up projects right now. Without construction the economy suffers, and everybody knows that. We need projects like this project down in Patchogue Village.

One thing I say about the concept in a village is that we have -- you work, you eat, you sleep in one place, which is important, we need more concepts like these villages in special areas like when Kings Park comes around and everything like that and the Walkoff Property, but we're speaking again on Tri-Tech. Please pass 1363, let's get this rolling. They thought they were going to get a little bit more money to help out but that wasn't the case, we need this 3.75 passed today.

The EIS study -- I can't believe that was three minutes already. The EIS study -- can I just please? The Yaphank property. We need the study, please, to get passed today, whatever goes on that property. But please, let's get things rolling. Instead of letting it go on for years and years and years, we need this study to be going -- to go through. No matter what happens on that property, let's get the study. It's the best thing for the future of Suffolk County. Everybody knows that we need some kind of projects to keep going for jobs for our future, so please pass 1656A today. Thank you very much for your support. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thanks, Mario.

P.O. LINDSAY:

Thank you, Mario. Ray Dean.

MR. DEAN:

Wow, I don't know what to say. Mario said it all, I think. Good morning, my name is Ray Dean, I'm a Business Agent for Steamfitters Local 638, also a resident of Suffolk County for the past 54 years.

I'm here this morning to speak basically on the same thing that Mario just spoke about, 1656A, the \$411,000 we need to do the Environmental Impact Study on the Legacy Village, on that property out there. Very important; very important to the area, very important to the trades, very important to the economy, very important to the young people we're looking to keep on Long Island.

And again, the same thing, 1363, the workforce housing down in Patchogue. Originally we thought there was a lot more money to that, there's not as much as we thought, there's about 3.75 million. I'm asking you, too, to pass that. We've seen what's been happening in Patchogue Village, it's been getting nicer and nicer and better and better, it's one of them nice downtown areas. I think if we go along with these projects they'll be great models for Long Island, for our downtown areas and workforce housing and it will be great -- I think it would be a great help in keeping our young people

here. So please, both these bills, please vote on them today, pass them and I thank you.

Applause

P.O. LINDSAY:

Thanks, Ray. Dot Kerrigan followed by Nancy Dallaire.

MS. KERRIGAN:

Thank you. Good morning, Honorable Presiding Officer Lindsay and Honorable Members of the Suffolk County Legislature. My name is Dot Kerrigan, I'm here to speak as 4th Vice-President of the Association of Municipal Employees, and I want to read a letter written by Cheryl Felice to the Presiding Officer and the members of this Legislature.

"The Suffolk County Association of Municipal Employees is opposed to IR 1582-2010, or any proposal that is designed to take \$30 million off the budgetary table for 2011 budget to meet pension obligations. AME is concerned that Mr. Levy has called for the suspension of pay-as-you-go funding for eight consecutive years totaling 128 million to 160 million of principal costs before tacking on interest charges. And while calling for using the tax stabilization, otherwise known as the rainy day fund, for 27.1 million of additional pension costs that could otherwise be bonded and saving that money for the 2011 budget."

"Former State Comptrollers and State Legislators have suggested bonding for local pension costs because those charges are imposed on localities by the State Comptroller based on the performance of the investment portfolio. The State Comptroller's rationale and basis for this type of borrowing in unusual times is that investment performance is outside the control of local government.

"In the imperfect financial world we currently live in, it would make more sense to bond the 27.1 million of pension costs in accordance with State guidelines and hang on to the rainy day fund for more immediate needs. If IR 1582 passes, the 30 million is lost forever and the Legislature cannot recapture it.

Further, AME encourages the Suffolk County Executive and Legislature to consider and approve the early retirement incentive packages proposed by New York State. Sincerely, Cheryl A. Felice, President, AME."

Thank you.

Applause

P.O. LINDSAY:

Nancy followed by John Guadagno.

MS. DALLAIRE:

Hello, thank you. I have spoken before on behalf of the John J. Foley Skilled Nursing Facility. We all know how important this institution is. And if I have heard correctly, Suffolk County's Health Department is the ninth largest in the nation by size and budget? Why can't we continue to support this facility and serve this County as it has for years.

The other thing I cannot understand is the fact that this County has all that is needed to expand and upgrade the County facilities that house the criminals and the law-breaking citizens, but hard-working, law-abiding taxpayers are being forced out of their only home? They have been under the safe keeping of this County for decades and if we have the means to support the jails, we can safeguard our citizens who have counted on these services for decades.

We cannot forget about the poor. Recently at Brookhaven Hospital, there was a sign that it does not accept Medicaid. I don't -- where are we to go? Who will care for us? And despite the changes in our economy, our government has to protect us; local, County, State, Federal. Thank you.

Applause

P.O. LINDSAY:

John Guadango.

MR. GUADAGNO:

Good morning to the Legislators. My name is John Guadagno, I'm a Long Island resident, lifetime resident. I represent Local 25, I'm a Business Rep, we have over 2,000 members who live in Suffolk County and work.

I would like to talk about two issues. First, 1363, the Tri-Tech proposal for affordable housing in Patchogue. As we all know, it's important for our families to stay on Long Island, work on Long Island, and I urge Legislature to approve that.

Secondly, 1656A, bonding for the Yaphank project. I would urge the Legislature, I know it's a tricky issue and there's both sides -- about the size and scope of this project. But we have to also look, it's been a four-year-in-the-making project with \$400,000 plus for an EIS, a study. To turn this down and to go backwards, and even if everyone agrees it should be downsized or the residential portion totally eliminated, it makes no sense to eliminate or turn this down today where everything has to go back to square one, where even if a small project goes forward an EIS has to be done anyway. So I just urge the Legislature to approve this. Thank you.

Applause

P.O. LINDSAY:

Thank you, John. Is there -- that's the end of the cards. Is there anyone else in the audience that would like to address the audience? Seeing none, I'll take a -- take a motion to close the Public Portion?

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga, seconded by Legislator Gregory. All in favor? Opposed? Abstentions? Public Portion stands closed.

MR. LAUBE:

Fourteen (**NOTE: Vote corrected below**).

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please?

LEG. SCHNEIDERMAN:

Tim, mark me in the affirmative on that vote.

MR. LAUBE:

The vote is sixteen on that.

P.O. LINDSAY:

Okay, we're going to go to the agenda, and I'm going to start with the Capital Budget.

I believe that the Capital Budget was transmitted to all of you last Friday. I want to start off first by thanking the Working Group that worked with myself on the Capital Budget. I think that it is a very productive document that will do two things; number one, it will put people back to work and, number two, it's geared very much towards our college that is at record enrollment. So I'm going to open the floor. Budget Amendment No. 1 is the document that the Working Group has been working on, and I'm going to make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine, and I'm going to open the floor for any questions on Budget Amendment No. 1. Gail, maybe you could give us an explanation of what the document contains.

MS. VIZZINI:

Thank you, Mr. Presiding Officer. The Omnibus resolution will amend the County Executive's proposed 2011-2013 Capital Program and the proposed 2011 budget. It increases the funds scheduled in 2011 by \$2.5 million, 2012 by \$36.4 million and decreases 2013 by 5.2 million and decreases subsequent years by 48.7 million.

Over the five-year window of the Capital Program, the Omnibus is \$15 million less than the County Executive's proposed Capital Program. Over the three years, the Omnibus adds 33.7 million in necessary projects. Of this, 48.8 million is for the community college. The cost of these projects is 50% aided and it is necessary for the sponsor to include this in our Capital Program to demonstrate support for these projects and to garner that State aid if it is not already approved.

The specific college projects are restoring the Health Fitness Center at the Eastern Campus; scheduling sufficient funds for the preservation and maintenance of the college-wide infrastructure which is valued at \$834 million; advancing 30.8 million for the Learning Resource Center, the library at Grant; and adding \$200,000 for the security notification system for full implementation. The Omnibus also includes planning funds for the Domestic Preparedness Storage Building and advancing funds for groundwater and drainage improvements.

Keenly aware of the projected growth in debt service due to \$511 million in pipeline debt and the drop-off in future years due to the dropping off of revenue from tobacco securitization that's used to pay for the debt service, the Legislature also abolished certain projects that are not critical this year but certainly can be evaluated in future years. The fiscal impact is included in the documentation that you received. It's predicated on if all the bonds were to be issued that are included in the program, the fiscal impact would be -- is estimated at \$2.55 a year or \$51 over the life of the 20-year bond, assuming that other projects did not move forward.

D.P.O. VILORIA-FISHER:

Question.

P.O. LINDSAY:

Yes, Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Gail, I like that thumbnail sketch. I just have a question about what you said at the beginning of your statement regarding the differences in the Omnibus and the County Executive's budgets in years that are -- subsequent years and the outlying years those differences; could you just repeat that for us?

MS. VIZZINI:

Well, over five years, the Omnibus is \$15 million less than the proposed budget. Over three years we added \$34 million, a significant portion of that is due to the restoration of projects to the college and the advancing of funds for the college.

D.P.O. VILORIA-FISHER:

Okay. So over the five years, it's -- the aggregate is less.

MS. VIZZINI:

Correct.

D.P.O. VILORIA-FISHER:

And so then the impact, when we're hit hardest by the loss of the tobacco securitization which is in the out years

MS. VIZZINI:

2013, and thereafter.

D.P.O. VILORIA-FISHER:

And -- so our budget, the Legislature, the Omnibus budget proposal actually addresses that by having a smaller or \$15 million less at that point in those out-years.

MS. VIZZINI:

Over the five years, yes.

D.P.O. VILORIA-FISHER:

Over the five years. So when we're most impacted by the loss of the securitization, we are the most conservative in our capital expenditure.

MS. VIZZINI:

We try to be conservative, correct.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

Ms. Vizzini, the \$34 million additional that we propose spending over the next three years, is that net? Does that include the State money or it doesn't include the State money?

MS. VIZZINI:

It includes the State money.

P.O. LINDSAY:

Okay. So we're actually -- the State money comes through, we're only spending half of that 33 million more.

MS. VIZZINI:

The increase for the college was -- the college projects entailed about \$48 million, the combination; half of that, 24 million is State aid. We only added 34 million because there are many projects that we deemed should be deleted in this current go-around.

P.O. LINDSAY:

Okay. And the last question is the 2011 Capital Budget that we're proposing, how does that compare to the adopted 2010?

MS. VIZZINI:

Compared to the County Executive's proposed program --

P.O. LINDSAY:

No, what I'm --

MS. VIZZINI:

I know what you're asking.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

It's \$2.5 million more in 2011. Compared to the adopted, it's 5.6 million more.

P.O. LINDSAY:

Okay. So the '11 budget we're proposing is 5.6 million more than what we adopted in '10.

MS. VIZZINI:

The first year, yes.

P.O. LINDSAY:

Okay. Any other questions?

LEG. D'AMARO:

Right here.

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Ms. Vizzini, just to follow-up on that question. Can you also do the same comparison for 2012 and -- well, I guess the 2010 adopted that we have in place right now would only go to 2012. So what's the comparison between what we're proposing today with the Omnibus Resolution to the Capital Budget that's in place presently?

MS. VIZZINI:

The first year the Omnibus is \$5.6 million more than the current adopted program; the second year, the Omnibus is \$50.7 million less than the adopted program; the third year it's \$60.6 million more. Over the three years -- over the three -- over three years it's \$15.6 million more and over the five years it's 116.

LEG. D'AMARO:

A hundred and sixteen more or less?

MR. REINHEIMER:

Less.

LEG. D'AMARO:

Less?

MS. VIZZINI:

It's less, okay. Do over.

*(*Laughter*)*

D.P.O. VILORIA-FISHER:

Yeah, thank you.

MS. VIZZINI:

All the pluses should have been minuses and all the minuses should have been plus. So in the short, compared to adopted, it's 5.6 million less year one, year two it's 50.7 more, year three it's 60 less. Subsequent years alone it's 100 million less. Over the three years, it's 15 less and over the five years it's 116 less.

LEG. D'AMARO:

Okay, thank you. So over 2011, which is next year when we'll be appropriating, under that document if we enact it as proposed today, that 2011 Capital Budget will authorize in that budget \$5.6 million less in spending than is presently authorized under the adopted 2010 Capital Budget -- for 2011, for the year 2011. I just want to make sure that's the case, that what we're, in fact, doing for 2011 is reducing the amount of spending or bonding authorization, what have you, as compared to this year, we're reducing it by 5.6 million.

MS. VIZZINI:

We need a minute.

LEG. D'AMARO:

Sure.

*(*Brief Pause*)*

MS. VIZZINI:

The adopted Capital Program has \$85 million in bonds alone. The proposed program increased the bonds to 101 million. -- oh, that's the Omni, okay.

D.P.O. VILORIA-FISHER:

Is that the number, 101?

MS. VIZZINI:

The proposed -- the adopted is \$85 million in bonds. The County Executive is 95 million in bonds, the Omnibus includes 101, so it is the difference -- the 5.6 million which was the original difference.

LEG. D'AMARO:

Okay. So we're not reversing -- in the adopted Capital Budget for 2011, as compared to the Omnibus Capital Budget for 2011, are we spending more or less?

MS. VIZZINI:

More.

LEG. D'AMARO:

Oh, so it's five point --

MS. VIZZINI:

Again, Legislator D'Amaro, this is the schedule. Assuming that all these projects are ready to go and authorized by a resolution, yes.

LEG. D'AMARO:

Absolutely. Right, that's going to be my next point, but I just want to get the numbers clear.

MS. VIZZINI:

Yes.

LEG. D'AMARO:

So if we enact the Omnibus Resolution today, for the 2011 this will increase the spending by 5.6 million as compared to what's in effect presently right now.

MS. VIZZINI:

Well, it's \$16 million in more than adopted. However, it is 5.6 million more than the County Executive proposed.

LEG. D'AMARO:

Oh, okay.

MS. VIZZINI:

The County Executive also increased --

LEG. D'AMARO:

Because you had said it was 2.5. You had said it was 2.5 more than the proposed and 5.6 less than the adopted.

MS. VIZZINI:

Those are all categories not just bonds; it includes Sewer Funds, Water Quality Funds.

LEG. D'AMARO:

Right. I am speaking to all categories. I apologize, I was not speaking just to bonding.

MS. VIZZINI:

Oh, but you said bonds and that's why we were --

LEG. D'AMARO:

I did. Well, I kind of used that as a generic that's how we implement the Capital Budget. So that brings you back to your original figures, then, where over the proposed budget for 2011 it's 2.5 million more.

MS. VIZZINI:

That's correct.

LEG. D'AMARO:

But over -- comparing it to what's adopted and in effect now for 2011, it's actually \$5.6 million less.

MS. VIZZINI:

Well, what we did was we compared the first year of the adopted to the first year of the new one. So that is frequently a question that we're asked; in that regard, it is less.

LEG. D'AMARO:

Right. So just to clarify that one more time, if I vote for the Omnibus Resolution today, and assuming it's not overridden, it will authorize for 2011 \$5.6 million less than the present budget for 2011.

MS. VIZZINI:

The 5.6 number is first year to first year.

LEG. D'AMARO:

Right.

MS. VIZZINI:

So it's 20 --

LEG. D'AMARO:

That's all I'm talking about.

MS. VIZZINI:

2010 is the first year of the current adopted.

LEG. D'AMARO:

Oh, it's first year to first year?

MS. VIZZINI:

Right.

LEG. D'AMARO:

You don't compare 2011 to 2011 in both budgets? The Omnibus budget today as compared to the --

MS. VIZZINI:

What we adopted for 2011 --

LEG. D'AMARO:

Right, the adopted Capital Budget last year.

MS. VIZZINI:

-- last year.

LEG. D'AMARO:

That has a 2011 column as well, because that 2011 column would be the column that's in effect in 2011.

MS. VIZZINI:

Well, as you know, when we adopt, as we're doing now, a Capital Program, we will kind of -- it will be fixed until we get into the first year --

LEG. D'AMARO:

Okay.

MS. VIZZINI:

-- 2011, and that is the only year that we can change. This year the adopted Capital Program, we can do nothing about anything but the first year.

LEG. D'AMARO:

Right, I understand that.

MS. VIZZINI:

So that's why we compare the first year to the first year.

LEG. D'AMARO:

And do you think that's more appropriate an analysis, a better comparison to make? Because 2010 is in place and we're not changing that.

MS. VIZZINI:

Well, 2010 is in place for 2010 and can be changed in 2010.

LEG. D'AMARO:

Right, but not through this process. We're not changing it through this process.

MS. VIZZINI:

No, but you have all year to do that, till the end of this year.

LEG. D'AMARO:

Right, I understand that. Right.

MS. VIZZINI:

Once we get the 2011-2013 Capital Program adopted, you can't do anything about it until we get into 2011 and then you can only change the first year --

LEG. D'AMARO:

Right.

MS. VIZZINI:

-- until we are doing this process again.

LEG. D'AMARO:

All right, I got it.

MS. VIZZINI:

But, I mean --

LEG. D'AMARO:

So the first year under the enacted budget as compared to the first year of the Omnibus budget, it's a \$5.6 million decrease that would be imposed by the Omnibus budget.

MS. VIZZINI:

In the aggregate, the Omnibus is 2.5 million more than proposed, but 5.6 million less than adopted, for the first year.

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

LEG. D'AMARO:

Okay, I understand that. And, of course, that number is just in the planning document, then it comes down to the individual appropriations throughout the year so we can continue to control what we bond and what we spend.

MS. VIZZINI:

We have oversight over the entire process once we get into 2011.

LEG. D'AMARO:

Okay. Thank you. Thank you for your patience.

P.O. LINDSAY:

Anybody else? I'm glad because I was confused.

MS. VIZZINI:

I'm sorry about the confusion. You know, sometimes you think differently than we do.

P.O. LINDSAY:

Well, you know, just the numbers, just verbally to tell everybody what we tried to do is we deleted projects that were totally County funded, we added projects or advanced projects in the College that are 50% State funded. They're bigger projects, they're more substantial projects, and they will advance the mission of our College that has 25,000 students now. So, again, I thank the group that worked on this. I thought you did a yeoman's job in this time. Yes, Legislator Losquadro.

LEG. LOSQUADRO:

And I just wanted to thank the members of the Working Group as well. This has been something that this Legislature has long prioritized of advancing these projects for our Community College. Keeping us active on these project lists for the number of years we have has kept up eligible, and I'm glad to see that we are continuing finally with that process. So I just wanted to commend all the members who have been here in the past and kept us active with these projects, and for our new members for being part of advancing, as the Presiding Officer said, the mission of our Community College.

P.O. LINDSAY:

Okay. We have a motion and a second on the Budget Amendment 1. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. HORSLEY:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Horsley)

P.O. LINDSAY:

On the same document, we have just really one other Budget Amendment. Budget Amendment 2 is withdrawn because it's covered under 1.

And *Budget Amendment 3 is a Brownfields Program. It adds 30,000 for planning in 2011 for an environmental assessment of the Lawrence Junkyard property on the southwest corner of Grant Avenue and Moffitt Boulevard in Islip to determine the extent of any environmental contamination and to identify mitigation measures.* Do I have a motion?

LEG. CILMI:

Motion.

P.O. LINDSAY:

Motion by Legislator Cilmi.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. On the question? Seeing none, I'm just going to do --

LEG. D'AMARO:

Just -- Bill. Bill.

D.P.O. VILORIA-FISHER:

I just have a question.

LEG. D'AMARO:

Bill. Bill, hold on.

P.O. LINDSAY:

Question by Legislator Viloría-Fisher, and then D'Amaro.

LEG. D'AMARO:

Thank you.

D.P.O. VILORIA-FISHER:

Hi, Tom. I just wanted to know, who was the owner of the property?

LEG. CILMI:

The property was or is currently owned by this Lawrence Family that owned this junkyard. The County some years ago looked into taking title to the property for nonpayment of taxes, but abandoned that effort because of the potential environmental issues on the property. So, basically, what this does is to have the County look at the property and determine whether or not there is any environmental issues on it so that we could clean it up. There's a shack on the property now that's filled with graffiti, very offensive stuff. Kids are hanging out in there and drinking and doing drugs. The property is just a mess. And, more importantly, I'm very concerned about the potential contamination to the soil. So this would -- this would just look at that and determine whether or not we want to spend the money to mitigate that potential hazard.

D.P.O. VILORIA-FISHER:

And would we charge the owners back for -- would there be a charge back to the owners, you know, the way the Superfund sites are done where the owner has to pay for the mitigation and the cleanup?

LEG. CILMI:

I believe that's the norm, but I would defer to Budget Review to comment on that.

D.P.O. VILORIA-FISHER:

Well, before you go to Budget Review on that, Tom, would this rise to the level of Superfund site? Have we brought it to the Federal -- you know, to the attention of the Federal authorities?

LEG. CILMI:

I don't believe it's currently listed as such. But, again, I believe, and this is new to me, but I believe we have to sort of determine whether or not it needs that before the Federal authorities can get involved.

D.P.O. VILORIA-FISHER:

I'm just concerned about using public money on private land when the contamination is something that was, you know, done by the owners of the property. Why the taxpayers should be liable for that kind of expenditure somehow doesn't seem right. So I would just like to know -- I'm not prepared to support this until I get more information on why we should foot that bill.

LEG. CILMI:

I would ask Counsel. Do we have a method, George, of -- I mean, if these folks have not paid their taxes year after year after year, do we have a method of sort of trying to recoup that expense from them?

MR. NOLAN:

It's a tough problem, because, obviously if somebody doesn't pay their taxes, our remedy is to take the property. But probably the County doesn't want this property because of the environmental issues, so I don't know.

LEG. CILMI:

See, my dilemma is that I don't want the property to sit there for another 20 years while the contaminants are potentially leaching into our bay and whatnot. I just think it's prudent to see what's going on there.

D.P.O. VILORIA-FISHER:

George, how did we get it before, you know, the State or the Federal Government to look at the contamination and whether or not it might be -- qualify as a Superfund site?

MR. NOLAN:

I'm not sure how we would get it before them. I will say that this proposal I wasn't aware of until just now. The use of bond proceeds to do an investigation of property we don't own I think may be

problematic.

D.P.O. VILORIA-FISHER:

It's private property.

MR. NOLAN:

Yeah. I think we may have to try to find another route to make this move forward.

D.P.O. VILORIA-FISHER:

Ed has his hand raised.

P.O. LINDSAY:

I've got a list.

LEG. KENNEDY:

Oh, I'm sorry. I'm sorry.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Okay. Thank you. Through the Chair to Legislator Cilmi, I understand where you're coming from on this and it makes sense that we don't want contaminated property, but every time the County takes a tax deed, there's the potential for contamination and we're not certainly going to authorize studies for every property that we take by tax deed. If you're aware of contamination on the property, I would say, how do you get it before the State DEC? Report it. I think that's how you do it. And insist, of course, and I think we'd all be willing to insist that it be followed up rather quickly, as it poses a health threat. But I agree with Counsel also, that it's a bad precedent to set in funding the -- an environmental study of private property, property which we don't own, and, frankly, property which we don't have permission to even enter onto. So these are some of the issues in my mind. Thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. This is an issue a little bit similar to one I have in my district with the AGFA property known as the Tesla site, where Nikola Tesla did many of his experiments and had his laboratory. That property was declared a Superfund site. And I have to confess that that took place, you know, prior to me ever being in office, so I don't know the exact process as to how the initial reporting took place. But that process has moved along very well to the point now where we have had it downgraded off the Superfund list, and AGFA is currently in the RCRA process, which is one of the last stages of the cleanup. But until that process is finished, I've been trying to have the County involved in acquiring that land for its historic value and create a museum there. And, you know, obviously we cannot move forward, similar situation, taking title, unless we know the extent of the contam -- the final extent of the contamination.

So while I agree with you 100%, that, you know, we certainly need to know for the sake of the public, for the sake of the environment, what's going on there. I'd certainly be willing to work with you to find out exactly how the process got started in my district with the AGFA property to move this forward to the DEC to get the proper testing completed, to hold the owner accountable for, you know, whatever contamination they may have caused on this site. It sounds like a real problem.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, pretty much everybody's echoed the comments that I had. I thought that the State had actually adopted a Brownfields Program that did have some ability to go ahead and look at essentially abandoned properties. Counselor's right. As everybody around this horseshoe knows, nonpayment of property tax, ordinarily a title would come into us, but there that elective process where we seek not to take title for properties that would be essentially bottomless. But I think, Legislator Cilmi, we all agree, we need to address toxic time bombs in our communities, but there really is no method for us to go ahead and get bond counsel to issue an opinion to do expenditure on private properties. It's just not within our method of process to do. Thank you.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you. And with my colleagues, I applaud Legislator Cilmi for taking a proactive approach here as well, and raises an important concern, one that we all have, you know, within our communities. And what is going to be the proper procedure to follow to be of assistance I think is still in question. I would say this: You know, I agree that this should certainly be raised to the DEC if it's going to be an environmental concern, and they certainly -- New York State has a role to play here. But I would also suggest that the Town plays an important role here as well. If this is an eyesore, if it is graffiti ridden, if it is an attractive nuisance, all of the above, and brings down a community, the Town has an important role here to play in going after the owner and holding them accountable. To the extent that they can, they need to get out there and clean it up. So I don't know if going through this process at the County level of government is going to be the appropriate way to go, but, certainly, New York State has a role to play here, as well as the Town.

P.O. LINDSAY:

And Legislator Montano.

LEG. MONTANO:

You know, I'll yield to Legislator Cilmi.

LEG. CILMI:

Thank you. I will agree to withdraw this resolution based on the comments from Counsel and from my colleagues. And I will ask the County Executive's Office, if they're out there somewhere, Ben, if you all could work with me to address this situation at the State level, and possibly at the Federal level, so we can get this thing remedied and make sure that the contaminants aren't posing a significant threat to the residents of the County.

MR. ZWIRN:

I will get it back to the County Exec, but I'm sure that the Department of Energy and Environment, whatever resources we have, will put it to that task.

LEG. CILMI:

That's fine. Thank you.

P.O. LINDSAY:

Legislator Romaine, did you still want to say something?

LEG. ROMAINE:

Only that Legislator Cilmi brings to the forefront the problem that plagues just about every district in this County. We have toxic sites throughout this County. What is our obligation? In the past, we would take these properties for back-taxes if they weren't paid. In fact, I was on a committee where I was told that the County would not sell these Brownfields unless there was a cleanup provision, and then, of course, we sold them and we didn't include the cleanup provision; you all remembered that. Now, we just don't take them, even though Suffolk County Tax Act requires that nonpayment

of taxes, that we take them. So they just stand out there and they stand as really beacons that threaten each and every district in Suffolk County, so there's got to be a better way. And my fear is the DEC may not have the adequate personnel to address all of the issues out there, so what are we to do about toxic problems?

Legislator Cilmi raises an excellent question, because it's one of the things that falls through the loopholes of government, where government realizes there's a problem, but doesn't fail -- fails to act, fails to protect communities and communities get threatened. And with toxic sites, every day that goes by increases the danger to the surrounding neighborhood. So, if there's one thing I would say, perhaps our Environment, Planning and Agricultural Committee can begin to address this issue and have hearings about toxic sites. Invite the DEC in, work with the County Executive's Office and have some method by which these are addressed, because to simply say, well, it may not pass the muster of bond counsel, it may not be appropriate for us to go onto private property is to turn away and legalistically ignore a health threat that poses to all communities, and there are sites in every one of the 18 districts.

So, Legislator Cilmi, thank you for raising this point, but it is, again, a call for us in this County to have some method by which these problems get addressed, not to sweep them under the rug, not to find out in 20 years that if we had addressed them 20 years before, the threat that they will pose 20 years from now would be nonexistent. Something to consider. Thank you.

P.O. LINDSAY:

Just to conclude this debate, just to point out to Legislator Cilmi, is I think that the thing in my mind is to get title to the property. I don't have a problem with spending the money to do the evaluation, providing that we have -- that we own the property. And, you know, in going through this process, if we wind up with the property next year, this was in the 2011 Capital Budget, I'm sure we'll be able to find the amount of -- that amount of money as an offset within the budget, so it isn't dead. Yes, Legislator Montano.

LEG. MONTANO:

Yeah. I wasn't going to speak, but in light of the continuing discussion, this issue has come up with respect to, if this Legislature will remember, Liberty Plating and MacKenzie Chemical Plant, both of which are in my district and have the same problem. We actually passed resolutions asking the County to work with the EPA and the DEC to liquidate the outstanding cleanup liens, because, particularly with respect to Liberty Plating, I believe that property can be -- is usable, it has been cleaned, and there is a process for that. Unfortunately, the County has been very slow in moving on those two resolutions. But I do know that my office, we've been in contact with Senator Gillibrand's Office. We have a meeting scheduled to discuss these issues and see whether or not the liens can be liquidated so that we can take property free and clear. That's the way to address this issue appropriately, I think, but it's really been dragging.

P.O. LINDSAY:

Okay. That concludes the Capital Budget. If we turn to Page 4, the Consent Calendar, I'll entertain a motion.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion on the Consent Calendar by Legislator Barraga. Do I have a second?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands approved.

LEG. GREGORY:

Mr. Chair.

P.O. LINDSAY:

Yes.

LEG. GREGORY:

If I may ask for your indulgence. I wanted to seek your permission to take two resolutions out of order, 1415 and 1490. We have several organizations that are here waiting, and they're in the Ways and Means portion of the agenda and we probably won't get to that until about 8 or 9 o'clock tonight, or whatever.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Okay. We have a motion to take 1415 out of order. What page is it on?

LEG. GREGORY:

It's on Page 12.

P.O. LINDSAY:

Twelve, okay. The only thing is I don't object to it, I just don't want to do this too many times, because we have people in the audience, too, that are here interested in some motions on Page 7. Okay. We have 1415 and we have a motion and a second to take it out of order; and a second. All in favor? Opposed?

MR. BROWN:

Excuse me, Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

MR. BROWN:

There's one thing that the Law Department, if we may be recognized, we'd like to add.

P.O. LINDSAY:

Well, wait a minute. This is just to take it out of order to get it before us. All right? We have a motion and a second to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. LOSQUADRO:

Which bill is this?

P.O. LINDSAY:

1415 on Page 12. Okay. 1415 is before us, and let me get a motion.

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion to approve.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. And now, Mr. Brown.

MR. BROWN:

Thank you.

D.P.O. VILORIA-FISHER:

Cosponsor.

MR. BROWN:

We would just like to point out --

D.P.O. VILORIA-FISHER:

Sorry.

MR. BROWN:

Thank you. We would just like to point out primarily that the contracts, this bill requires that the contracts be executed by February 1st by the departments. And what the bill does not do, it does not impose -- in order to facilitate the department or the Law Department, or any other agency with the department, does not impose any type of obligation or duties on the agencies to supply the information to the departments in order to get the -- in order to get the departments to have -- to timely execute the contracts. And there are several hundreds that are involved throughout the year, and what we would like to -- we would not like to see that the Legislature or any other -- or the Clerk's Office be inundated with hundreds of letters on February 1st that the contract's not executed due to the -- due to the information not being supplied to the departments in a timely manner.

P.O. LINDSAY:

How could we move forward with a contract if the contract agency didn't supply the paperwork? I mean, I don't think that's what the bill says.

MR. BROWN:

Well, actually the bill -- my reading of the bill is that if the contracts are not executed by February 1st, that the departments need to reply to the Legislature and, in fact, the contract agencies as to why it was not executed by February 1st. And instead of -- and since we do more than 500 -- since we do more than 500 contracts per year, come February 1st, we could see the agency -- we can see the Legislature literally be inundated by hundreds of letters saying that the contracts were not executed due to the fact that the information was not totally received by the departments.

LEG. GREGORY:

Mr. Chair.

LEG. ROMAINE:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes. Legislator Gregory, and then Romaine.

LEG. GREGORY:

Well, Mr. Brown goes from an assumption that the agencies that benefit from this legislation will act in their best interest who have asked for this legislation. I don't see that being a problem at all. We addressed this in the Ways and Means Committee. The communication is something that I suspect should be and probably is happening at this moment, so it shouldn't be an additional burden to those departments or people that are involved in the process. You know, this is something as a policy that we should be doing. We should be contracting with our agencies that we are mandated, for the most part, to do by the State and Federal Government, and we contract with those agencies for things that we don't seek to do. You know, there are agencies that to this day that don't have contracts, and agencies up until a few weeks ago that didn't have contracts. This has been an ongoing problem. The Administration as improved the problem somewhat, but we need -- we need to move forward from where we are today, and this is going to codify a policy that Suffolk County's going to contract properly in a reasonable manner for people that we do business with. I don't see the problem.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Thank you very much. I would simply echo the comments of my colleague, Legislator DuWayne Gregory. I think this bill is well overdue, well needed. And although I have respect for the legal opinion of our esteemed Counsel, Mr. Brown, what I would suggest he and his department, Department of Law, do is draft a resolution if you think that there's something that should have been included in this resolution that was left out, and give us a draft, present it to Legislator Gregory, myself and other cosponsors. We'll consider it and we'll make a determination if, in fact, what you are proposing should be added. But this today should be adopted to send a very clear signal to all those who contract with Suffolk County that contract agencies are going to be respected, that their bills are going to be paid on time, if they're going to contract to perform a service on behalf of Suffolk County, we're not going to let them swing in the breeze for several weeks before we even seek to pay them or to contract with them, we're going to contract with them promptly. If you think that there's corrections that need to be made to this bill that would help, we'd be more than willing to entertain them once this bill passes and then we can consider those corrections. If you forward it to myself, or Legislator Gregory, or the other cosponsors, we'd be happy to work with you and see if any of the suggestions would make Legislative sense. Thank you, Mr. Brown, for bringing this to our attention.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I just wanted to -- some clarification on that issue, only because I know that all of us in our respective District Offices, when dealing with CSIs, we routinely do come across those agencies that we have to chase down for information. We've all dealt with that. It's, unfortunately, a fairly common problem. So I just would like to speak to the sponsor in response to that -- to that one point. Obviously, with the larger contract agencies, there -- you know, with receiving larger sums of money, you would hope that they are, you know, better about providing the County with that information in a timely fashion, but I know I can speak from experience in my own District Office that it is a problem that we run up against on a fairly regular basis. So, just -- I can't believe I'm actually agreeing with this point, but it's a very valid point. Just to that point of the inundation of that department with having to respond with -- to generate a large number of letters for especially many of the smaller contract agencies that we deal with, is there a component in the bill that deals with that provision?

LEG. GREGORY:

No. And I think, realistically, this is more of a red herring than anything, because, as you know, it doesn't say that this is a problem in the process now, it only notes that, well, what if this were the

case. So, in fact, it's not the case --

LEG. LOSQUADRO:

No. I mean, that was my point, though, that -- I mean, I can speak from experience that we routinely pass that deadline with many of the contract agencies that we deal with. Again, maybe it's different with the CSIs that we deal with, but, I mean, I know many Legislators run up against that, you know, whether it's waiting for an insurance certificate or -- you know, many of these are volunteers. You can't -- I'm not laying blame on anyone, but it is a problem that we do encounter, so I just --

LEG. GREGORY:

Well, I would say that it's very different in that many of these agencies, because they don't have contracts, and those that haven't gotten advances are taking out lines of credit and they're paying interest on those lines of credit waiting for a contract to be made and waiting for payment on that contract.

LEG. LOSQUADRO:

I don't disagree with you on that point at all. This is something that Legislator Viloría-Fisher and I thought quite a while ago initially, you know, with the prompt payment provisions. And we had different groups in our respective districts who were very overextended and, you know, could not recover the debt service that they were paying on the lines of credit that they had advanced. I understand that point completely. But just to that specific point that was made about a provision in there and dealing with agencies that have not provided, that the burden then falls on them, agencies that have not provided the required information, is the department held to the same standard with them that they have to just -- is it just a pro forma -- just a form letter that says they haven't provided us what's necessary, and is it as simple as that?

LEG. GREGORY:

That's all -- that's all --

LEG. LOSQUADRO:

How is that dealt with.

LEG. GREGORY:

That's all I expect, that they would just generate a letter, "X" contract hasn't been executed because we're waiting for documentation. You know, we're not talking about, you know, creating, you know, a huge volume of paper. This is something that should already be done. They should be-- you know, if an agency or department hasn't contracted -- hasn't received the information that they need to finalize a contract, they should already be sending that paperwork. In fact, we already get that with our CSIs, "X" agency hasn't submitted their living wage form, or whatever. I mean, you know, they send an extra copy, it's not -- you know, it's not going to be an extra burden.

LEG. LOSQUADRO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Actually, my comments referred to precisely what Legislator Losquadro is querying, which is in Section 3(C). It does say that there is a provision in the event an administrating -- an administering department is unable to comply with the time frames, so it does provide for that, and it can be a very simple notification. And, in fact, because of the work I had done with the prompt payment, with the child care providers, child care providers call me when they're late, when their payment is late, and I call the department and the department gives me the reasons why they are late or, you know, what kind of problems they encountered. And I think once

we have this procedure in motion, once I think that the gears are well oiled in the running of this contracting business, I think our departments would be able to keep these time lines. And if you'll notice, the timeline for a first-time contractee is March 15th, so that the department can work a little bit more closely and has a little more time to work with them.

I've been suggesting, ever since I was working on the prompt payment and prompt contracting, that the departments streamline their processes. If a -- for example, Family Service League has many contracts. They shouldn't have to do the living wage for every single contract. They shouldn't have to do their insurance form and their 501(C)3 status forms for every contract. There should be an agency process where there -- all the paperwork is done by the agency through one process, and then the individual contracts can have the specific answers. I think that that might make it move more quickly. But I think the bill is fine the way it's presented right now and I'm really proud to be a cosponsor.

P.O. LINDSAY:

Okay. Did you want to say something, Ben?

MR. ZWIRN:

Yes, Mr. Presiding Officer, if I might. You know, the Law Department has taken great pains to simplify this process. I know during the committee, Legislator Gregory mentioned that there were groups in his district that had not got their contracts or had not got their prompt payment, and we checked with that and we couldn't find any. We found that the contract agencies that we believe he was talking about were contracted through the Town of Babylon, the County had a contract with them, so we weren't dealing directly with those particular groups. We have gone out of our way to seek out any organizations that are having problems. The County Attorney has simplified the forms. Several years ago, you could -- there was, you know, somebody in the Administration just seemed to be throwing roadblocks at this and that has changed. We have done everything -- and that was an employee of the County, not the County Executive. But we have done everything we can to make this work.

I heard some of the testimony this morning saying that, "Well, the County is threatening the agencies now with the advancements." You know, there are penalties involved with this if these contracts are not met -- they don't meet the timetable set by the Legislature. There will be interest have to be paid on some of these bills, and there's no money allocated in the budget in the event if that happens. So the County has -- going to reexamine their position where they're advancing money to some of these agencies and hold some of that money back in the event that we do get -- we do get penalized for not moving quickly enough in a particular instance.

We think that we have done everything. We think this is a slap in the face to the County Attorney's Office and our agencies that are working diligently, including the AME workers who are working hard to get these contracts out in a timely manner. We have to do our due diligence with these contracts. This is taxpayer money. And none of this takes into account the fact that the State owes us close to 200 million dollars and they're almost nine months late. So we have to pay this money and it passes through the County. The County is in a difficult position trying to advance this because we have our own cash flow problems. So what this has done is really seem to ignore the situations that exist outside the County and puts an undue burden on a department and department heads that are working as hard as they can to meet their responsibilities to these not-for-profit agencies. And I think it just sends the wrong message when we're trying to find ways to give the County some relief in its cash flow. We seem to be finding ways as much possible to put as much of a burden on the County finances as possibly. And thank you for your time.

LEG. GREGORY:

Mr. Chairman, if I may.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

I don't even know where to begin.

P.O. LINDSAY:

Why don't you take a sniff of the polish there.

LEG. GREGORY:

Yeah, I was thinking about that. First of all, what you're eluding to is -- would be illegal within this law to withhold payments, because it specifically says the penalties shouldn't come from monies that are contracted.

MR. ZWIRN:

This is --

LEG. GREGORY:

Ninety --

MR. ZWIRN:

This is advancements that the County does.

LEG. GREGORY:

Ninety-plus percent of the monies come from the State, they're not County Funds. The County is just the means of administrating the funds from the State and Federal Governments. The bill addresses that. And these threats of taking away advances are only going to jeopardize the programs that most of which we are mandated to do anyway. So I don't think that's acting in good faith in trying to work in cooperation with the agencies that are doing things, performing services that we're asking them to do. And it's the type of behavior that we've seen all through this process. These agencies, you know, they've been threatened every step of the way and it's sickening, and it's -- and I'm sick of it.

Just yesterday there was a phone call by Mr. Crannell calling domestic violence agencies telling them, "Well, you know, if this passes, we're going to take advances away from you guys, which has nothing to do with us paying our bills on time and contracting on time. That's totally -- in my estimate, that's illegal conduct. He's trying to obstruct my duties as a government official. How can you make threats to an agency on an issue that has nothing to do with the bills at hand, just simply because they may or may not support a piece of legislation? That's garbage, and they shouldn't be acting in that way. And I hope someone looks into that. And -- oh, my God, I have nothing more to say.

MR. ZWIRN:

If I might respond, Mr. Presiding Officer, the County advances money with it's discretion when it has the funds to do that. We've tried to help the not-for-profits and every --

LEG. GREGORY:

Ben, that is not what you're saying. You're saying not at your -- because you're going to take -- withdraw your discretion because these agencies choose to support something that benefits them.

MR. ZWIRN:

I was just saying.

LEG. GREGORY:

That's a threat.

MR. ZWIRN:

No, it's not a threat.

LEG. GREGORY:

You're not -- you didn't change your discretion until these bills came forward; am I correct?

MR. ZWIRN:

It's not question that these bills --

LEG. GREGORY:

Or is there --

P.O. LINDSAY:

All right, all right, all right. Come on, let's get --

MR. ZWIRN:

If I might -- if I might respond.

LEG. GREGORY:

You know, there's an association that can be made.

P.O. LINDSAY:

Let's get some decorum, come on.

LEG. ROMAINE:

We have 18 Legislators, not 19.

P.O. LINDSAY:

Go ahead, make your --

LEG. MONTANO:

You made your point, Ben. Thank you.

MR. ZWIRN:

No. But, you were talking about good faith. There's no revenue, there's no -- there's no money provided in your bill that there'd be any money in case --

LEG. GREGORY:

And the bill says, should the monies not come from the appropriating agencies or a level of government, the County is not held responsible for providing those funds.

MR. ZWIRN:

If the County --

LEG. GREGORY:

Come on.

MR. ZWIRN:

If the County is late, whether it's the County's fault or not, if the County is late and it's found to be the County's fault, there are penalties attached. There's interest that have to be paid. There is no money provided in this bill for revenue to pay that interest. So we're going to try to have to hold back some money in case we don't succeed, and it's that simple. It's got to come from somewhere.

LEG. GREGORY:

This bill is an exact replication of the day care bill. I don't see a problem with that bill. We just expanded it to the not-for-profit agencies.

MR. ZWIRN:

You had expanded it to hundreds of agencies.

LEG. GREGORY:

And, you know -- and I don't want to hear about monies and raising taxes when you're hiring people at \$90,000 for work when we can provide, you know, two clerks to process the contracts. I mean, this is ridiculous. You know, you just hired someone two weeks ago to pay him \$90,000 to secure votes?

P.O. LINDSAY:

Okay.

LEG. GREGORY:

But we can't hire people for -- to process contracts? Come on.

P.O. LINDSAY:

All right.

D.P.O. VILORIA-FISHER:

Can I just say something?

P.O. LINDSAY:

Make it the last word, because there's people here that want -- that have to -- there's bills on the table resolution.

D.P.O. VILORIA-FISHER:

Okay. This is very quick. Ben, as far as not receiving the State monies, because I know that these are past-through funds, I think that the provision in Section 3(C) covers that as well. I think that that's what Legislator Gregory was referring to. If it's the problem with a third party, if we haven't received the past-through money, then you could come to the Legislature and say that we're unable to make that payment because we have not received the payment from the State.

MR. ZWIRN:

I understand that, Deputy Presiding Officer, but the question is --

D.P.O. VILORIA-FISHER:

But you wouldn't have to pay a fine.

MR. ZWIRN:

-- is with the State money. We're advancing --

D.P.O. VILORIA-FISHER:

Okay. But, Ben, I didn't want to --

MR. ZWIRN:

But if we don't get that money, we can't advance it.

D.P.O. VILORIA-FISHER:

Ben, the Presiding Officer asked us to cut it short, so I just wanted to respond to that one inquiry.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Mr. --

MR. LAUBE:

Seventeen.

LEG. GREGORY:

Mr. Chair, that's for 1415 that we need a --

P.O. LINDSAY:

Right.

LEG. GREGORY:

All right. Now we need a separate motion for 1490.

P.O. LINDSAY:

All right. I need a motion to take 1490 out of order.

LEG. GREGORY:

Okay. Motion.

P.O. LINDSAY:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. 1490 is before us. I need a motion.

LEG. GREGORY:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to approve, second by Legislator Romaine.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Just very quickly, very concerned to hear from Ben with regard to the money that's outstanding from New York State that's owed to us. Did you say 200 million dollars, Ben?

MR. ZWIRN:

Between 150 and 200 million dollars. That's at least 9 months in arrears.

LEG. CILMI:

I would ask that we, as a Legislature, pen a letter, with all of us signing it, to the Governor and to the State Legislature to get off that money and send us a check. It's ridiculous.

As far as this resolution goes, I'm very concerned that we might be putting some organizations in front of other organizations in terms of how promptly we pay our bills. And I would say that we need to work to form a comprehensive payment policy for all of our debts, be they not-for-profits or for-profits, or whatever, so that we treat everybody equally and we don't put some agencies or contractors ahead of others in making these payments.

P.O. LINDSAY:

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

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Two.

LEG. CILMI:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Back to the agenda. I want to take 1363, on Page 7, out of order because all these people are waiting here for this. ***1363, last -- Authorizing funding, acquisition, conveyance, development and oversight of real property under Suffolk County Affordable Housing Opportunities Program, the New Village – Patchogue Village.*** I'm going to make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

MR. NOLAN:

Take it out of order first.

P.O. LINDSAY:

Oh, wait.

D.P.O. VILORIA-FISHER:

Motion to take it out of order.

P.O. LINDSAY:

I'm making a motion to take it out of order, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It is before us.

D.P.O. VILORIA-FISHER:

I'll second that motion.

P.O. LINDSAY:

Okay. Legislator Eddington, you want to make the motion to approve?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Okay, second by Legislator Viloría-Fisher.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I know that there have been a tremendous amount of dialogue that's gone on over the past couple of weeks on this matter, Mr. Chair, and I know that you've played an instrumental role. I believe that there has been some substantive conversation that's gone on amongst all the parties. And through the Chair, I guess I'd ask -- I see we have Commissioner Michel here, or if there is just somebody that can tell us what the outcome of the dialogue is so we at least have some idea how this project will move forward, if that's okay, Mr. Chair.

P.O. LINDSAY:

(Nodded Yes).

LEG. KENNEDY:

Okay. Thank you.

COMMISSIONER MICHEL:

Good afternoon, everyone. Thank you for the invitation. I also would like to thank Presiding Officer Lindsay.

LEG. LOSQUADRO:

Hold that button down.

COMMISSIONER MICHEL:

Can you hear me now?

MR. LAUBE:

Yes.

COMMISSIONER MICHEL:

All right. I had to take my notes out. Obviously, the last time we appeared in front of this Legislative body, we had conversations with ULLICO, the Union Labor Life Insurance Company, to provide financing or additional financing for this project. Those conversations did not result in anything that beared fruit as they replied to us. No new money is being invested in the projects.

Subsequent to that, as you rightly stated, Legislator, the developer had extensive meetings with union representatives from the trades, and as a result of these meetings, it is our understanding that the trades are satisfied with the opportunity to have numerous opportunities to participate in this project, and the trades, as they stated earlier, would like this project to move forward. Moreover, to drive the point home, the developer had agreed to incorporate language explicitly

acknowledging participation of the contractors from Nassau and Suffolk Building and Construction Trade Council to participate in this project. Obviously, this is a tremendous amount of economic development opportunity for the County. And from my department and all the other divisions within the department, we would like to see this project move forward.

LEG. KENNEDY:

Thank you, Commissioner. And, as a matter of fact, I want to compliment you. I know you were critical, too, in facilitating some meaningful dialogue. And to the contractor, if they're here, I applaud their desire to go ahead and engage in earnest conversation. Thank you. Thank you, Mr. Chair.

COMMISSIONER MICHEL:

Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second. All --

LEG. EDDINGTON:

Mr. Chair.

P.O. LINDSAY:

Yes, I'm sorry, Legislator Eddington.

LEG. EDDINGTON:

Yeah. I just wanted to take the opportunity to thank you. It's obvious that you haven't let your negotiation skills go soft. And I want to thank you, because it wasn't happening, and you, as I can see it, made it happen. So I'm sure the Mayor will want to thank you, but I will thank you for Suffolk County.

P.O. LINDSAY:

Thank you very much. Legislator Cilmi.

LEG. CILMI:

If I could just ask either Budget Review Office or Counsel to explain the source of the funding for this project. And I would also ask that if we could take a look at, in sort of an historical way, how much money we've either spent or given up as opportunity cost for our Affordable Housing Program in the past to two or three years.

MS. VIZZINI:

Okay. The prior authorizations are referenced in the body of the resolution. The previous resolution from 2006 used six million dollars from our Multifaceted Program, which permitted spending for affordable housing. That was one of the permissible categories in the name "Multifaceted". We used six million dollars from Multifaceted and it was transferred to Capital Project 8704, which is the vehicle that was used for the purchase and development of property for workforce housing. Similarly, in 2007, a resolution was passed, Resolution 277. I believe it was probably the same source, but we just want to check. Very similar, there was 1.5 million from the Multifaceted Program transferred for workforce housing. Those dollars are aggregated, and then, when site specific, it's identified, appropriated for the site specific.

LEG. CILMI:

Okay. So, if I understand you correctly, this money has already been -- is already there, it's not new money; yes?

MS. VIZZINI:

It's pipeline debt that will now be -- has already been authorized, but now this is designated fore site specific.

LEG. CILMI:

Okay. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second. If there's no other questions, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

COMMISSIONER MICHEL:

Thank you.

P.O. LINDSAY:

Going back to the top, *I.R. 1029 - A Charter Law to provide a fixed term for Public Safety appointments (Cooper)*. Legislator Cooper, if I might, how about if we skip over this, being that we only have ten minutes to lunch, and we'll take it up --

LEG. COOPER:

Sure, that would be fine, because I think it's going to be more than a ten-minute debate.

P.O. LINDSAY:

Yeah, I do, too.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Rather than get in the middle of it, and some of the subsequent resolutions I think we can dispose of rather quickly. Okay?

LEG. COOPER:

Sure.

P.O. LINDSAY:

All right. So we'll skip over 1029.

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

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

1029 -- 1047. Excuse me. 1047, yeah, on Page 7. Okay. We have a motion to table and a second. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

I'm behind you, Tim.

P.O. LINDSAY:

1164 - 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.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington to approve, seconded by Legislator Browning. And, Mr. Brown, you want to comment?

MR. BROWN:

Yes, thank you. And Jeff Tempera is here also, Mr. Presiding Officer. We'd first like to let you know, the Law Department would first like to let you know that we do have an opinion from Labor Counsel with respect to this resolution, and we do have an opinion that this resolution would violate the Taylor Law. The County would be acting unilaterally to change terms and conditions pertaining to employment which have previously been agreed to between the PB --

P.O. LINDSAY:

I wouldn't want to do that.

MR. BROWN:

Between the PBA and the County. And, in fact, there is a PERB decision on point where the County once previously attempted to unilaterally change terms and conditions which were rejected by the Public Employees Relations Board.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I'm just curious. Maybe Jack can tell us. How long has this been in existence, this bill? And it seems like every time we turn around there's something new. Clearly, you would have known this from the get-go when this bill was first introduced.

MR. BROWN:

Well, actually, the bill was amended and there was a Public Hearing on May 11th, and that May 11th the Public Hearing was closed. And we actually thought that the bill would be going back to committee after the Public Hearing was closed on May 11th, but, instead, it was subject to a floor vote on May 11th, and it was in preparation of this hearing that we received the opinion from Labor Counsel.

LEG. BROWNING:

I don't know, it just seems to me the amendment didn't really make it that different, that I think from the get-go, you should have known back then.

LEG. MONTANO:

Put me on the list.

MR. BROWN:

And, in fact, you know, Jeff just reminded me. I think that he may have commented on the Taylor Law at the May 11th meeting as well.

P.O. LINDSAY:

Okay. Keep talking, Mr. Brown, the list gets longer. Legislator Viloría-Fisher.

*(*Laughter*)*

D.P.O. VILORIA-FISHER:

George, I'm confused about something with Labor Counsel's opinion. Wasn't there an agreement between the PBA and the County Executive when there were budget difficulties last year, and weren't some of the provisions of that agreement that activities of the Police Department not be transferred to other departments? And so wouldn't that already be an agreement that we're simply supporting and codifying here?

MR. NOLAN:

First of all, I'll just say I haven't seen the opinion of the Labor Counsel on this particular point. Yes, the agreement with the PBA basically said we're not going to move any function you're performing to anyone else I think through the end of 2011. I think the provision that we're talking about which says that, you know, we're not going to -- you know, we're saying that you cannot transfer a function from one law enforcement unit to another without Legislative approval was kind of designed as a safeguard so that would not happen. I think some Legislators believe something like that might have happened, so before it happened again, it would have to come here for resolution. I'm not sure how that violates the Taylor Law, but, again, I haven't seen the opinion from Labor Counsel.

P.O. LINDSAY:

Legislator Montano?

LEG. MONTANO:

All right. Just, Dennis, you're walking in and you say that you have an opinion from Labor Counsel?

MR. BROWN:

That's correct.

LEG. MONTANO:

A written --

MR. BROWN:

That's correct.

LEG. MONTANO:

-- opinion?

MR. BROWN:

That's correct.

LEG. MONTANO:

Have we seen it? Has it been given --

MR. BROWN:

I have copies here.

LEG. ROMAINE:

Oh, good.

LEG. MONTANO:

All right. But, in other words, my question -- do you have any other legal opinions for today that you might want to share with us?

MR. BROWN:

I do, but --

LEG. MONTANO:

Well, let's have them. You know, we'd like to -- maybe we'd like to read them before we vote on it, and maybe we'd like to have an opportunity to think about it. I think it's inappropriate. We've had this conversation with the Law Department on previous occasions, and if you're going to issue an opinion, it should be in writing, and it should be given to us timely so that we can review it. So which other decisions do you have with respect to any bills today?

MR. BROWN:

I don't have any other written opinion from --

LEG. MONTANO:

You're not going to -- you're not going to come in with any --

MR. BROWN:

-- Bond Counsel or Labor Counsel, no.

LEG. MONTANO:

You have no other legal opinions --

MR. BROWN:

No.

LEG. MONTANO:

-- today, right?

MR. BROWN:

No, but -- and, also --

LEG. MONTANO:

Was that a yes or a no? I'm just asking you.

MR. BROWN:

No. I said -- I said I don't have any other written opinions from --

LEG. MONTANO:

Does anyone in your department have any?

MR. BROWN:

Pardon?

LEG. MONTANO:

Does anyone in your department have any?

MR. BROWN:

Well, we produce written opinions all the time, but there's nothing that I'm going to spring on you, if that's what you're asking.

LEG. MONTANO:

Okay. Thank you. So -- but you're going to share this with us now?

MR. BROWN:

I just gave it to the Clerk, yes.

LEG. MONTANO:

Thank you very much.

MR. BROWN:

I just gave it to Robert.

LEG. MONTANO:

All right. I'll continue this after I read it. Thank you.

MR. BROWN:

Now, if I could -- we did just get the opinion from Labor Counsel this morning in final form.

LEG. MONTANO:

But -- all right. Why does -- why do you wait or why do -- why is this a last-minute thing? What is new that wasn't -- that's Kate's question and my question, and I don't know if I'm sufficiently satisfied with the answer. Why the last minute?

MR. BROWN:

Well, the bill was amended, as I mentioned earlier.

LEG. MONTANO:

Right.

MR. BROWN:

And in analyzing the bill, we actually did come to the conclusion that it's inconsistent with the agreement that was agreed to last year between the PBA and between the County. The PBA and the County agreed that, with respect to County -- and Jeff will talk about this also, that with respect to Police Department functions --

LEG. MONTANO:

No, I understand the legal issue. I'm looking forward to reading the memo. My question goes to why the delay. What caused the delay in terms of getting the opinion to the Legislature so that we could analyze it and review it and have our Counsel look at it before we have to vote on it as it is before us right now? That's what I'm asking you.

MR. BROWN:

Well, the outside counsel gave us the opinion in final form this morning. Prior to that, it was undergoing analysis by the Law Department with Jeff Tempera's department and with Labor Counsel.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Who's our outside Labor Counsel, Dennis?

MR. BROWN:

Lamb and Barnosky.

LEG. KENNEDY:

Lamb and Barnosky, okay. Again, like Legislator Montano, I'm going to be interested to read this. I know at the time, when this bill was first drafted, as a matter of fact, I think it was probably March, and I've looked at some of the changes that have gone on, and my recollection is that the only change that occurred, really, was a deletion that prohibited, I think, some of the reductions by more than 50%. And when I look at the two clauses that are still in there, I don't know that there's been anything that's that much different. Not having the benefit of being able to read this, I guess I'd ask you. There have been changes that have occurred with function in the last 24 months that have been pretty significant. As a matter of fact, I think the County Executive directed the Sheriff's Department to take over function of the patrol of the Long Island Expressway with less than 15 minutes to go on a change of shift. So how is it that on one hand the Exec can execute what appears to be a unilateral modification, and, yet, we've been deliberating for almost six months, and, apparently, this tells us we can't have Legislative modification to function? It doesn't square. Jeff, are you going to talk to us about it, or who could explain this to us?

MR. TEMPERA:

Well, I'll --

LEG. KENNEDY:

It's a conundrum, Jeff.

MR. TEMPERA:

Well, I'll speak on it.

LEG. KENNEDY:

Okay.

MR. TEMPERA:

The difference between -- you were referring to the transfer of the Highway Patrol duties from the Police Department over to the Sheriff, and you said that was done unilaterally by the County. We did not have the agreement with the PBA for the deferral of the 12 million dollars at that point. The agreement contains specific language, was negotiated with the PBA, and is as if it's a contract -- as if it's in their contract and is enforceable under the Taylor Law. That's the difference with what's going on today and what went on when duties were transferred in the past.

LEG. KENNEDY:

So it's an interpretation we have, then, of the existing collective bargaining agreement and the modifications, not overall County law or Labor law? It's the specifics associated with this writing as to the County of Suffolk and the Suffolk County Police Department or Suffolk County PBA?

MR. TEMPERA:

Well, no, it's the Taylor Law that we're referring to. But you asked --

LEG. KENNEDY:

But the Taylor Law was always in effect, Jeff.

MR. TEMPERA:

Except that it was a unilateral right for the County to make changes subject to the PBA challenging us by following an improper practice. The law didn't restrict us in this regard. As a matter of fact, as you're all aware, we have a hearing that's concluded, we're waiting for an opinion, with regards to the transfer of work. That's the due process that is built into the law that the PBA, and the SOA, and the Detectives, and whoever else have access to it, to challenge where the County takes a unilateral action. We took that unilateral action and it's been challenged; we're awaiting the award. What

happened since that point is the County voluntarily restricted ourselves in an agreement with the PBA in return for 12 million dollars, with a set term to expire in 2015. That agreement with the PBA is tantamount to having a contract amendment which brings it under the purview of the Taylor Law, and that's what -- that collective bargaining aspect of it is what's being challenged now and is what is being, by this resolution, which is being amended, which is infringement on the Taylor Law aspect.

LEG. KENNEDY:

I'm going to yield. I've got to read the opinion. All right. Thank you.

P.O. LINDSAY:

Okay. Legislator Montano. Let me just point out something. We're going to have plenty of time to read this, because after you speak, we're going to adjourn for lunch.

LEG. MONTANO:

Right. I just have one question, and I didn't ask it, because I didn't have the letter. This is dated June 8th, and the first sentence says, "This is in response to your request for an opinion." Today is June 8th. My question is, when was the request for the opinion issued? When did you ask for this?

MR. TEMPERA:

I don't have a direct date.

LEG. MONTANO:

All right. Could you get that?

MR. TEMPERA:

I know there's been --

LEG. MONTANO:

Could you get that to us by the afternoon?

MR. TEMPERA:

As to when we were asked for it? I don't know that I have --

LEG. MONTANO:

Well, I'm not asking you, because this letter is not addressed to you, this letter is addressed to the County Attorney, and it says, "In response to your request." So I would assume that it's a request made by the County Attorney's Office or by the County Attorney, so all I want to know is when was the request made?

MR. BROWN:

I don't know when we first had the discussion.

LEG. MONTANO:

Well, can you find out?

MR. BROWN:

Yes.

LEG. MONTANO:

Thank you.

MR. BROWN:

We'll get back to you, yes.

P.O. LINDSAY:

Motion to recess for lunch by Legislator Viloría-Fisher, second by Legislator Eddington All in favor?
Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We stand recessed until 230.

[THE MEETING WAS RECESSED AT 12:31 P.M. AND RESUMED AT 2:30 P.M.]

P.O. LINDSAY:

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

(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:

(Not Present)

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Seventeen -- sixteen. (Not Present At Roll Call: Legs. Losquadro and Kennedy)

P.O. LINDSAY:

Okay. Welcome back. We have public hearings. First up is on ***Procedural Motion No. 7 - Authorization for approval to alter rates on the Fire Island Water Taxi (Presiding Officer)***. And I don't think I have any cards on that. Is there anyone in the audience that would like to speak on that Public Hearing? Yes, please come forward, Mr. Mooney. Did you fill out a card, Mr. Mooney? Ah, he's coming now. Okay, go ahead.

MR. MOONEY:

Good afternoon. Good to see everyone once again. I'm Tim Mooney, Fire Island Water Taxi. We have in front of you a rate alteration that's been circulated over the last couple of weeks. If there's any questions or anything that comes up that needs to be answered with regard to that, we've been working with the Budget Review Office in putting this together, so we're ready to go and we hope you are, too. Thank you.

P.O. LINDSAY:

You're welcome. Anybody else in the audience that would like to speak to us on that subject? Seeing none, I'll make a motion to close.

D.P.O. VILORIA-FISHER:

Second.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And it stands closed. Next up is ***1129 - A Local Law to ensure the integrity of prescription labels 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 is your pleasure?

LEG. COOPER:

Motion to recess, please?

P.O. LINDSAY:

Pardon?

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands recessed. ***1174 - A Local Law amending Chapter 8 of the Suffolk County Code (Co. Exec.)***. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, is there anyone from the Executive's Office here? Just for direction, do they want it closed, recessed? Seeing none, I'll make a motion to recess. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1176 - A Charter Law to repeal the Suffolk County Energy Tax (via public referendum) (Romaine). I have no cards on this subject. Legislator Romaine?

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 1390 - A Local Law to prohibit cyber-bullying in Suffolk County (Cooper). I have one card here, Dr. Thomas Burger. Dr. Burger?

DR. BURGER:

Thank you for this opportunity --

LEG. LOSQUADRO:

You have to hold the button down.

P.O. LINDSAY:

Yeah, there's a button right there on the mic. Thank you, Dr. Burger.

DR. BURGER:

I'd like to thank you for this opportunity to present. My name is Dr. Tom Burger and I'm a social worker. I've been a school social worker for over 20 years, and I'm also a social worker in private

practice, and I've advocated on behalf of children who have been bullied for my entire career.

I have done extensive research surrounding the issue of bullying and feel that the proposed legislation by Legislator Cooper is not a solution to this problem. My primary concern is with the term "bullying". This term conceals the actual behaviors we all find disturbing. It is imperative to point out that there is no universally accepted definition of bullying. This reality creates various meanings of the term and adds to its misconception. Therefore, by not being able to operationalize bullying, most studies and statistics cannot be duplicated, and, thus, invalidates most research.

What remains consistent are the behaviors that comprise bullying. These behaviors are physically, verbally, emotionally and socially abusive behaviors, yet society has created the term "bullying" to label and somehow justify them as part of adolescence, just as is done with male batterers and child abusers. The bottom line, their behavior is all abusive.

Another certainty in this -- in the environments which promote abusive behavior, children are programmed very early on to be entertained by the abuse of others. The reality is that youth today are exposed to an enormous amount of violence in many venues, such as Disney movies as toddlers, cartoons, television programs. As they age, more violent movies and video games that support behaviors typically seen as bullying. They are exposed to media reports of violence, which very often go unprocessed, and, thus, normalizing and desensitizing these behaviors.

A major concern of this issue, which is often overlooked, is the role of parents. Just as schools are held responsible to teach children, parents need to be held accountable to teach their children the necessary social and emotional skills and problem-solving skills to become a functioning adult. The reality is that not everyone's going to like you and not everyone is going to want to be your friend. They also need to be responsible for the technology they allow their children to utilize. There would be no cyber bullying, or I would prefer calling it cyber abusing, if parents limited and supervised this technology with children. There is no reason why a child needs to have a cell phone that texts or takes pictures. Also, computer usage on sites such as AIM, Facebook, My Space, and the like, create venues for cyber abuse and deteriorate the social skills of children overall.

Another major concern I have is parents who participate in cyber abusing, sitting next to their child and telling them what to write in response to peer abuse. Even worse is the parent who pretends to be their child online and IMs other children as a way of coping with cyber abuse. Then, when all else fails, they turn to the school and accuse the school of not doing anything to prevent these behaviors. Schools do not provide children with cell phones, nor do they allow children to have access to social websites or unsupervise their unrestricted technology use. Children learn by example, and many children today watch their parents become consumed by technology, some even getting text "It's time to go to bed."

Sadly, we live in a society where legislation is required to enhance personal safety, such as our seatbelt law. If schools are going to be held accountable, then parents need to be held equally accountable to take responsibility for the technology they provide their children. Parents provide the weapons of cyber abuse and schools have to deal with the fallout. We need as a society to step back and look at the root of the deterioration of the moral fabric of our society. Pointing fingers and searching for whom is to blame is pointless. What is essential is for all Legislators, school personnel, parents and the community at large to work together to help preserve the innocence of our children. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Doctor. I don't have any other cards on this subject. Is there anyone in the audience

that would like to speak on 1390? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to close, please.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. CILMI:

I'll second.

P.O. LINDSAY:

Second by Legislator Cilmi. All in favor? Opposed? Abstentions? It stands closed. 14 --

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I'm sorry. **1412 - A Local Law establishing fair and objective procedures for contracting title insurance work (Kennedy).** And I have one card, Michael Haltman?

MR. HALTMAN:

Correct. Good afternoon, everybody. My name is Michael Haltman and I'm a partner with the title firm Hallmark Abstract Service in Jericho, New York.

It's an honor to have the opportunity to speak before the Legislature for a few minutes on I.R. 1412, which was sponsored by County Legislature -- Legislator John M. Kennedy, Jr., which would create a pool of more than ten qualified title insurance companies and would require the County to rotate through the pool for all title insurance work. While I have no doubt that the current firms being used by the County are doing a fine job, the nature of title insurance in particular lends itself to broadening the field in order to bring in more players and to potentially lower the costs for the County. It can also help to mitigate some of the issues that can arise when a relationship gets too familiar. The County, particularly in these economic times, has the right to demand the highest level of performance each and every time an order for title is placed. When transactions need to be closed, title is one issue that cannot stand in the way.

I would like to look at two areas that explore the concept of broadening the pool of title firms from the number that the County currently uses and does business with. The first issue concerns the fact that it is the Department of Insurance that sets the rates that can be charged for the actual title insurance premium in New York State based on a variety of factors. These factors include such items as county, location, dollar amount of the mortgage, and the dollar amount of the entire transaction. Because these rates are set, the difference between title firms, besides intangibles such as customer service, would include other title fees involved within the transaction. These other fees include municipals, bankruptcy and patriot searches and certain service charges. In a more open selection process, firms could then be selected based on some range of acceptable charges that could be set by the County.

The second issue I'd like to touch on concerns competition in general. As anyone who has ever competed knows, competition itself is what helps to keep players sharp. When the outcome of a game is considered predetermined due to the level of the competition, it's a recipe for poor and potentially sloppy performance. It's no different when there is a rotation of title firms that know they are in the lineup regardless of their level of performance. While I am sure that the quality of work is satisfactory, some parts of the process may begin to suffer some over time, including something as simple as customer service.

To close, as Henry Ford said, "Competition is the keen cutting edge of business, always shaving away at costs." And as Angus Davis said, "Nothing keeps you on your toes like competition," and, right now, these folks have no competition. I thank you for your time. Thank you.

P.O. LINDSAY:

Thank you very much, Mr. Haltman. I don't have any other cards on 1412. Is there anyone else in the audience that would like to speak to us on 1412? Seeing none, Legislator Kennedy?

LEG. KENNEDY:

I'm sorry, Mr. Chair. This is the title company bill?

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Okay. Yes, I'll make a motion to close the Public Hearing.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Stand closed.

MR. LAUBE:

Seventeen. (Not Present: Leg. Nowick)

P.O. LINDSAY:

And *1474 - A Local Law authorizing the County Executive to execute an agreement for the sale of the John J. Foley Skilled Nursing Facility.*

LEG. BROWNING:

Motion to recess.

P.O. LINDSAY:

And let me just see if anybody wants to talk. I don't have any cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, Legislator Browning made a motion to recess.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

Please, mark me as a recusal.

MR. LAUBE:

Yes, sir. Sixteen. (Not Present: Leg. Nowick)

P.O. LINDSAY:

Okay. Next up is *I.R. 1507 - A Local Law increasing the accountability of schools on bullying behavior (Cooper).* And I have several cards. Thomas O'Brien.

MR O'BRIEN:

Good afternoon, members of the Suffolk County Legislature. Thank you for the courtesy of hearing my viewpoint regarding this legislation. My name is Thomas O'Brien. I've been the Principal of Brentwood High School for 16 years and a school administrator for over 25 years. You may recall that I was presented to this very Legislature thirteen months ago by County Legislator Ricardo Montano to be recognized as a School Administrators Association of New York State and the National Association of Secondary School Principals, High School Principal of the Year for 2009. I'm a member of the Board of Directors of the School Administrators Association of New York State, and a member of the Executive Board of the Suffolk County High School Principals Association.

My colleagues will speak after me expressing their concerns regarding the practicality of this legislation, as well as the difficulty we have experienced with interpreting which behaviors are included as necessary for enforcement action, what actions are considered appropriate interventions, and what detail a response by the principal must include to be found adequate by the County Attorney. But it's not these issues that I address, it's the assault upon the school leaders of Suffolk County, whose performance has been extraordinary, that concerns me most.

In Section 1, the Legislative Intent section of the proposed legislation, each paragraph begins with the introduction of "This Legislature finds," or "This Legislature further finds," or "This Legislature determines," for example, that some teachers and school administrators do not take the issues of bullying seriously; that, too often, teachers and school administrators fail to act adequately on such reports. Is this really what this Legislature has determined? Do each and all of you feel that the school leaders of Suffolk County have failed you, our families and our precious children? I pray not. In fact, the citizens of New York State acknowledge that our Suffolk County public schools are among the most successful in New York State. Our own residents demonstrate this through an overwhelming support of our school budgets while in the midst of a fiscal crisis never before experienced in our County. School leaders from across the State migrate to Long Island to join our excellent school systems.

During my 25 years of leadership of experience, I've had the opportunity to share ideas with hundreds of school leaders. They're among the most moral and ethical human beings I have ever met. Our jobs are very demanding. In my case, I face the challenge of leading 4,000 adolescents and 500 staff members through the maze of educational, social, familial, nutritional and celebratory issues daily, and in spite of this, I think I'm the luckiest guy in the world to have been given this opportunity. School leaders are never allowed to run out of positive energy. We must restore our sometimes dispirited teachers and motivate are sometimes disenfranchised students. It's never about "me", it's always about "us".

This proposed legislation does not fairly evaluate or recognize the positive actions that school leaders take every day to limit the occurrence of bullying and to capture every teachable moment in preventing it. No system will ever be perfect, nor will any of its members. Are Suffolk County schools so broken that the County Legislature needs to establish such guidelines for its school leaders? Bullying is the number one item on every school leaders agenda. This legislation will not move it closer to the top. In fact, it will cause school leaders to overreact to minimal disruptions and to over-penalize lest we be judged as under-responsive. School leaders have been prepared educationally, tested academically in the classroom, selected by their Boards of Education, and reviewed continually by their Superintendent and School Board Trustees. We are proud of our community school districts and the local control that it represents. I trust that our elected officials will continue to support local control of local schools. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Mr. O'Brien, before you leave the podium, Legislator Viloría-Fisher has a question of you.

D.P.O. VILORIA-FISHER:

I'll pose this as a question. Mr. O'Brien, are you aware that until and unless we all vote on this, that those statements are not statements by the full Legislature?

MR. O'BRIEN:

Yes, I do understand that.

D.P.O. VILORIA-FISHER:

Okay. And I just wanted -- as a former educator, I wanted to make sure that you --

MR. O'BRIEN:

I most definitely understand that, but I was attempting to remind the Legislature that that's the accusations present in this legislation.

D.P.O. VILORIA-FISHER:

Thank you, Tom.

P.O. LINDSAY:

Okay. Legislator Cooper and Barraga.

LEG. COOPER:

Hello, sir. I just want to clarify a couple of things for those in the audience that may not have read the resolution. I bent over backwards to say that this is only a problem with some school administrators. You said that bullying is the number one item on every school administrator's agenda. If I thought that was the case, I wouldn't have introduced this bill. I've received dozens, literally dozens of E-mails, letters and phone calls from parents whose kids are being bullied, sometimes relentlessly bullied, and they claim that the school has done nothing to protect their kids.

If I may, I just want to take out thirty seconds to read a segment of one E-mail that I received. And, by the way, they've come from Brentwood to Commack to Sachem to Huntington, Southampton, Nassau County. It's not isolated to any one area. This mother talks about her daughter. And I won't read the whole thing, but she has been harassed daily, threatened, pushed, written about on Facebook, AIM, etcetera. "I have gone to the school several times and they refused to do anything. I am at my wit's end. She refuses to go to school to end the year. Her grades have suffered. She was an A student before coming to the school. She stabbed herself with scissors. She refuses to speak during the day. It is a nightmare for her every day. She tells me she wants to kill herself. Please help me. What can I do? I will not allow this to taint her. Is there anything I can do with the school to force them to take action? They even told her she needed to sit at the lunch table with these girls and to get over it, she's making too much out of things. They're forcing my daughter to be unsafe and I will not tolerate it any longer. I am at my wit's end."

What do I tell a mother like this who claims that her daughter is being relentlessly bullied? She's gone to the school administrators at her school and they've done nothing. And, again, I've heard this from several dozen parents at this point.

MR. O'BRIEN:

Thank you, Legislator Cooper. I think that, certainly, these tragedies and these crucial and critical incidents occur. The circumstances within these, unfortunately, we, as school leaders, are disabled in terms of responding to each and every one of these cases. In fact, when a parent suggests that nothing was done, FERPA regulations prohibit us from responding in kind and in fact of the steps that we have taken in this. This has been a problem, certainly, that has been with us for generations and it's not going away. However, speaking on behalf of school administrators, there is nothing that is more within our crosshairs at this time than the issue of bullying, and we are very sensitive to these issues and we do act upon them.

LEG. COOPER:

I do believe that there are many schools, if not most schools, that have a zero tolerance policy and try to adhere to it. I would hope that the vast majority of school administrators, and principals, and teachers take this very seriously and do what they can do deal with bullying when it arises. But I'm also convinced, based on what I've heard from my constituents and other Suffolk and Nassau residents, that there are some instances, for whatever reason, that school administrators, I believe it's a very small minority, but some school administrators are not acting sufficiently to protect children that are being bullied and to punish the bullies. I don't know why this is, but there's the threat of lawsuits, whether it's because of State laws on the books that maybe tie their hands. I don't know what the answer is. And I actually am going to be introducing another bill to set up a Task Force at the suggestion of some folks that we're already working on that, to pull together as many different people, students, and parents, and teachers, and principals, to see if we can come up with some additional answers. But I do think that there is a problem. The question as to how large the problem is, how extensive it is is another matter. But I do want to say again that I think it's only a minority of school officials that are not taking this as seriously as they should.

MR. O'BRIEN:

Thank you, Legislator Cooper. I appreciate that courtesy. And I speak on behalf of my colleagues --

LEG. LOSQUADRO:

You have to hold the button, sir.

MR. O'BRIEN:

I'd like to speak on behalf of my colleagues in terms of saying we'd be privileged to serve on such a Task Force.

LEG. COOPER:

Thank you very much.

P.O. LINDSAY:

Mr. O'Brien, wait a minute. I've got more people that want -- Legislator Barraga has a question.

LEG. BARRAGA:

Mr. O'Brien, thank you very much for, you know, being with us this afternoon. This morning we also had a number of principals testifying, but we normally cannot ask questions during the public portion.

Historically, secondary and elementary education is the prerogative of the New York State Legislature, the State Education Department, and the New York State Board of Regents, but that does not prevent a given Legislature or a given member of a Legislature, other than the State Legislature, from putting in a bill when he or she perceives a serious problem that exists in Suffolk County, in this case particular case, school bullying. Based not so much on your testimony, but on your experience as a Principal, taking a look at this legislation as proposed by Mr. Cooper, do you have any suggestions how to improve it, or are you just against the bill? Now, before you answer, you now, I've contacted the New York State School Boards Association. There are at least 15 to 20 different pieces of State legislation in dealing with this issue, and they are against every bill because their position is, I believe, that what's already on the books through SED is sufficient to deal with the problem, and every school district has their own policy based on those rules and regulations. Now, what about your answer? After taking a look at Mr. Cooper's bill, do you see some suggestions that principals can make to make it effective and workable, or is it just that you feel that what's already in place is enough and we don't need anymore?

MR. O'BRIEN:

Well, I think that the language in it is too vague to be enforceable, number one. Number two, I think there is existing legislation as well as civil action, which, unfortunately, we've seen in the past has been successful when cases are so egregious as to be meriting attention of this sort. So,

number one, you know, we did not, as organizations or as individuals, have input into the construct of this bill. The Legislator's offer of working on a committee to establish guidelines regarding acceptable behavior would be certainly -- we would certainly be open-minded to.

LEG. BARRAGA:

So, you would embrace the Task Force concept if Mr. Cooper put in another bill --

MR. O'BRIEN:

Yes, we would.

LEG. BARRAGA:

-- calling for that? All right. Thank you.

P.O. LINDSAY:

Mr. O'Brien. Mr. O'Brien, Legislator Cilmi, I think, has the last question of you.

LEG. CILMI:

Sorry to keep you here, but it's certainly an interesting topic. What would you suggest as a remedy if legislation from this body is not a remedy? And I'm inclined to be with you in that regard. What would you suggest parents, like the parents that Legislator Cooper talked about, do when faced with a child who's threatening suicide, when faced with a school administration that seems to brush these issues off like, you know, it's not a problem?

MR. O'BRIEN:

I think that -- I think that the issue is a very complicated and complex one. My colleague, who spoke in front of me, offered the fact that much of this bullying does not take place primarily in the school environment, but, in fact, is exacerbated by all the tools of technology which are used to make this problem more and more anonymous and more and more attacking upon the individual. Those circumstances of someone who gets as desperate as the young lady that Legislator Cooper described to us definitely needs, you know, school intervention in terms of establishing an intervention which provides for her own positive mental health. We are -- we are as a profession each day becoming more and more aware and more and more better trained in terms of how to intervene in these kind of situations, but, as my colleague mentioned, you know, before, this also involves education of parents as well. You know, the technology that's available to nine, ten and eleven year-olds, unsupervised by their families, always seemed to be a significant issue in some of these problems, but, unfortunately, as school administrators, perhaps we've learned our lesson the hard way, that sometimes these circumstances do turn ugly. And as a group and as an individual, I can say that they are next to never avoided in school situations.

LEG. CILMI:

Okay. But I didn't quite hear an answer. You said that this topic is number one on the list of school administrators in terms of policy and issues that face your group. What -- give us a solution. What can a parent do when faced with this situation?

MR. O'BRIEN:

I think the request to provide a solution does not have much potential to be as complete a solution as anyone would like, because the problem will continue to exist. We're becoming more sophisticated in terms of identifying it and more educationally prepared to deal with the issue and to intervene in situations, but I don't think any actions that we're going to take are going to eradicate the fact that no incidents of this type take place.

LEG. CILMI:

I, of course, agree with you, and I really take issue with a previous speaker who said this is not the solution. I think we can all agree that there is not any one solution to this problem or the myriad of other problems that are facing our youth or us as a society. But the fact of the matter is you have to take little bites out of the apple. Now, that said, if you don't have an answer for us, and I

appreciate if you don't, it's fine. But, if we have other speakers on this issue, my question to those other speakers would be, what can a parent do who is faced with this situation with a child who is threatening suicide, who doesn't want to go to school, who's done physical harm to his or herself, what can that parent do short of a eulogy? That's my question.

MR. O'BRIEN:

I think if, in the circumstance that you define as being so extreme, that requires mental health intervention. I mean, at that point, if we have somebody who is harming themselves or threatening suicidal ideations, that really requires the -- you know, professional intervention.

LEG. CILMI:

What about the individuals who are causing this physical or emotional harm?

*(*Applause*)*

Why are they not held accountable? Why are there no consequences for those individuals?

MR. O'BRIEN:

Oh, I disagree completely that there are no consequences for those individuals.

LEG. CILMI:

What are they?

MR. O'BRIEN:

Well, in a school environment, they are limited to what's proscribed by education law, but the -- I'm assuming that the circumstance that you are describing, that incredibly serious and critical one, has gone through a myriad of interventions at the school and building level regarding that. And, in fact, appropriate actions were taken and, yet, the bullying has not ceased. Certainly, speaking for school administrators, when faced with claims and complaints of these type of actions, there are many interventions taken with those who are initiating the bullying.

LEG. CILMI:

Okay. I guess my last question for you would be, in those instances -- and, please, don't mistake my comments to be accusatory in any way, I'm trying to get to an end result here. In the cases where all of the efforts at your disposal have been exhausted, you've done everything within your legal power to do to stop whatever bullying is occurring, what can the parent do at that point? Is there a -- would the parent go to the Board of Education in the district? Would the parent file a lawsuit against the district? Would the parents sue the individuals who are doing the bullying? Where do they go?

MR. O'BRIEN:

I think you could say all of the above. But in a circumstance like you describe, if, in fact, we have repeated and ongoing bullying being conducted by a student in a school who will not refrain from that action no matter what the direction of the school administrators or the actions previously taken, then the school administrator can initiate what's called a superintendent's hearing which would remove that student from the school.

LEG. CILMI:

Would you agree that oftentimes, when bullying is occurring, it's occurring by multiple individuals, it's usually not just one person who's doing the bullying?

MR. O'BRIEN:

Without a doubt, I would agree with that.

LEG. CILMI:

How did does that impact the district's ability to address the problem?

MR. O'BRIEN:

Well, it should not affect the district's ability to address the problem. In fact, if there are individuals who have been identified as being sequential bullies, regardless of whether that's one, three or four individuals, or fill in whatever number you'd like to fill in in that circumstance, the action taken by the principal should not be mediated by the number of people involved.

LEG. CILMI:

Okay. I guess I'm finished with questions. I'd be happy to work with you and any other administrators who want to come to a solution to this problem. It's a huge problem and it needs to be fixed.

MR. O'BRIEN:

As would I. Thank you very much for your time.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yeah. You talked about -- over here -- schools having plans.

MR. O'BRIEN:

I'm sorry?

LEG. EDDINGTON:

You said that schools have plans to deal with bullying?

MR. O'BRIEN:

Yes.

LEG. EDDINGTON:

Is there a source of training, or does every school just go out on their own and try to figure out a plan?

MR. O'BRIEN:

That's a good question. Each school has within its curriculum base, as well as within its school policy, actions and directions for school administrators to follow regarding intervention in these kinds of problems. The intervention techniques and the intervention programs used may vary by district to district. But, in fact, there are many providers available for this kind of information, as well as many training conferences and proposals that are available to school administrators. So there is not one selected best case scenario, but there are many cases out there that are chosen for the particular needs of the district by their school boards and curriculum committees.

LEG. EDDINGTON:

The reason I ask, I have two children and six grandchildren. I worked in a school district for 30 years as a school teacher and a social worker. I was trained by New York State in bullying prevention and I learned a great deal. But when I see what's happening in the schools through my grandchildren, who recently had a problem with bullying, I see that some of the old techniques of calling in the guy that's accused of bullying and saying, "Are you bullying him? Well, no, I'm not. Well, you better stop it if you are," and then sent back. And I mean, in the '50's, we all knew what would happen when you did that, the bullying increased. The technique that I learned, and I'm not seeing it happening in the schools that I talk to, is where -- well, first of all, let me ask you a question. How many social workers are in your building?

MR. O'BRIEN:

Way too few.

LEG. EDDINGTON:

Okay. So there's the other part. I was a social worker. What I did is when you came to me and said that there was bullying going on, and, let's face it, we talk -- we know where it happens, it happens in the gym, it happens in the cafeteria, it happens at recess, and it happens on the bus. This was one of the main things I worked on in elementary and middle school. So what I used to do is go there and catch the kid myself and then I'd go, "Aha, come with me." And that ended who-said-what-said, because I said, "I saw you do this behavior." And then we got the parents in and it changed the whole dynamic. But it was an immediate thing, not talking to the kid about, "Did you do this," "Didn't you do it?" What I'm seeing is what -- you know what ends up ending violence -- what ends up bullying often is violent behavior. It could be the worst case with Columbine, or in the case of a kid like my grandson, that every time he went in the cafeteria, these five kids cursed him out, and when he said, "Look what's going on," they said, "I didn't see him do it. I have to see him do it." I don't see a consistent policy. And if Legislator Cooper is going to have a Task Force, I hope that's going to be part of it, that we don't put kids in the situation of being a rat. Let's get the adults, like when it was in the cafeteria, I told the cafeteria aides. I just think we don't have a consistent plan to deal with it and it's been going on for 50 years.

MR. O'BRIEN:

I think one thing that we can accomplish through all of this discussion is convincing school principals that this is a leadership characteristic that you want them to follow through on, that you want each member of their staff to be sensitized to these issues, to be skilled in terms of how to interrupt them, and have this be a priority, which each one of the members of the staff, including your cafeteria workers, etcetera, etcetera, follow every day and report consistently.

LEG. EDDINGTON:

And I would ask you, then, because you did mention when it gets real bad that it's time to get a mental health professional, and, yet, you admitted that the ability to have a mental health professional in the school district, a social worker, is so understaffed. I would ask you and your group to start advocating, because when it comes down to hiring one more English teacher to lower class size, or a social worker to do bullying and drug intervention, they go with the English teacher. So I would like to hear you and your group advocating for more school social workers, because the School of Social Welfare in Stony Brook is ready and willing to give you social workers.

MR. O'BRIEN:

Legislator Eddington, we couldn't be more aligned on that. Having served as an Assistant Principal for many years, my go-to counselors were social workers. They are the most skilled in terms of counseling intervention, and they are also skilled in terms of the opportunity to reach out into the community and find resources to help kids and families.

LEG. EDDINGTON:

Thank you.

P.O. LINDSAY:

Thank you, Mr. O'Brien. Sit down quickly before one of them asks you another question.

*(*Laughter*)*

Kevin Casey.

MR. CASEY:

Good afternoon. My name is Kevin Casey. I'm the Executive Director of the School Administrators Association of New York State. We represent approximately 7,000 members around the State, and approximately 700 that work in Suffolk County. We know that bullying is a real issue. We also know it is not limited to schools, and it defies easy resolution. We accept that administrators and teachers have a responsibility to promote a safe environment for kids, as do superintendents, school board members, bus drivers, cafeteria workers, teacher aides, and others in the school community,

none of whom are mentioned in this legislation. We categorically reject the assertion that, too often, teachers and school administrators fail to act on reports of bullying, and hereby specifically and respectfully request the data upon which that assertion is made.

Now, steps SAANYS has taken to address this issue of bullying, all of which predates this legislative action, includes the following: The production of a professional journal on the topic, a copy of which has been provided to the sponsor of this legislation. We have cosponsored a statewide Anti-Bullying Conference this past December with both national and state experts presenting. We cosponsored a statewide lecture series with the award-winning Author, Rachel Simmons. We offer an anti-bullying prevention program as part of our proprietary professional development program, and we partner with the Hazeltine Foundation to help promote its bullying prevention program. Copies of that program will be provided to each Legislator, along with the written testimony that I'm providing.

Now, these efforts that I just described have been paid for out of the pockets of the school administrators, which I think is clear evidence of their commitment. Understandably, to be told by an entity outside of the world of education that they don't take this issue seriously renders most administrators completely incredulous.

With respect to the proposed legislation, we have the following issues: The definition is overly broad, provides no allowance for context or developmental differences. It is vague with respect to what constitutes a complaint. Must a complaint be in writing or is a verbal complaint sufficient? Must it be signed or is anonymous complaints sufficient. Must it be timely, and if so, what's the time limitations? Is there a requirement to investigate an allegation of events that occurred three years ago? Must it be based on firsthand knowledge, or is hearsay acceptable? Is rumor and innuendo acceptable? Must the alleged event have occurred at the school, and must the complaint come from somebody that has some connection to the school? Further, there is no guidance as to determining who can -- how to determine who can or cannot defend himself or herself, or what might constitute a psychological attack. Additionally, there's no description of what constitutes a sufficient investigation.

This legislation is really seeking to act in a subject matter area that's been preempted by State Law and regulation, and would have the effect of dictating regulations to a separate political subdivision, that being a school board, with its own duly elected body, that being the -- or, excuse me, school district as the entity with its own duly elected body, a school board, which governs it. And, with all due respect, we don't believe you have the legal authority to do this any more than a school board could tell you how to run a County jail or maintain a County highway.

Consider the extent of the preemption. School districts, pursuant to state statute, develop and implement codes of conduct, a school safety plan, and engaged in mandated violent and disruptive incident reporting. There are provisions of State statute and regulation governing student discipline. There is a Federal statute that was referenced earlier relative to the confidentiality of student records. One may not necessarily be able to legally disclose those records relative to student discipline. There are numerous applicable school district policies promulgated by the duly elected school board pursuant to its expressed statutory authority. Where teachers and/or administrators fail to discharge their professional responsibilities, disciplinary procedures are provided in State statute. And, lastly, any civil proceeding against an administrator would be subject to the defense and indemnification provisions already existing in State law.

In closing, if you are genuinely interested in a meaningful approach to this problem, we would recommend working with the State Education Department, which has both the regulatory authority and subject matter expertise. Further expertise resides with the New York State Center for School Safety, the Hazeltine Foundation, among others, who attack this issue in a sustainable and substantive manner. Ultimately, merely assessing blame serves neither the bully nor the victim. Thank you.

(*Applause*)

D.P.O. VILORIA-FISHER:

Thank you. Thank you.

P.O. LINDSAY:

Thank you, Mr. Casey.

LEG. COOPER:

Actually, Bill, I have one question for Mr. Casey.

P.O. LINDSAY:

Legislator Cooper has a question for Mr. Casey.

MR. CASEY:

Mr. Cooper.

LEG. COOPER:

Hey, Kevin. And I had the opportunity to speak with Mr. Casey for probably a half hour, 45 minutes on the phone and it was very informative. And I look forward to working with you as this bill moves forward.

I want to read just a couple of sentences from another E-mail that I received, and I'd like to ask how you would tell this parent to respond. This is another parent that's claiming that her child has been bullied relentlessly and that the school failed to act. In this case, it happened to be a school in Huntington, in my district. A very long E-mail, but it says, "I have a child that has been a victim of school bullying. He went from being in accelerated classes to barely passing the lower classes he was moved into. My son told me about all the name calling he was constantly subjected to in school and the shoving, and the loss of all of his friends he used to have in the past, because people wanted to distance themselves rather than they get targeted as well. I've seen kids pick on other kids for no reason other than to make themselves feel important and cool. I've seen the devastation it leaves in its wake. My son has lost his self-esteem and is seeing a psychologist. He has no self-confidence and won't call kids to get together anymore. I remember when he was the most popular and fun-loving upbeat kid around." And she says that, needless to say, she's supporting my bill a million percent.

What would you advise a parent? You acknowledge that there are remedies in place at the State level for the small percentage of school officials, school administrators that, for whatever reason, are not acting to protect kids from bullying. What exactly -- what are the penalties that are in place? I was proposing through my resolution personal accountability. If there's an individual administrator, whether it be a principal, or a superintendent, or a dean, or what have you, that is aware of continual bullying and fails to take steps to protect that child or to punish the bully, that person would be personally responsible and subject to a misdemeanor. I believe that you disagree with that approach, but what is the remedy under State Law right now?

MR. CASEY:

Well, disciplinary procedures can result in fines, they can result in up to and including discharge from employment. There are remedies that are significantly more severe than those that are in that bill.

With respect to your original question, what would I tell to the parents, you know, I'm a parent myself, I've got three teen-agers, and what I would do if my child was subject to this, is I would escalate the situation myself. If the principal is not responding, I would be on the phone to the superintendent. If the superintendent is not responding, I will be on the phone to the president of the school board. I would not take this lying down.

The other thing that we have to bear in mind, I acknowledge, and I did at the outset, this bullying occurs, but it's not limited to schools, it occurs on the playground, it occurs at the mall, etcetera, cyberspace, as we all know. But the issue is how do we deal with it? Is it appropriate to identify

one particular position and say, "Okay, it's going to be your fault," and then the position that you've identified, their ability to respond is restricted. I would respectfully suggest, even in those instances where there may, in fact, be bullying, that there may well be another side to the story, there may well be -- maybe interventions did occur. Maybe they were successful, maybe they were not, we don't know that. I mean, when you get an E-mail from one party to a disagreement, you're only hearing one side of the story. But, in conclusion, what I would do is I would escalate it and I would escalate it forcefully.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Wait, wait. Legislator Barraga has a question for you, Mr. Casey, if you'd be so good.

LEG. BARRAGA:

Just one question. You had made reference to, I see, the State Education Department and working closely with them. The New York State Center for School Safety, one piece of input that I had received from a number of principals who came to see me is that there was nothing in this particular piece of legislation that would deal with the parents of these bullies. And, according to one principal, often, there are very serious problems. Once a child basically is determined to be a bully, another big problem are their parents who give the schools a very, very hard time. And he was pointing out there was nothing in there. I mean, you're making school principals accountable with a possibility of a \$1,000 fine, but the parents of these children are not mentioned in the legislation, they have no responsibility. The New York State Center for School Safety, that's part of SED, what would you think of the idea if that particular group was required to go into a BOCES area and conduct seminars for the parents of these bullies? These parents would have to go to those seminars, and if they didn't, the legislation would fine them \$500 or \$1,000.

MR. CASEY:

It's interesting idea. It's the first time I heard of it. And I think what you touch on and what that remedy touches on is the need for education in this process. You need to educate the parents on how to help their kids if -- for those that are not doing it appropriately. You need to educate the bullies, too. The whole idea is not just to punish somebody, but to educate those that are engaged in bullying behavior, so that they become productive citizens as adults and they don't end up in our jails five years from now.

LEG. BARRAGA:

Often, the children reflect the parents. And if the parents are resistant to attend any sort of cooperative seminar, if you put in legislation that they must, and this particular outfit under SDC runs the seminar, say at a BOCES where you might have 10 or 20 sets of parents coming in, nobody knows what district they're coming from, but the center runs the seminar, if they show up, fine; if they don't show up, you fine them \$1,000.

MR. CASEY:

I think it's kind of -- I think it's interesting. I think it would be consistent with many other provisions of the law where you're obligated to attend. For instance, if you're convicted of a DWI, you have to go to a safe driving seminar. And the Center for School Safety, by the way, is an outstanding organization. They were one of the presenters at the SAANYs anti-bullying conference this past December, and I would very much encourage you to work with them on this topic.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Wait, wait. Legislator Gregory. Just to let everybody know --

LEG. GREGORY:

I'm not going to be long.

P.O. LINDSAY:

-- there's 35 cards here; okay?

LEG. GREGORY:

Oh, boy.

D.P.O. VILORIA-FISHER:

Yeah.

LEG. GREGORY:

Nice, fun time. Thank you for coming out today. And just to kind of piggyback a little bit off of what Legislator Barraga said, that, generally, when children act out, it's a reflection of -- it's not necessarily they're imitating their parents' behaviors, but they may -- there certainly could be some problems at home and they are reacting in that manner. There is a situation similar in my office. One of my Aides had a situation where her daughter was bullied for months; E-mails, meetings, etcetera, etcetera. Finally, her daughter, you know, got in a fight with two of the girls that were bullying her and they were going to suspend her, after all this documentation of her being the bully. It started in school, it went to Facebook, and all these other things.

You know, I respect teachers, I respect the principals. I have a great relationship with them, a working relationship with them, and, for the most part, 99% of them, as many professions, are honest, hardworking people with integrity and want to do the right thing, but in every profession there are people that just don't meet the standard. And somehow we have to find some accountability for those who are aware of what's going on, but they're not doing anything about it. Now, I know that there's a suggestion of a Task Force that's been presented, but is that really the answer? And what other solutions can you and other -- and part of your organization come up with other than the Task Force to address this important issue?

MR. CASEY:

Well, I think what it comes down to, as I mentioned a bit earlier, is education, both educating the children, first and foremost, as to what's acceptable behavior and what is not, and the damage that they cause. I don't think we can presuppose that the parents of a bully are necessarily bad parents. But, again, it might be a matter of educating parents that -- how to recognize certain behaviors in their kids. All of our kids do things we're not proud of from time to time and that's the purpose of educating them.

With respect to punishments, they already exist and they're invoked all the time. Believe me, I know from my office, they're invoked all the time. For those people that don't, or allegedly don't carry out their professional responsibilities, what this bill would do is create yet another layer. It would be a duplication of preexisting law.

LEG. COOPER:

Bill, I just want to have one final followup, if I could

P.O. LINDSAY:

Jon, you just questioned the man, didn't you?

LEG. COOPER:

But it's just one point that --

P.O. LINDSAY:

Jon.

LEG. COOPER:

It grows out of something.

P.O. LINDSAY:

Come on, come on.

LEG. COOPER:

It's just one statement. Kevin, you had mentioned the New York State Center for School Safety, and my office has been in touch with them for weeks now, and they're a tremendous resource, but they point out one problem; you maybe aware of this. They acknowledge that there is a problem of underreporting of bullying. And as they said, they can't intervene in a school district if they're not aware of the problem taking place. So I think that we have to find some way to address the problem. There's -- somehow, there's a disincentive for some school districts to report bullying and sometimes they don't get reported and --

MR. CASEY:

Well, that -- excuse me, if I may.

LEG. COOPER:

Yeah.

MR. CASEY:

That underreporting, which I think does, in fact, occur, we have to bear in mind, you can't assume that it is the administration underreporting incidents of bullying. Many incidents of bullying never come to their attention in the first instance, and so that becomes a matter of educating other students to report. Someone mentioned a bus driver. An inordinate percentage of these events occur on buses, the bus drivers, the cafeteria workers, etcetera, so that they do -- the complaints go up the chain where they can be acted upon.

LEG. COOPER:

Thank you. And, finally, I want to say that based on input I've received and some great suggestions from Legislator Barraga, I will be amending my bill to add a training component, an educational component, and also a component dealing with parental accountability. So, hopefully, by the next Legislative meeting, you'll see the next iteration of the resolution.

MR. CASEY:

Well, I look forward to seeing it, but I can't promise you I'm going to support it.

LEG. COOPER:

Fair enough.

P.O. LINDSAY:

Daniel Isaacs.

MR. ISAACS:

Good afternoon. My name is Danny Isaacs and I'm here -- wait. Good afternoon. My name is Danny Isaacs and I have been bullied for the past three-and-a-half years. I am here today to support my sister Jamie's law that she wrote with Legislator Jon Cooper. This law is the School Accountability Act or Jamie's Law.

My story started in Wenonah Elementary School. Ironically, this is the same school where my sister, Jamie, went and where she was bullied. The bullying stopped only when I moved to another elementary school in the middle of fourth grade. When I graduated and moved on to Samoset Middle School, it started again on the very first day. Although my sister had been pulled out of Samoset and put into a private school, my parents thought that maybe I would be all right in middle school. They were wrong. The same kids that were tormenting my sister were now tormenting me.

It was almost every day. I reported all of the bullying incidents to the Principal, Ms. Cavanaugh, or the Assistant Principal, Mr. Horan, but nothing was ever done. Even when one of the bullies brought a knife into school and told some of the kids that he was going to "shank" me, nothing was done. I didn't even know what the word "shank" meant until my dad told me that he was going to stab me. Even when my mom and dad went to the school with proof that this kid had a knife in school, nothing was done to stop the bullying. My only alternative was to move schools again.

I now go to another middle school in the Sachus District and it is so much better. But the main bully from Samoset is now getting kids in my new school involved. This is the kid that also comes to my house and threatens me and my family, and the school and the police said they can't do anything about it.

Please pass this law so things like what I'm going through and my family is going through will not happen to anyone else. But most of all, maybe this law can save some lives. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Jamie Isaacs.

MISS ISAACS:

Good afternoon. Some of you may remember me from the last Legislative meeting. I am Jamie Isaacs. I stand before you again today to show my support to Legislator Jon Cooper and the Accountability Law. Many of you have already heard some of my story regarding all of my years being bullied, but for those of you who don't know me, I'm 14 years old and have been bullied since my eighth birthday. That's more than half of my life. While other kids got the chance to join sports, clubs and sports events, I, on the other hand, was afraid to leave my house because of all of the threats. All of this could have been avoided if the principal of Wenonah Elementary School got involved and listened to my voice. Later on, I would come to find that the Principal and Assistant Principal of Samoset Middle School were all from the same mold and didn't really care what these kids were doing to me on a daily basis. It's sad to think that my parents' hard earned money pays their salaries and they couldn't give me the time of day or the protection and education I deserved. And, as a matter of fact, Dr. Thomas Burger, who spoke before for the cyber bullying law, gave me a piece of paper that told me what to say if the bully didn't like my shirts. I wish the bullying was that simple. This is why I have taken it upon myself, with the help of my parents, to form a nonprofit 501(c)(3) organization called the Jamie Isaacs Foundation for Anti-Bullying, Incorporated. This organization's mission is to raise awareness about the dangers and effects of bullying.

This corporation will provide services to those who are victims of bullying, regardless of their financial situation. If victims do not have the means or resources to gain such services, then they will be provided for them. The services include, but are not limited to, representation by an advocate at the location or state the child lives in, representation by an attorney, if needed, psychological services such as counseling in the area they live in by a third party, but paid for by this organization. Extracurricular activities will be set up for the victim, such as dance class, karate, singing lessons, art classes, summer camp, and much more.

Lastly, if all the measures we've taken to help the victim have failed, then we will work to place the child in a private school. Our main goal is to save the lives of bullying victims before it's too late. You see, this is why it's so important that this bill regarding school accountability is passed. If this law would have been in place, my bullying would have stopped right after my eighth birthday. I think it's about time people got punished for their actions, especially if the actions result in destroying the life of a child.

I'd like to take this opportunity to tell everyone that I graduated middle school on Saturday, June 5th. I currently attend the Knox School in Saint James and I will be continuing my education there through 12th Grade. I was asked by the Headmaster of Knox to do the welcoming speech. I was

honored to speak, but what was even more amazing was the awards that I received. I received the following Core Value Awards that were voted upon by the faculty and are given to those students exemplifying certain principles. Out of the six Core Value Awards, I won four of them. The first one was for integrity, adhering to the principles of truth, honesty, trustworthiness and sincerity. The second one was kindness, acting with consideration, compassion and empathy for others. The third one was respect, acting with fairness, courtesy, timeliness and sensitivity to individuals and to the community. The fourth one was responsibility, acting in accordance with what is right, even in the absence of authority, and being accountable for one's behavior. The honor of the school faculty gave me I cannot put into words. Even the English teacher awarded me with the English Award, which recognizes the student who demonstrates excellence through written expression, creativity and literary scholarship. The reason I chose to discuss my awards and accomplishments with you today is because I am so very grateful that I had the opportunity to leave the Sachem School District's toxic environment and become part of the family at Knox. If it weren't for this amazing opportunity, I would still be in Samoset Middle School probably being left back because nobody cared.

So, once again, I urge you all to please consider passing this School Accountability bill. It will save so many lives. Just think of what a wonderful world this would be if people really truly cared about human life. And as Jon Cooper pointed out, not all schools are careless about what's going on with their students. But the point of this law is to prevent what happened to me to happen to anybody else. Please, help me make a difference. Thank you.

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

P.O. LINDSAY:
Jamie, Legislator --

LEG. NOWICK:
Nowick.

P.O. LINDSAY:
Legislator Nowick has a question for you; I know your name.

*(*Laughter*)*

LEG. NOWICK:
Well, I guess it's not a question, but I'll make it into a question. But Jamie, I just have to say something to you. You took a bad situation, you took lemons, you made lemonade. You are -- your parents should be very proud of you. Your life certainly isn't ruined. You're doing a good thing with the 501(C), don't you think?

MISS ISAACS:
Yes.

LEG. NOWICK:
I think so, too.

MISS ISAACS:
Thank you very much.

LEG. NOWICK:
And by the way, welcome to my district, the Knox School. That's my district and Knox School is in Smithtown, so welcome.

MISS ISAACS:

Thank you.

P.O. LINDSAY:

Okay. Lorraine Deller, please. Hello, Ms. Deller. How are you?

MR. DELLER:

Good afternoon. My name is Lorraine Deller, I'm Executive Director of the Nassau-Suffolk School Boards Association. On behalf of its Member Boards of Education, the Association wishes to comment on Resolution 1507, a bill that seeks to have the County establish requirements upon schools located in Suffolk County with respect to incidents of bullying behavior on the part of students.

Given the time restrictions placed upon this testimony, our position is not to debate the substance of anything in this bill. In our capacity as trustees responsible for our community's children, we come before you and the belief that you share our concern that at the end of the day we don't have conflicting, duplicative laws that do nothing to help to protect kids. With that in mind, I call your attention to the word "comity", a term with which you as Legislators are familiar. Comity defines the relationship between sovereign governments, governments respecting one another's jurisdictions, respecting one another's powers, giving due deference to one another's authority. Principles of comity prevent a County Legislature from usurping the governance roles of duly elected Boards of Education, the Commissioner of Education and the New York State Legislature by dictating the conduct of or meeting penalties upon school employees.

Conversely, were school districts willing to comply with the requirements in this bill, under the principles of comity, they would not have the ability to cede their governance authority in order to do so. Counties have no more authority to legislate school matters than schools do to legislate County affairs. Should the County Legislature elect to disregard the principles of comity with legal reciprocity, then permit school boards to pass resolutions directing the County Police, under penalty of fine, to thoroughly investigate and report on each and every reported incident of bullying behavior as defined by the County Legislature. New York State Education Law is clear as to who has authority over schools. Public school governance is vested in duly elected Boards of Education, the Commissioner of Education, New York State Board of Regents and the New York State Legislature. We are creations of New York State Government and not County Legislatures.

While we appreciate the concerns that bills like this one evidences, bullying is not an isolated problem of the school. Encouragement and even celebration of disrespect permeates so many aspects of our culture, be it in movies like "Mean Girls", trash talk in sports and the demeaning of one's opponent in political advertisements. However, school boards, administrators and staff are sensitive to the growing need to maintain a school environment that does not foster bullying or other uncivil behaviors. One need only view the codes of conduct of local school districts to comprehend the rage of civil and social behaviors that are addressed by our schools on a daily basis.

Project SSAFE, Safe Schools Against Violence Act, enacted by the State in 2000, provides a wide-ranging context in which school districts address critical issues of safety and security. One element of Project SSAFE provides for ongoing review of school safety measures so as to meet evolving dangers such as cyber-bullying. In addition, all schools are required to file reports of all violent and disruptive incidents with the State Education Department. Should a principal or school leader violate that law, they are subject to lose their certification and thus their livelihood. It is the State Education Department that is responsible for making these decisions.

Combating the pervasive encouragement of bullying behavior necessitates individuals and entities addressing it both independently and cooperatively. Nothing can be accomplished by transferring accountability to others. The rules of comity are designed to prevent regulatory and legislative chaos by espousing courtesy and considerate behavior among all levels of government. In the interest of civility and deference, Nassau Suffolk School Boards Association respectfully ask that this

bill be withdrawn. Thank you.

Applause

P.O. LINDSAY:

Thank you, Lorraine. James Polansky? It looks like Stuart Pollak follows James.

MR. POLANSKY:

Good afternoon and thank you for this opportunity. My name is Jim Polansky, I currently serve as Principal of Walt Whitman High School. I'm also a current and active member of the School Administrator's Association of New York State and was recently recognized as a NASSP New York State High School Principal of the year for 2010.

As a school administrator and as a parent of a 14 and 11-year old, I would like to share my perspectives on the resolution. It is apparent that the resolution is intended to punish, fine and discredit school principals who do not appropriately investigate bullying allegations or discipline students who engage in them. Unfortunately, there are numerous questions as to how this legislation can be implemented in a uniform and impartial manner as a result of several generalities. In Section I, Legislative Intent, I don't think anybody would question that bullying occurs among school-age children in Suffolk County, and across the nation for that matter. Bullying can greatly impact -- greatly and negatively impact students academic and social experiences within and beyond school boundaries. It can also negatively influence school attendance.

As a high school principal and former high school teacher, I unconditionally recognize my responsibility to establish a safe environment for the students in my charge. In fact, it has always been my first and foremost priority, as it has been for my colleagues in surrounding school districts. Schools must be clearly responsible for addressing bullying behaviors or reports thereof. Nonetheless, this resolution insinuates that administrators and teachers are not currently doing so in adequate fashion. Note that there is an accountability in this respect at multiple levels within the educational setting and, as indicated, bullying is not a new phenomenon. School officials have not and presently do not take incidents of alleged bullying lightly. We have a significant invested interest in academic accountability and in our students success. It is without question that if a student is not provided with a safe and secure environment, it is highly likely that he or she will not achieve to their academic or personal potential and it is for this and many other reasons that schools take seriously such matters that can potentially compromise a positive and productive school or classroom climate.

I find the suggestion that bullying allegations are not taken seriously to be somewhat disparaging. State-required violent and disruptive incident reporting requires schools to monitor and document all instances of bullying and harassment, substantiated or unfounded. We have in place numerous programs, K through 12, that offer character education and that also promote a culture of acceptance as well as a supportive and positive -- as well as supportive and positive relationship building. Beyond that, our district codes of conduct address bullying behaviors and disciplinary consequences for students who engage in them. We've designed or adopted comprehensive counseling and peer mediation programs and that help to promote positive social behaviors amongst students and dissuade them from engaging in those that are counter-productive or potentially damaging to others.

In sum, we exercise considerable effort to educate our students, not only in the core academic areas but foster their development as good citizens possessing well-functioning moral compasses. Unfortunately, in this time of economic constraint and declining fiscal support, particularly on Long Island, it will become more and more difficult to maintain said support programs and associated staffing.

If new legislation is to assist in promoting standardization among schools in terms of addressing bullying behaviors, it should more appropriately call for school district policy, on comportment

discipline or district code of conduct enhancements so that school efforts are uniformly as proactive as possible, including bullying prevention strategies in a difference to whatever ever s needed in terms of reactive measures and consequences as well as staff and parent training on violence deterrence.

Section II, in terms of the definition, the resolution defines bullying behavior in a particularly inclusive manner. It does not, however, take into account the variation among such behaviors or associated situations. For example, name calling in one setting may be completely disregarded by the intended recipient; in another, it may cause significant emotional distress. This raises the following questions: Who makes the determination as to whether or not the alleged victim can "properly defend" him or herself and how is an objective determination made in this regard?

Within Section III, the resolution mandates that schools maintain records documenting each complaint received that indicates a student or group has engaged in bullying behavior against another. As mentioned already, State Vader reporting already requires this of all public schools.

The resolution mandates that when a school receives two or more allegations, that a specific student or group has engaged in bullying behavior against another, the school's administration must investigate such allegations to determine their veracity; again, this gives rise to the following questions. What constitutes a "investigation" and who determines whether the investigation was thorough enough to determine the veracity or lack thereof of an allegation? Why wouldn't a responsible school or a school administration investigate a first allegation? Is there a limitation on the timing of an allegation? Can a viable allegation be made regarding an incident that occurred one month, six months or one year prior? Is there a limitation on who's eligible to present an allegation? Must it emanate from the alleged victim or can a third party present it? How is a school to determine veracity if a complainant alleges an active bullying did occur while the accused bully suggested it did not and there are no staff witnesses to provide testimony in either direction? Where does the school's nexus begin and end? For example, what is a school's responsibility if the alleged bullying occurs at an off-campus location -- for example, a playground -- but not within the school boundaries or on the school campus?

P.O. LINDSAY:

Mr. Polansky, your time is up. If you can wrap up.

MR. POLANSKY:

In sum, while we understand that the resolution is intended to assure that appropriate action is taken against bullying behaviors, it does so through the use of inappropriate mechanisms.

I'd also like to add that I take my responsibilities as a parent very seriously in terms of instilling a sense of tolerance within my children, setting a proper example and importantly, as importantly, helping them to recognize the incongruity of acting as a bystander in bullying situations. Other parents should obviously be doing the same and that's a commitment that we can also make at the school district level in terms of parent education. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Polansky. Stuart Pollak followed by Anthony Laurino.

MR. POLLAK:

Good afternoon. Thank you for letting me speak. My name is Stuart Pollak, I currently serve as Principal of the Sycamore Avenue Elementary School in the Connetquot School District, it's K-5 building. I am a current and active member of the School Administrators Association of New York and I serve as a SAANYS representative to the National Association of Elementary School Principals.

Let me just start by saying that my mission as a principal is to ensure that my school is one where every person who enters the building feels comfortable and knows that the school house belongs to all of us who use it. And we certainly accept that incidents of bullying behavior exist and the key to this entire issue is how the adults respond to such incidents. Today I stand before you only able to speak to how we address this issue in my school and what I've done as a school leader. It is important to note that I'm also influenced by the fact that I am a father of three young children, age six, eight and 13 who are susceptible to both -- to bullying in their schools.

We recognize that bullying may be physical or verbal. As a matter of fact, verbal bullying is far more common and more difficult to recognize than physical bullying. Often the cases of verbal bullying falls into a he said/she said situation. When this occurs, it's very difficult and often impossible to ascertain who the aggressor is and who the victim is. Our efforts are to always help children understand that regardless of who started a conflict, the words being said are hurtful and need to stop. Ideally, we try to build a sense of empathy so a child can be intrinsically motivated to be kind towards others. Though our efforts are to have parents understand this, there are times when they do not. So I ask the question, what happens if there is a complaint that we fail to comply with this legislation when there was no clarity of who was bullying who in the first place?

We do not make generalizations about what bullies or victims do, how they feel or make assumptions of what motivates them. Each incident is seen as an independent one where it is imperative to do our best to obtain the facts as we proceed in resolving the issue at hand. We make every effort to understand the child's perspective and try to see things as the child does based on his or her age. The child's place along the developmental continuum is essential to consider as each case is unique. And though the buck definitely stops in the principal's office, often it is discussed with a team of professionals. Depending where an incident may occur, this team may consist of social workers, school psychologists, teachers, lunch monitors, bus drivers, very importantly parents, and me. Sometimes these are single incidents. We realize that the problem is more pervasive and a more aggressive approach is necessary. We do our best to make an accurate assessment so our efforts are directed properly.

Though we make it clear in our schools that bullying is not accepted, simply stating this is not enough. Though the immediate need is to ensure that the victim is of primary concern, there is much work to do with the alleged bully. Merely doling authoritative consequences does nothing to help the bill of law and the ramifications of his or her actions. It would be easier for us to do so, but being in the school every day is essential to make efforts to help create a greater sense of empathy within the offending child. The adults must roll up their sleeves and take the time to recognize these needs and make every effort to get to the core of that child's issue and work from there. Often young children do not want to be seen as bullies and once a deeper need is met, the bullying behavior stops.

I would like to share an example from my school earlier this year. There was a report of threatening words from one student to another; certainly this would be in the category of bullying. But after careful and thorough investigation, these threats, though still inappropriate, were not unprovoked. There was behavior from several students that could be in the bullying category. The original complainant was frustrated because we were trying to provide the proper due process for these young children and create the right learning experience which may or may not have involved strong disciplinary action.

In the end, taking into consideration the age of the children, we spent many hours of discussions and meetings. We had one meeting which included five groups of parents in attendance to do -- so that we could discuss what we can do to best educate their children to internalize the ideals of living together in a community. This meeting resulted in a marvelous transformation. Once each parent heard from the other, the concern shifted from being solely about their own child but concern for each child. This illustrated the ideal that we, parents and schools, are partners as we resolve these issues.

From that point forward, not only were there no further incidents, these children became reflective learners who better understood how their actions affected those around them. I am unsure how this proposed legislation would view this process. In the end, it could have been interpreted that disciplinary action was not taken, yet this was action that required children and parents to move through a reflective process that should lead to better and deeper long-term learning. This, of course, is what we who work in the schools strive for every day. Quick disciplinary action without the effort of working through the problem on a deep level would foster resentment and anger with only a small possibility of learning. That being --

P.O. LINDSAY:

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

MR. POLLAK:

Sure, sure. Okay. We do our best to communities to parents and children that we cannot address incidents of which we also have no knowledge. Parents and children are encouraged to come forward to discuss any concerns with school personnel. One parent shared that a particular problem has been occurring, but they chose not to call the school; I personally counseled them never to hesitate in the future. We are partners, we want what they want, we are committed to do our best and we love their kids. We are parents, too. We are not immune to having our own kids be victims, nor are we immune to having our own kids make the mistake by acting in a bullying manner. We as a staff would expect nothing less than what I described above from our own children's school, therefore it's what we do. This takes time and effort that exceeds the doling out of -- merely doling out disciplinary action in order to comply with legislation. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Pollack. Anthony Laurino.

MR. LAURINO:

Good afternoon. My name is Anthony Laurino and as the President of the Council of Administrators and Supervisors, I represent fourteen hundred administrators on Long Island. I'm here and I will be brief. I got the gong this morning after three minutes, so I just would like to continue a little.

D.P.O. VILORIA-FISHER:

Five minutes.

MR. LAURINO:

The premise on which this bill is based ignores the Safe Schools Against Violence & Education Legislation adopted by New York State which requires significant investigation measures and steps to eliminate bullying in schools. Every school in the State has a Code of Conduct for students to which the administrators must adhere.

I know that administrators, parents, teachers, boards of education, any civilized person can agree that bullying inside or outside school is unacceptable and despicable. To that end, you can be assured that the Council of Administrators and Supervisors, along with the Suffolk Elementary School Principals Association, the Suffolk Middle School Principals Association and the Suffolk High School Principal Association stand willing to work with the Legislature, the Police and the PTAs in drafting meaningful and comprehensive bullying legislation that considers factual realities that exist inside and outside of schools.

I would like to thank you for your consideration. Let's work together for the good of our young people and the good of our community. Thank you.

LEG. COOPER:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Mr. Laurino, I'd like to thank you for your brevity.

*(*Laughter*)*

MR. LAURINO:

I know. I'd like to pass this along to Mr. Cooper so that I can be included on his committee.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Thank you very much. Janet Oviedo-Torres.

MS. OVIEDO-TORRES:

Good afternoon. I am Janet Oviedo-Torres, parent of two beautiful boys, Nicholas and Aiden; Nicholas is twelve and Aiden is five. I am here today to convey to you why Resolution No. 1507, a Local Law increasing the accountability of schools on bullying behavior, is so necessary and way overdue.

From September, 2006, until April, 2010, my son Nicholas attended the Harbor Country Day School in St. James. This past September, Aiden joined him. Nicholas loved going to Harbor; had a nice circle of friends and teachers he trusted and loved. He tried to participate in as many extra curricular activities and clubs as he could. Last year he even tried out and won one of the leads in the annual Spring Musical; it was an experience he truly enjoyed and had hoped to repeat. Last year Nicholas was also awarded Harbor's Paperclip Award which he -- which is passed when the previous winner to the 5th grader who he considers to be the most promising leader. Nicholas was excelling academically as well. Dinner conversations revolved around his school day and he just knew that this year the Mets were going to go all the way.

Last summer he couldn't wait for the start of the school year and for all the new experiences waiting for him in the 6th grade. Unfortunately, some of the experiences waiting for him were not pleasant ones. From September, 2009, to February, 2010, Nicholas was subjected to constant physical and verbal bullying by an older boy in his class; ironically, this young man was a son of Harbor's history teacher. The bullying escalated as the school year progressed and every day was something new and disturbing. The bullying started affecting Nick's personality and his desire to go to school. He started losing sleep, he started coming home very angry and saying disturbing things; it was heart-breaking. It got so bad that one of his teachers, Ms. Decker, called me because she was very concerned about Nick because he was not acting like the child she knew him to be; she said he was quiet, withdrawn and not interacting with his peers the way he used to. In a follow-up phone call, she acknowledged that the bullying situation was the core of Nick's change in behavior. She also advised me that I should not look to the administration for relief.

This whole time I was constantly calling Mr. Christopher Pryor, Harbor's Head-of-School. Every single time that I called him about an incident, we would start what in my home became known as the "Pryor Shuffle"; without fail, he would always claim to know nothing about it. I was somewhat perplexed as to how my son had been escorted to the nurses's office, sometimes by faculty, and yet the Head-of-School was not aware of it. Then the excuses would start; the young man was adjusting, the young man had behavior problems, the young man was frustrated, the school was working with the young man, etcetera, yet things got progressively worse, not better. When I

informed Mr. Pryor that Nick was losing sleep and seeing someone because this bullying situation was so out of hand, he stated, and I quote, "I guess some kids are stronger than others." I knew then that I was dealing with someone who had no interest in rectifying this situation.

My frustration level continued to grow and hit an all-time high.

When Nick informed me that not only was the school doing nothing about the bullying, but Mr. Pryor was now telling Nick that he should try to make this young man feel more welcome; I couldn't believe it. What educator or parent would say something like that to a child who was being bullied?

Earlier this year, the young man made the mistake of calling the Chairman of the Board's daughter and the Vice-Chair's daughter inappropriate names; within the week the young man was gone. Five months of my son being physically and verbally bullied and nothing but excuses. He calls Board Members daughters inappropriate names and he's gone? I was disgusted and outraged. I became a very vocal opponent of Mr. Pryor and the Board of Trustees. I voiced my opinion at how Mr. Pryor had mishandle the bullying situation and how the Board only reacted when their children were involved; I found it to be unconscionable and somewhat discriminatory.

To my dismay, I soon discovered that bullies never change they just get older. On Friday, April 23rd, I received a call from Harbor informing me that Mr. Pryor and some Board Members wanted to meet with me. I wanted to know why. On Saturday, Mr. Pryor called me and informed me that I had to meet with him and some members of the Board to discuss my continued unhappiness with Harbor. When I refused to spend any more time on useless, pointless meetings, Mr. Pryor then proceeded to inform me that if I did not go in, "your boys continued enrollment for this year will be in jeopardy." As a parent, how could I tell my boys that they should stand up to bullies if I wasn't willing to do the same? When I told Mr. Pryor that I would not be coming in, he responded by terminating my family's relationship with Harbor effective immediately. My two boys could no longer return to their school because their mother had dared to speak up when her child was being mistreated. There were only six weeks left in the school year; if this wasn't punitive retaliation, I don't know what is.

When I requested the nurse's log which would show the number of visits my son paid to her office and the reasons for them, Mr. Pryor refused. To add insult to injury, Mr. Pryor then proceeded to tell faculty and other families that I had refused to send my boys back to Harbor; that was clearly not the case. My five year-old was confused and still doesn't understand what happened. Nick was deeply affected; once again, he's not sleeping. He's so angry at Mr. Pryor and Harbor's Board of Trustees, particularly Mr. David Essex, Mr. Roy Kahane and Dr. Nancy Hickerson; these Board Members knew him personally and he can't understand how they could be okay with this. He's only 12 and it's hard for him to understand that some individuals only care about those who don't create waves. Everyone else and their children are expandable.

I have been to Steve Levy's Office and to the Attorney General's Hauppauge office. I have spoken to New York State Board of Education Civil Right Office, the Suffolk County Human Rights Commission, the New York State Division of Human Rights, the United States Board of Education and the ACLU and other offices. The New York State Board of Ed did inform me that Harbor Country Day School had violated Title VI and Title IX. They also informed me that Harbor has subjected my family to punitive retaliation. Resolution 1507 should provide parents with clear direction as to who is responsible for the enforcement of this law, because stating that all such actions or proceedings should be brought in the name of the County by the County Attorney is not clear enough. Does this mean the District Attorney, the Town Attorney? Who do we go to in a bullying situation that is not being dealt with.

Resolution 1507 needs to be passed so that our schools will have to provide a safe learning environment for our children. Our children should look forward to going to school, not beg their parents to stay home because they are afraid of what the day will hold.

I'm not here to denigrate the Harbor Country Day School, because unfortunately my experience is not unique, it just happened to have occurred at Harbor. I'm here to share my family's story and hope that it demonstrates how necessary this law is. If this law had been in place a year ago, my family would not have been subjected to Mr. Pryor and Harbor's Board of Trustees egregious behavior. I hope that this will protect students and their families going forward. I thank you for listening --

P.O. LINDSAY:

Ms. Torres, could you wrap up? You're out of time.

MS. OVIEDO-TORRES:

I thank you for listening and hope that my experience will encourage you to support this resolution.

P.O. LINDSAY:

Ms. Torres, Legislator Muratore has a question for you.

LEG. NOWICK:

I do as well.

LEG. MONTANO:

I do, too.

LEG. MURATORE:

Ms. Torres? Over this way. What was the response from the Police Department? Did you contact the Police Department for these crimes that were committed?

MS. OVIEDO-TORRES:

I did not contact the Police Department. First of all, originally I did not know that was an option. Second of all, I have a problem with seeing a child, a 12 year -- he was 12 years-old, too, he was 13 I believe -- being taken away in handcuffs. I kind of felt --

LEG. MURATORE:

Well, they may not do that, take him away in handcuffs, but they will respond. I mean, at least three crimes that I can remember -- disorderly conduct, harassment, aggravated harassment -- have been committed here.

MS. OVIEDO-TORRES:

Right. I agree with you --

LEG. MURATORE:

These are violations of the Penal Law.

MS. OVIEDO-TORRES:

I agree with you and once --

LEG. MONTANO:

So why aren't we using the Police?

MS. OVIEDO-TORRES:

Once I started talking to people I was told that that had been an option to me. I honestly did not realize that was an option. I went to the head of school, I went to the Chairman of the Board, I went to teachers, I thought that I was doing my due diligence. I didn't realize that at I -- at some point I guess I would have called the Police because there was just --

LEG. MURATORE:

Well, maybe we need to do that now. We need to inform parents out there, when the children come home and advise them of this that the Police should be called.

MS. OVIEDO-TORRES:

Right. Well, I've got to tell you, I didn't know that. And I'm a pretty informed parent, so that does need to be out there that that is an option.

LEG. MURATORE:

And my question is to the schools, too, why aren't they calling the Police when these crimes are being committed?

MS. OVIEDO-TORRES:

Well, I think the school particularly didn't call the Police because they don't want the publicity, they wanted everything to be quiet. Obviously, that's why they asked us to -- they asked my children to not come back.

LEG. MURATORE:

Thank you.

P.O. LINDSAY:

Wait a second, Ms. Torres, there's a question from Legislator Nowick.

LEG. NOWICK:

Hi, Mrs. Torres.

MS. OVIEDO-TORRES:

Hi.

LEG. NOWICK:

And just to be fair, in full disclosure I happen to be on the board of Harbor Country Day School and I just had two questions. And I'm sorry that you and your son had to go through this and I'm sorry that the bully is who he is, and I don't know who that is. This is the first I'm hearing of this, by the way.

Can I just ask you just to clarify something for me? Did you decide to take your children out of Harbor, or did the Head Master ask you to take your children out of Harbor?

MS. OVIEDO-TORRES:

The Head Master sent me an e-mail saying that they were terminating my relationship with Harbor effective immediately; that e-mail came to me on April 25th.

LEG. NOWICK:

And that was because you did not go to a meeting?

MS. OVIEDO-TORRES:

Yes. That's what he stated in his e-mail and that's what he said in a follow-up letter.

LEG. NOWICK:

So you didn't choose to leave, they chose to ask you to leave.

MS. OVIEDO-TORRES:

Yes.

LEG. NOWICK:

The other thing I just wanted to ask you, did you ever get an opportunity to talk to the parents of the bully, or the alleged bully?

MS. OVIEDO-TORRES:

I have documentation showing that I requested a meeting with the parents, I said there has to be a three-way meeting between the administration, myself and --

LEG. NOWICK:

But did you ever get an opportunity to pick up the phone and call them?

MS. OVIEDO-TORRES:

-- and they said they would not. They said that I could not have that meeting and I was not to talk to the other parents, that the school would deal with it.

LEG. NOWICK:

Well, wait; Harbor told you you couldn't call the parents?

MS. OVIEDO-TORRES:

Mr. Pryor told me I was not to -- the parent was the history teacher, okay? So I said to him, "I'm going to go to him," and he said, "You cannot go to him, that is my job. I will deal with this," and he didn't deal with it.

LEG. NOWICK:

So he told you you're not allowed --

MS. OVIEDO-TORRES:

And this is all documented, so.

LEG. NOWICK:

-- to pick up the phone and call have a mother-to-mother talk.

MS. OVIEDO-TORRES:

Well, I will tell you that when I met the history teacher for the parent/teacher conference, because he was my son's history teacher, I did mention to him the problems and he said that Mr. Pryor and him were working on them and that he would not discuss it further with me.

LEG. NOWICK:

Thank you.

P.O. LINDSAY:

Legislator Montano, Ms. Torres, has a question for you.

LEG. MONTANO:

Yes, Ms. Torres. How are you?

MS. OVIEDO-TORRES:

Good. How are you?

LEG. MONTANO:

I just wanted to ask you, is there at the moment any pending review or investigation like by the Office of Civil Rights, or is there anything that is under review with respect to the termination of your children by the school?

MS. OVIEDO-TORRES:

It is -- that's a difficult question to answer, because while everyone seems to be outraged, everyone

is saying, "Well, I'm going to contact their office because their office is responsible," and then that office will say, "I'm going to contact their office because their office" --

LEG. MONTANO:

Right, that happens.

MS. OVIEDO-TORRES:

So everyone is passing the buck at this point. I know the ACLU is working to see -- to reach out to the proper authorities because the Office of Civil Rights did look into it, they got all the documentation, and at that point they --

LEG. MONTANO:

Is that the Federal Office or the State Office?

MS. OVIEDO-TORRES:

I did go first to the New York State Office, they then directed me to the Federal Office in Washington who then directed me back to the State office, so it's been quite a journey. And that's why I think this law or any law that is passed needs to be clear to parents, who is responsible for enforcing any legislation that's passed? Because it's very difficult to find out.

LEG. MONTANO:

Well, we have the file in our office, as you know.

MS. OVIEDO-TORRES:

Right.

LEG. MONTANO:

And I would like to -- I will review it, but I was curious as to whether or not there's an official probe by any agency, whether it be the State Office of Education, the Federal Office of Civil Rights, which really is in New York --

MS. OVIEDO-TORRES:

Right.

LEG. MONTANO:

I mean, the main office is in Washington. And whether or not you filed a complaint --

MS. OVIEDO-TORRES:

I did.

LEG. MONTANO:

You did file one.

MS. OVIEDO-TORRES:

I did. There was an investigator who actually spoke with me a number of times, but he was very clear, he did tell me you need to now call the Washington State Office, and he gave me their number.

LEG. MONTANO:

All right. Okay, I --

MS. OVIEDO-TORRES:

But there was a complaint filed. There was also a complaint filed with the Attorney General's Office because that's what I was told by another office, that they oversaw not-for-profit. It's been -- like I said, it's been quite a journey.

LEG. MONTANO:

No, I don't -- yeah, I worked in the Attorney General's Office, I don't see the jurisdiction there. But this is something that -- we'll -- you can expect a call from my Aide Bob and we'll follow-up on that.

MS. OVIEDO-TORRES:

Okay.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Wait. Ms. Torres, Legislator Vilorio-Fisher has a question for you.

D.P.O. VILORIA-FISHER:

I was just curious, what are the children doing now to end the school year?

MS. OVIEDO-TORRES:

My older one is being home-schooled, which he has told me he does not enjoy, and my younger one will -- because of all the stuff and he really -- in kindergarten, they were really doing -- he's going to actually end up repeating kindergarten now and I put him in a pre-K program at a school in Bay Shore.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you. Nick Oviedo-Torres.

MR. OVIEDO-TORRES:

Hi. I'm Nick Oviedo-Torres and I went to Harbor Country Day School about two months ago, and this is my story.

On September 9, 2009, I walked into the Harbor Country Day School to start the 6th grade. It was my fourth year at Harbor, but I knew this year would be different; man, was I right. Teachers that I loved had left and numerous new teachers came in that year; some of them brought their children along. My homeroom teacher brought all four of his kids. His son was in my class. In the beginning he seemed friendly, except during recess. We played two-man touch football at recess, not tackle; he never seemed to understand the difference.

A week into the school year he tackled me. I was a bit stunned from the tackle and didn't notice that my lip was bleeding until my friends pointed it out. He never apologized, not even when my friends told him he should. This happened numerous times on the football field; somehow he only seemed to tackle me. I don't want to forget to mention that he was a lot bigger than me, and at least a year older. Then one day he shoved me into the lockers; I don't even know why and he never told me why. And once again I had a bloody lip and the inside of my mouth really hurt because my braces tore it up. This time I felt it right away. My friend's teacher, Madam {Charette}, saw my lip bleeding and asked me what had happened, my classmates and I told her; she told me to go to the nurse, which I did. While I was at the nurse, Madam {Charette} spoke with the bully. Again, he never apologized and when I went back to class he was playing cards with some of our classmates. Later that day I saw Mr. Christopher Pryor, the Head-of-School, speaking to him; the conversation lasted about a minute. I thought he was setting him straight; man, was I wrong.

At the end of the day, Mr. Pryor spoke with me for at least ten minutes. I was a little angry when Mr. Pryor started making excuses for the bully saying that he was a good kid and that he was just adjusting to the Harbor environment. He told me that I should try to be friendly to him and that I should try and make him more welcome, that I should give him a chance. Right there I was thinking

that I was the one being hurt all this time by this kid and my Head Master is telling me that they had -- I needed to work harder to make him happy? I didn't understand his logic.

Harbor was supposed to have no tolerance towards bullying, yet here's my own Head Master telling me that they did? Of course he kept hurting me, even tried to stab me with a pencil once, but Mr. Pryor allowed it, so the bully knew he could do whatever he wanted and that was the most upsetting part.

Further into the school year the "who likes who" question started going around in my class. My fellow classmate and I refused to answer that question, we didn't feel comfortable sharing that information. All of our classmates respected that except for the bully, he starting saying that my fellow classmate and I liked each other; my fellow classmate was a boy, so he was implying that we were gay. He would do this in front of my class all the time.

From the first time that he hurt me, my Mom spoke up to Mr. Pryor and told me that she wasn't happy with any of this. When he didn't handle the situation, she spoke up even louder. You see, my Mom doesn't like to see me or my brother get hurt, but I don't think any Mom does. In January, the bully gave everyone in the class nick-names. The most unusual names were for two girls in my class, "big hotty" and "little hotty". Both of their parents were obviously unhappy with this and, being on the Board of Trustees, they kicked him out. While I was relieved he was gone, why didn't Harbor kick him out when he was bullying me? Why was it okay for him to hurt me and for Mr. Pryor to make excuses for him, but it was not okay for him to call two girls "big hotty" and "little hotty"? I still don't understand that.

My Mom spoke up even more and louder than before. She spoke up against Mr. Pryor and how he had handled the situation. I trust my Mom and know that she will always speak up for what is right and for my brother and I, so I stopped worrying about the situation. On Monday, April 26th, my Mom had said I wasn't going to school that day. I spent the day asking her why and telling her that I needed to go to my musical rehearsals. That was the last week of musical rehearsals; I had worked really hard on my lines and my songs. So musical was that Friday, April 30th. It turned out that I wouldn't go back to Harbor again. After three days, my Mom told me how Mr. Pryor had retaliated for her speaking up. I was heart broken; no, devastated. How could I be kicked out of school? I never hurt anyone or did anything wrong. I tried to do good in school and tried to follow the rules. I got good grades and tried to be a good student. My Mom spoke up because I was getting hurt, that's what a good Mom is supposed to do.

In Social Studies, we learn about free speech; I thought that was for all of America, but Mr. Pryor and Harbor's Board of Trustees doesn't want it at Harbor. The Chairman of the Board knew what Mr. Pryor was doing when he kicked me out and he allowed it. My Mom says bullies come in all sizes and she's right; Mr. Pryor, Harbor's Board of Trustees and the bully are prime examples of that.

Nowadays I'm home-schooled. Going to my Mom's and answering questions out of text books isn't exactly the way I wanted to learn my last quarter of 6th grade, but that's what I have to do. This law holding schools responsible for bullying would hold people like Mr. Pryor and the Harbor Country Day School responsible for what happened and not allow him to hurt children like me and my little brother just so they'll go away and be quiet; it was not right and still makes me angry. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you, Nick. John Nocero?

MR. NOCERO:

Good afternoon, and thank you for this opportunity to address the Legislators. My name is John Nocero, I'm an educator with 34 years experience. I've worked in the Smithtown School District for all of those years; I've been an administrator for 12 years and a teacher for 22 years. My mission each day is to address the social, emotional and academic needs of my students, and that is my

priority each day. So I come before you today to share some of my thoughts of the proposed legislation and some of the concerns that I have with the proposed legislation.

I'd like to begin by saying, first of all, as we've heard from others before me today, that all schools have those clearly defined policies, plans, procedures, standard uniform practices, code of conducts, building rules and regulations that are reviewed with students; these are clear, they are identified, they are published. We proactively address bullying at my school, Accomsett Middle School, through numerous programs and several different ways. This includes awareness programs, education programs, ongoing character development, violence prevention for staff, informational parent meetings. It's necessary to have a multi-pronged approach to reduce and do away with bullying, it's not as simple as one quick fix, and I think we've heard that this afternoon.

I've shared with you and have distributed copies of -- it's a four-page copy of some of the things we do at Accomsett Middle School to give you a little bit of an understanding and overview of the many different elements to solve this problem, and as I had said, it is not so simple. I have already shared with you also a blue pamphlet that is information we distribute to our parents, to our students, and this is information that we're constantly reviewing and updating with various committees at our school level, including parents, including teachers, including students, and this is an ongoing mission of ours. So any complaints we get at Accomsett Middle School we take seriously, vigorously we investigate them and we act accordingly. All complaints are addressed immediately.

Additionally, one of the tools that we have and one of the concerns I've heard today is, you know, how do we identify bullying. One of the new tools we have with the technology are cameras in our building, and although those cameras cannot go into some of the private places like locker rooms, they are in all the public settings within our building and that gives us the ability to go back and recall an incident and address it appropriately.

I personally am accountable to not only my parents, but to my Superintendent of Schools who I must answer to, my Board of Education, and by State and Federal mandates. All the incidents of bullying are reported to New York State through our school report card and through our VADAR reports, and ultimately, I am held accountable to the New York State Education Department who has issued my professional license.

As a veteran educator, I've tried to stay current in my understanding of issues facing schools through membership in nationally recognized professional organizations, including the National Middle School Association and the National Association of Secondary School Principals. These associations have conducted numerous research studies that describe and identify the roots of bullying and how best school communities can work together to eliminate bullying. Their websites are readily accessible to all.

In reviewing the research, it is evident that bullying has its roots in a lack of empathy. Children who lack adult supervision or who are abused at home are more likely to be bullies. The research further indicates that bullies come from homes that lack warmth and affectionate parental relationships. So to prevent bullying, we need to consider the role that parents have in raising their children as they send them off to our schools. We need to look at the policies and the programs that we have in place in our schools to continue that education and awareness.

So I would like to just conclude by saying as a member of the Council of Administrators of Nassau and Suffolk County representing 1,400 school administrators, I know our schools in Suffolk County are among the finest in our nation and we are very proud of them. This does not occur in isolation, but it's due to the collaboration of so many and all of the stakeholders within our school communities. So if we're sincere in our efforts to reduce and eliminate bullying and to address bullying, then I think we need to work together, as my colleague Mr. Laurino had stated, to develop meaningful and preventive programs. Pointing fingers of blame offers no remedy or solutions to this issue, and isn't this the lesson that we teach our children each day? I thank you this afternoon for

providing me with this opportunity. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you, Mr. Nocero. Our next speaker is Steven Siciliano.

MR. SICILIANO:

Good afternoon, Ladies and Gentlemen. My name is Steve Siciliano and I am currently a middle school principal in the Schem Central School District. I am also a Schem resident and parent of children in the schools, and I would just like to thank this body for giving me the opportunity to speak regarding the merits of this proposed legislation.

I certainly do not doubt, and I know no one doubts Mr. Cooper's good intentions. He is doing what a leader is supposed to do, he's acting. The issue that I take with this legislation is that much like "No Child Left Behind", in my opinion the bill is based on a flawed premise. You know, that's all that's lacking to solve a vexing problem is the proper motivation that only a coercive legislation can provide, but I'm encouraged by Mr. Cooper's discussion of possible amendments and he can certainly count on my support to help play a constructive role.

LEG. COOPER:

Thanks.

MR. SICILIANO:

My concern is that the bill, as written, just doesn't take many gray areas that occur that make it difficult for building principals to take definitive action, including the easy availability of electronic devices, which is just becoming the predominant vehicle of choice for bullies to deliver their messages.

In terms of what can be done, Dr. Berger who spoke earlier, he's done a lot of good work in Schem and he's also come to my building and I've talked with him at times, there is no silver bullet, but he has spoken to me quite a bit about the school's responsibility and the community's responsibility to try and activate the bystanders. And if I could digress just very quickly. You know, after 9/11, I was in the National Guard and I was called to active duty and they sent us up to West Point, and something that I found incredibly inspiring was as you're walking around the campus, you consistently see, "A cadet does not lie, cheat or steal nor tolerate those that do." Now, I'm sure that West Point and all the service academies have not eliminated that pathology, but I'm sure there's a lot less of it. And I'm just hoping that perhaps this body can play a constructive roll in the creation of public service announcements in treating bullying almost like a public health issue.

As a society, I think we've made great strides in reducing intolerance, sexism, smoking, but most of it was through continuing to hammer home a message together, united that it's not acceptable. And quite often the values that are expressed in school, especially as a principal trying to investigate an incident of bullying, is that while bullying is bad, snitching is worse. And principals need the support and the cooperation of the community in creating those school cultures that make bullying so unacceptable that the student body will not tolerate it.

This also leads to some issues in terms of the due process that we afford students, in my district in particular. If I'm going to suspend your child and if I'm going to suspend your child out of school, you have the right, as the parent of the child who's going to be suspended, you have the right to come in and ask questions of a student witness, with either their parent there or the parent trusts me or my Assistant Principal as the parent. As you can imagine, this has a chilling effect, depending on what the circumstance is. But what I've also found in my experience is that two or three students are not as reluctant to come forward, and there have been times when a parent has asked questions of student witnesses and the students were like, "Yeah, your son did it," and good for them. And I just quote CS Lewis, that "Courage is the first virtue that makes all the others

possible."

There are just times where an administrative investigation also can't confirm an allegation, and at times witnesses given to me by a complaining parent do not support their view, and as you can imagine, that's a very tough discussion and they leave, at times, feeling like the building did not take it seriously.

And while certainly we can plead our cases, and I know my colleagues before me have pleaded, I'll just close by saying my biggest concern is the unintended consequences of the law; we know all laws have them. And I can echo Mr. O'Brien by the concern about possibly leading to over prosecuting events in a disproportionate manner just to avoid the concern that did the school not act adequately, in addition to the questions of what constitutes, "The principal has adequately intervened." And so as this bill, this process moves forward, I would just hope that the legislation takes real events into account.

Thank you very much.

Applause

D.P.O. VILORIA-FISHER:

Thank you, Dr. Siciliano. Mark Foreman?

MR. FOREMAN:

Thank you for this opportunity. My name is Mark Foreman, I am a Principal with Eastern Suffolk BOCES, I'm here representing the Eastern Suffolk BOCES Administrators Association. I'm Principal at the Bellport Academic Center; it's one of the larger special education high schools in Suffolk County.

I came to speak on IR 1507. In its current form, it's very unclear in its implementation and can definitely be construed as being punitive in its actions. In all likelihood, it will not significantly change things in regards to this critically important situation impacting so many of our kids. I was glad to hear that Mr. Cooper will form a task force and work with us to empower us to meaningfully address the problem of bullying and that he will invite the constituent groups to craft a workable and far-reaching agenda that will satisfy all the groups and most importantly make a difference in reducing bullying.

Our students engage in and are impacted by cyber bullying that occurs around the clock and far beyond the confines of the school building. Please provide us with the tools and the ability to work in conjunction with law enforcement to address this increasingly pervasive form of bullying. Respectfully withdraw this bill and move beyond finger pointing and make the most of this opportunity. Every administrator in Suffolk County embraces fostering a safe and comfortable learning environment for our kids, that's why we got into this business. Permit us to join you and bring together parents, educators, lawmakers and law enforcement, most importantly, to shape a meaningful and effective legislative initiative. Thank you.

Applause

P.O. LINDSAY:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you. Joanne Giordano.

MS. GIORDANO:

Good afternoon, everyone. I came here this afternoon completely unprepared to speak. I filled out a green card thinking that that was my entry into the hearing, so I apologies for not being as eloquent as my predecessors who spoke this afternoon. My name is Joanne Giordano, I'm a middle

school Principal in the Harbor Fields School District. I've been a middle school Principal for 13 years and I've been in education for 27 years.

So in sitting there listening to the discussion that's occurred this afternoon, I don't want to be redundant to what my colleagues have shared with you, but I would like to echo Mr. Cooper's sentiment and his feeling on receiving these e-mails from parents. On a daily basis, as a middle school Principal, I, too, receive not only those e-mails but phone calls as well, and they certainly tear at our heart strings. And as we begin to investigate these things, as a middle school principal, as any principal, we have the luxury of really getting into the trenches and getting to the bottom of the situation whenever it's possible, and it's not always possible and those are the situations that frustrate us the most. I do not believe that this legislation is going to make it any easier or any more effective in the way that this is handled within the school system. I think that education is the key. We're educators and it is our job to educate, not only students but parents as well. We have presented many programs in our school, we have -- I personally have provided many staff development and parental workshops for these programs, and I have to tell you, it's extremely disappointing to see the lack of participation from parents who I have spoken to within that week on the topic but yet don't come to work with the schools to help us come to some kind of a resolution on this.

So I think the idea of a forum and a task force is probably the most effective way in moving forward so that we can all be on the same page, have the same vocabulary, identify things together, have a common definition and really work towards a resolution that works for everybody.

LEG. COOPER:

Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you, Ms. Giordano. Our last speaker on this subject is Ron Isaacs.

MR. ISAACS:

Good afternoon. I'm standing before you today in support of the School Accountability Act. Once again I'm here to stress the importance of this landmark law. Some people may be in opposition, but I believe that they should take what I'm about to say to heart.

As a parent, a person has a responsibility to their child. This responsibility includes protecting that child from being hurt, either physically or mentally, making sure that that child learns right from wrong. As a parent, everyone wants to ensure that their child lines sot hat he or she can excel in life; it's all basic human nature. But the most important part is protecting that child from harm.

Most parents would gladly lay down their own lives for their child just to prevent harm to him or her. When a parent sends a child to a school, the school is assuming responsibility for that child. The teachers and administrators become responsible for the welfare of that child while that child is in their care; in essence, they become the child's guardian during the time the child is at the school.

The United States of America has a Fourteenth Amendment that states that every person is entitled to equal protection. This law will help to uphold this Fourteenth Amendment as bullying behaviors for any person over the age of 16 would then be considered something along the lines of an aggravated harassment, and those who perpetrate these behaviors would be punished. This law will remind teachers and administrators that it's their responsibility to protect these children as a parent would and offer them equal protection that is afforded to them by the Fourteenth Amendment. A parent would not be complacent about their child telling them that harm was being done to him or her, and in turn anybody that is in a position of authority in a school where the child goes would be responsible for the child's welfare, like a teacher or principal. These people will know that they now

must take reports of bullying seriously or there will be consequences.

I'm sure that most of you are familiar with the old adage, "One bad apple ruins the whole bunch." The same holds true for teachers, administrators and school districts. Not all are bad, not all will turn their backs on kids who report bullying, but if this law is passed, they will all now be accountable for not doing all they can to put a stop to a situation where a child is being bullied. This law is about accountability, it's about doing the right thing, and it's about protecting our children so that another child doesn't think that there is no other way out but to take his or her own life.

Some of you may not think that bullying is a serious thing, some of you may dismiss it as just kid stuff. But there is a point when this all crosses the line and it becomes -- and when it does, the school administrators have the responsibility to protect the victims as they would protect their own children.

For our family, the bullying continues both on-line and even with the bullies coming to our house as they did last night. Two police officers came to our house to write another Police report because a group of these same bullies that have been tormenting my kids for years came to our house and yelled that they were going to kill us. They gave -- the Police gave us another Central Complaint # and told us there was nothing that they can do because the kids were only 12 years old. The officer actually found it funny and told us outright that the kids could not be prosecuted and that they could basically do whatever they wanted, either in school or out of school, with absolutely no legal consequences. He told us that his hands were tied and that he wasn't going to arrest a 12-year old. These kids come to our house sometimes as many as ten times a day and there's nothing that can be done. If this law is passed, it would change everything as maybe then those people in a position of authority would do the right thing and put a stop to behaviors like this, especially when they emanate from the school.

So in closing, I ask that everyone in this room imagine your child being tormented and think about what you would want done in order to put a stop to it. And if there was a law in place that would put pressure on those who are responsible for your children to protect them, maybe we could all sleep a little bit better tonight. Thank you.

Applause

P.O. LINDSAY:

Okay, that concludes the speakers on 1507. Is there anyone else in the audience that would like to speak on 1507? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

That's what I was afraid of. I have a motion to recess. Is there a second?

P.O. LINDSAY:

Jon, I'm going to second it but, Jon, I mean, four hours of this; come on.

LEG. COOPER:

I didn't invite these folks, you can't blame me.

P.O. LINDSAY:

I don't know what else you could possibly gain from hearing more testimony. We have a motion and a second to recess. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Barraga).

P.O. LINDSAY:

Public Hearing on IR 1509-10 - A Local Law prohibiting cyber-stalking in Suffolk County (Cooper). I have no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. CILMI:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Barraga).

P.O. LINDSAY:

Public Hearing on IR 1512-10 - A Local Law establishing a Gun Offender Registry in Suffolk County (Gregory). I have no cards on this subject. Is there anyone in the audience that would like to address us on 1512? 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:

Sixteen (Not Present: Legislators Montano & Barraga).

P.O. LINDSAY:

Public Hearing on IR 1531-10 - A Local Law improving tourism promotion in Suffolk County (Schneiderman). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen (Not Present: Legislators Montano, Barraga, Kennedy & Nowick).

P.O. LINDSAY:

Public Hearing on IR 1534-10 - A Charter Law to authorize the Transfer of Development Rights for Non-Profit Community Centers (Schneiderman). I have no cards on this subject. Is there anyone in the audience who would like to speak to us on this subject. Seeing 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:

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

P.O. LINDSAY:

Public Hearing on IR 1555-10 - A Local Law to amend the County's Clean Pass Parking Program (Muratore). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Muratore?

LEG. MURATORE:

Motion to close, Mr. Chairman.

P.O. LINDSAY:

Motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen **ACTUAL VOTE: Fifteen (Not Present: Legislators Montano, Kennedy & Nowick).

P.O. LINDSAY:

Public Hearing on IR 1556-10 - A Charter Law to clarify procedure for removal of certain appointed Department Heads and Board Members (Cooper). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject?

LEG. D'AMARO:

Just for the record, note my recusal. Thank you.

P.O. LINDSAY:

Thank you, Legislator D'Amaro. Seeing none, Legislator Cooper, what do you want to do with 1556?

LEG. COOPER:

Motion to close, please.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen **ACTUAL VOTE: Seventeen (Recusal: Legislator D'Amaro).

P.O. LINDSAY:

Public Hearing on 1576-10 - A Charter Law creating a Program for Public Financing of County Campaigns and the Banning of Certain Donations to Curb Potential Conflicts of Interest (County Executive). I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject?

MR. ZWIRN:

Close it, Mr. Chairman.

P.O. LINDSAY:

Yep. Motion to close. I'll make a motion to close. Do we have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1578-10 - A Local Law to regulate utility poles on County roads right-of-ways (Eddington), and I have two cards. Tracey Edwards?

MS. EDWARDS:

Good afternoon. Thank you for allowing me to speak, I will be very brief. I'm here just to provide a progress report on where we are with the double-pole remover, as we planned. I'd also like to speak on the new bill that is before you, Resolution 1578.

I would just like to start by thanking Legislator Eddington and Romaine because I do believe that they did hear our, Verizon's concerns for including all parties responsible for this. I will say that I definitely appreciate that, however I'm going to respectfully oppose --

LEG. ROMAINE:

Of course.

MS. EDWARDS:

-- and give you just a couple of points just to consider.

Number one, if you could just look at the criteria in the bill that you define as a threat to public safety. Some of the double-poles do not look good, as admitted. Some of them are a threat to public safety. I think that it just needs to be defined if the Public Safety Committee is going to be decider of that, that there needs to be criteria laid out.

Most of the issues that I have concerns with the Local Law is the notification period. As the last attachment on the pole and the one to be responsible for removing it, I am hoping that you would consider allowing Verizon on 60 full days. It's not clear in the language whether you're allowing each utility or municipality 60 days each or if it was 60 days total, so I'd ask for you to consider that as well.

In addition, municipalities are not mentioned in this resolution. There are many times that municipalities have attachments to the pole, so I would ask that you consider including that as well.

Lastly, there are storm conditions that occur and I think that there should be some leeway included, that if there is a storm and there are double-poles that are put out --

LEG. ROMAINE:

Good point.

MR. EDWARDS:

Okay, for storm conditions, for you to give some regards to that.

But what I'd like to just say to you is I've handed to you the progress report. We had committed to giving you a quarterly report, this report is not due until July, but since this is on the hearing today, I wanted just to provide you where we are in terms of the double removal plan. As you know, we had committed to taking down 250 poles per month, we are on-plan. The first quarter report we were at 1,399; as you'll see on the report, we are up to 2,211; remaining is 9,783 with an asterisk. That asterisk is just to call your attention, it's that we have asked our engineering partners to go out and physically survey all of the poles that were classified that we started out with in January and what we are finding is that many of the poles that were listed in the database had already been removed but not removed from the database. So I'm going to give you a formal report to Chairman Schneiderman at the next Public Works & Transportation Committee meeting, but I will tell you that my preliminary findings would be that we are well under 5,000 double-poles -- double-poles that are existing in Suffolk County as opposed to the 9,783. So I'll provide that information to you in the same format that it is laid out by municipality so that you will see that hopefully instead of the year 2013 that we thought that we would be finished with the backlog, that we will be finished by the end of next year.

So that's my report. Thank you very much.

P.O. LINDSAY:

Thank you very much. Bob Morrow.

MR. MORROW:

My name is Bob Morrow, I'm President of Local 1108 CWA. And I'd like to thank Presiding Officer Lindsay and the Suffolk County Legislature for giving me this opportunity to speak before you today.

I'm here to speak about Resolution 1578 which is revision to Resolution 2010. This bill would require utilities remove their plant off the broken and damaged poles that have been littering the landscape of our neighborhoods in Suffolk County for far too long. Utilities like Verizon and Cablevision have been neglecting to remove their cables and terminals which has resulted in a proliferation of double-poles in our communities. This is an unsightly mess and prevents safety hazards to our families. The PSC has decided they are more interested and concerned with the competition in the telecommunications industry and less with our safety, not to mention decline in service standards. These corporations realize that no one was watching and instead of self-regulating themselves they have turned their backs on us here in Suffolk County.

We have been down this road before with Verizon. Back in 2006, when there were 8,000 double-poles, they gave their commitment then to remove 150 poles a month. So how did we end up with nearly 12,000 in January of this year? I can tell you that when they felt that Suffolk legislation was no longer watching, they decided that they did not have to live up to their word. Verizon got involved with the FIOS build-out and didn't want pole replacement to get in the way of corporate profits. Even with Verizon's new commitment to 250 poles per month, it will take four years to remove all the poles that they forgot about. They could promise to remove 1,000 poles a month, but if they won't live up to their word, the number is meaningless. They obviously need some oversight to make sure that the responsibility for condition of their plant, unfortunately when choice is safety over dollars, Wall Street over Main Street, Verizon has always sided with greed and not the well-being of our children. There is an old saying, "Fool me once and shame on you, fool me twice and shame on me." Don't give Verizon a chance to fool us again. Someone needs to keep a watchful eye on those utilities and I'm hopeful that you will pass this resolution. It will keep our families safe and our neighborhoods beautiful. Thank you for this time.

P.O. LINDSAY:

Thank you very much, Bob. I appreciate it. Okay. I don't have any other cards on 1578. Is there anyone else in the audience that would like to speak to us on 1578? Seeing none, Legislator Eddington?

LEG. EDDINGTON:

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:

Eighteen.

P.O. LINDSAY:

All right. That concludes our Public Hearings.

MR. NOLAN:

You've got that one that's been posted.

P.O. LINDSAY:

Oh, okay.

MR. NOLAN:

1626.

P.O. LINDSAY:

Yeah, we do have one Public Hearing that was posted late today.

MR. NOLAN:

Right, there's a Certificate of Necessity coming over on an IR 1626, it was posted as required and it's -- that's the bill.

P.O. LINDSAY:

Okay. And the bill is (Public Hearing on) IR 1626-10 - A Local Law amending the Suffolk County Empire Zone Boundaries to include MITEQ, Inc. So is there anyone that would like to speak to us on this subject? Mr. Zwirn, you want to talk to us.

MR. ZWIRN:

No, just to close it.

P.O. LINDSAY:

Just close it, okay. I'll make a motion to close. Do I have a second to that? Yes, okay.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands closed.

Mr. Haynes, Michael Haynes? Wait a minute, Michael. Wait a minute, wait a minute, wait a minute. You filled out a card for 1583; there is no Public Hearing on 1583. It's a resolution in our packet that because of your patience, as soon as we get into the agenda which will be in about two minutes, I'm going to take it out of order so you can you know comment or if someone has any questions of you; it seems like a pretty easy resolution. All right? I apologize, all right?

MR. HAYNES:

Thank you.

P.O. LINDSAY:

That concludes the Public Hearings for today. I want to make a motion to set the date for the following Public Hearings of June 22nd, 2010, at 2:30 in the Maxine Postal Auditorium, Riverhead, New York; 1654, a Local Law to ensure the safe transfer of fuel to boats and watercraft.

MR. NOLAN:

That's it.

P.O. LINDSAY:

And that's it. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, we're back to the agenda. And as a man of my word, I am going to make a motion to take 1583, permitting Long Island Cares to purchase fuel from the County, out of order --

LEG. KENNEDY:

I'll second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

So Mr. Haynes can go home. Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

I'll make a motion to approve.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Wait a minute, wait a minute. Did I get a count yet?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, 1583 is before us.

1583-10 - Permitting Long Island Cares to purchase fuel from the County (Kennedy). We have a motion to approve by Legislator Kennedy, seconded by Legislator Romaine. Any discussion? No discussion. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. CILMI:

Opposed.

MR. LAUBE:

Sorry about that; seventeen.

D.P.O. VILORIA-FISHER:

What page is that?

LEG. MONTANO:

Can you give me a page? I'm sorry.

D.P.O. VILORIA-FISHER:

1583, page 12, on the top.

P.O. LINDSAY:

Okay, give me a count.

MR. LAUBE:

Seventeen (Opposed: Legislator Cilmi).

P.O. LINDSAY:

Seventeen, okay. Okay, Mr. Haynes? Now you can go home.

Back to the agenda, **Tabled Resolutions**; it seems we were there before.

MR. NOLAN:

We were on 1164.

P.O. LINDSAY:

Okay. Yeah, we were in the middle of a discussion on 1164 before we recessed for lunch. 1164-10 - Adopting Local Law No. -2010, A Charter Law to guarantee continuity and stability in County Law Enforcement and ensure adequate resources for public safety (Eddington). And I believe we have a motion and a second; am I correct, Mr. Clerk?

MR. LAUBE:

You're correct.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Mr. Lindsay?

P.O. LINDSAY:

Yes.

LEG. MONTANO:

I believe we had an outstanding question also.

P.O. LINDSAY:

Okay. Do we have an answer to the question?

MR. BROWN:

Yes. Subsequent to the May 11th meeting, Legislator Montano, there were informal discussions and the formal request for an opinion wasn't made until yesterday.

LEG. MONTANO:

That's what I thought. Thank you.

P.O. LINDSAY:

Okay. Legislator Eddington.

LEG. EDDINGTON:

Yes, I would just like to have our attorney comment after his evaluation of the other --

MR. NOLAN:

Yeah, I read the opinion from Lamb and Barnosky. I disagree with it, I didn't find it that persuasive. I think if we choose to, we can act on this resolution, I don't think we're running afoul of any collective bargaining or a collective bargaining agreement. That's my opinion.

LEG. EDDINGTON:

Thank you.

P.O. LINDSAY:

Okay. Anybody else; no?

LEG. LOSQUADRO:

Well, just --

LEG. NOWICK:

Yeah, I have a question. How is it possible that there's always two different professional, right-on-target opinions?

*(*Laughter*)*

P.O. LINDSAY:

Sometimes if you ask two attorneys you'll get three opinions.

*(*Laughter*)*

LEG. KENNEDY:

That's true.

LEG. NOWICK:

How could that be possible?

P.O. LINDSAY:

Okay. Do you want to say something, Mr. Tempera?

MR. TEMPERA:

Absolutely. I'm sorry. If you remember, I was in the middle of speaking when we broke for lunch, and I just wanted to point out I think one important item.

As you're all aware and we all suffered through last summer the negotiations between the PBA and the County to resolve our differences and it resulted in an agreement that contained some of the language that you see before you today; the County was able to negotiate a savings of \$12 million. I just want to point out, this language goes well beyond the language in the agreement, it affects more than the PBA, it would affect other law enforcement agencies within the Police Department, and in return we get nothing for giving the language away.

Again, we talked about it affects civilians, the PBA has already acknowledged that we have an absolute right to move forward with civilianization. If you decide to centralize operations such as IT operations within the Department of Information & Technology, you can't move that operation out of the Police Department because of this language. I could go through any other number of examples, but I think the most important thing to keep in mind is we got \$12 million from the PBA for a limited version of this language and we're giving this away for nothing.

P.O. LINDSAY:

Mr. Tempera, are you an attorney?

*(*Laughter*)*

MR. TEMPERA:

Gladly no.

P.O. LINDSAY:

You sounded like an attorney, because you -- I don't know, I didn't see what you're talking about there, but maybe --

MR. TEMPERA:

I'd be more than happy to point it out.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I was just speaking to the sponsor, I was just wondering, we didn't get a chance before the break, if he could just enumerate some of the specific changes in this latest version of the bill maybe to address some of those questions that have just been raised.

LEG. EDDINGTON:

Well, I'm not going to prolong this because, you know, I understand, you know, this is a stall tactic so that we can stall it. And I actually feel good when you say you're giving away, because what you're telling me is the bullying techniques will not be allowed to be used, and I'm happy with that. I'm not a lawyer, I'm a social worker; I despise that type of negotiations. And we've talked about that, I understand where you're coming from. But I'm not changing who I am no matter who's listening, I'm going to do what I think is the right thing.

And this is all about not trying to keep you from -- and the Police Department from doing it. If I had confidence in the -- in the Commissioner that he was going to do the right thing or at least give the right advice, all I want to know is that we know when there's going to be a major change, a major change. When you tell me that the Sheriff was told two days before the Highway Patrol was changed, that did not give those gentlemen a chance to acclimate themselves. Not that they couldn't do it, the Deputy Sheriffs, they're professionals, but two days notice? And then I'm told, "The reason we didn't do it is we didn't want this to have to end up in a court"; well, that's the

system. I don't think you should circumnavigate the system, I think you should do it the right way.

And so this is just to say that you cannot do away with any major thing without telling us and getting our approval. And if it's the right thing, I don't see eighteen Legislators giving you a hard time. We want the right thing done, but we would like to be in the loop. This puts us in the loop if you are going to do any major changes, that's what this is about. You can come as much as you want with stall tactics, it isn't going to stop me and I don't think it's going to stop the rest of us from doing the right thing.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
You know, I just want to make a statement. And Dennis, with all due respect to the opinion, I think you know -- you know, speaking more as a lawyer, I've been a lawyer 35 years, I've only been a Legislator six years. The opinion that you've provided, quite frankly, doesn't give me any analysis, any basis to -- it's more -- we paid for this?

*(*Laughter*)*

MR. BROWN:
You know, not only was it paid for, but it's -- the fact that it does cost a significant amount of money to go to outside Counsel for legal opinions, it's something that's done sparingly. And so it was --

LEG. MONTANO:
Oh, I understand that, but --

MR. BROWN:
It was discussed informally between Jeff, between Labor Relations and between Lamb and Barnosky and it wasn't until last night that we decided to get an opinion. We tried to get you something that was efficient in terms of the use of outside counsel dollars --

LEG. MONTANO:
But where --

MR. BROWN:
-- but succinctly expressed the opinion of outside counsel.

LEG. MONTANO:
Well, that's my point; succinctly doesn't do it for me because I would like to see the analysis, particularly since the letter is a one and a quarter page letter which in and of itself doesn't cost much. What costs money is the consultation, the research, the analysis and the explanation. And since we paid for it as a County, that would be more helpful than a conclusion that we as Legislators, and some of us as attorney Legislators and some of us that aren't attorneys still have to make a legal determination as to whether or not we should be voting on this and we don't have that. And I'm, quite frankly, very critical of this kind of last minute presentation which seems to justify a position that you have taken, but it doesn't give us anything for us to really look at. You're trying to -- it's almost as if you're trying to steer us in the dark and, quite frankly, and it doesn't lead -- and I'm not blaming you. And I'm not asking a question, I'm just making the statement that it doesn't do it for me. I've seen better research from first-year or from interns in terms of legal memorandum than I have -- and I'm not criticizing the attorney, I'm sure there's a lot of backup that goes with that, but if you have the backup and you're going to argue that based on the research we should take a certain position, then I think that we are entitled to that information also and we're not getting that.

MR. BROWN:

Mr. Presiding Officer, may I respond to the statement?

P.O. LINDSAY:

Go ahead.

MR. BROWN:

Thank you. We're in agreement in terms of additional analysis, you and I. And with all due respect to Legislator Eddington, it's only a two week cycle and, you know, with his graciousness and consent, I'm sure that additional analysis could be supplied to you.

And it also does bring us to additional analysis on another legal point which we would like to bring to your attention as well pertaining to the decisions that are embodied in this resolution insofar as they are at least attempting to codify the bargain for terms and conditions of employment between the County and the PBA. That that is -- would be an impermissible restriction on the actions of future elected officials if this action were taken today by the Legislature. It was a point that I did not raise earlier because I did not have the analysis to give you this morning, but the points that you raise about the additional analysis that would be, you know, helpful in your deliberations in coming to some type of conclusion and vote on this, you and I are not in disagreement.

LEG. MONTANO:

Right. But I guess what you're arguing for now is an adjournment of this particular bill so that you can get us the analysis; is that what you're saying?

MR. BROWN:

I think that if you have additional questions you would like answered, yes; the answer to your question is a short postponement on the vote until we get you additional analysis.

LEG. MONTANO:

But here's the problem that I have; under normal circumstances I would agree with you. But this would have to be a two-way street, and it's not a two-way street. When your side, meaning the Executive, wants something, time is of the essence; when we do something and you don't like it, you come in -- and I don't mean you personally.

MR. BROWN:

I understand.

LEG. MONTANO:

But the presentation is last minute and incomplete and lacking in substantive information, but now you want us to hold back.

MR. BROWN:

As to --

LEG. MONTANO:

And I think that we've -- some of us have reached a point where, you know, if this were a procedural thing where it worked according to the way it's supposed to that we would have sufficient time to analyze, discuss, etcetera, etcetera, we would be in agreement, but it can't be a one-way street. And I'm getting -- not getting, I've had the impression for a long time it is a one-way street, so I'm very unsympathetic to that position. Not to you, I understand you're doing your job and it's not to be critical of you, but this is the way it's been working and it needs to change if you want that kind of cooperation. So I'm not prepared to -- I'm not prepared to table it, particularly when my attorney, our Counsel here says that we don't -- that he disagrees with this, and that's something that should have been worked out in my opinion beforehand. So I just wanted to make that statement, put it on the record, I don't want to debate it with you. You know, we take it from here.

P.O. LINDSAY:

Legislator D'Amaro and then Kennedy.

LEG. D'AMARO:

Thank you. I had a question for either Mr. Brown or Jeff. I'm looking at the words of the bill, the bill is not addressing negotiations between the County and the various Police unions. It is simply saying that certain functions cannot be transferred or reassigned to another law enforcement agency or County department without the prior approval of the Legislature, and I do not understand how that violates the Taylor Law or the County's obligation to negotiate.

MR. TEMPERA:

Okay, this goes back to my earlier explanation. I think Legislator Kennedy and I were trying to explain it and I may not have been clear. We negotiated these terms into the collective bargaining with the PBA. It's as if this is contract language now. The Leg --

LEG. D'AMARO:

Just let me stop you there. Sections A and B in the bill are part of the present contract?

MR. TEMPERA:

Not this exact language.

LEG. D'AMARO:

Okay.

MR. TEMPERA:

But this language was lifted from the agreement we have with the PBA.

LEG. D'AMARO:

The PBA contract.

MR. TEMPERA:

The -- well, when we do a Memorandum of Agreement with the PBA it's, in effect --

LEG. D'AMARO:

Okay. It's a modification to the contract --

MR. TEMPERA:

That's correct.

LEG. D'AMARO:

-- that was done for budget reasons, let's say.

MR. TEMPERA:

That's correct.

LEG. D'AMARO:

So this language right now is in agreement, signed off by all parties, it's already been negotiated, very similar language. But we're not affecting that language, we're simply saying that if the County decides to do something that it has a right to do under that agreement, it would have to come to the Legislature. I mean, whether it's the County Executive agreeing to do it or this Legislature having to approve it, I'm -- I don't see the connection to the Taylor Law violation.

MR. TEMPERA:

And I guess it comes down to the very simple role and separation between the County Executive and the Legislature. Under the Taylor Law, the County Executive negotiates with all the unions.

LEG. D'AMARO:

I see.

MR. TEMPERA:

The Legislature's role, pursuant to the Taylor Law, is to appropriate additional funds when necessary.

LEG. D'AMARO:

Okay, so that's where the third paragraph in the letter from Lamb and Barnosky, dated June 8th, 2010, says, "To the extent that the proposed legislation would impact on the County's duty to bargain with the PBA." In other words, the duty to bargain with the PBA lies with the Executive; is that what you're saying?

MR. TEMPERA:

That's correct.

LEG. D'AMARO:

And to the extent that this bill hampers any substantive terms that, may or may not be the subject of negotiation, that is an intrusion by the Legislature into the negotiation.

MR. TEMPERA:

That's my understanding, yes.

LEG. D'AMARO:

And that's what you believe that this bill is doing.

MR. TEMPERA:

I do, yes.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Legislator Kennedy, would you just -- would you permit me just to interject just a thought.

LEG. KENNEDY:

Of course.

P.O. LINDSAY:

Mr. Tempera, I just disagree with that totally. We just did -- this body just approved an extension of the arbitration rule from two years to, what was it, three years or four years for all of the Police unions by virtue of an agreement that you guys negotiated. Now what this bill is saying is that you continue to negotiate, you continue to have your Labor Relations relationship with the Police unions, but it has to come back to us for our approval, just like the extension of that agreement.

MR. TEMPERA:

And again, the difference is if I negotiate something with the unions and the Legislature's role is to appropriate additional funds --

P.O. LINDSAY:

There's no additional appropriation there. We extended the term of the arbitrator.

LEG. ROMAINE:

Approve or disapprove.

MR. TEMPERA:

That was -- again, the technical term -- a 2092 agreement under the Taylor Law that requires Legislative approval. The law restricts binding arbitration to two years.

P.O. LINDSAY:

Okay.

MR. TEMPERA:

We had to move --

P.O. LINDSAY:

What happens if you didn't have binding arbitration and something real novel like you actually worked out an agreement at the table --

*(*Laughter*)*

I mean, wouldn't that agreement have to come back to us for our approval?

MR. TEMPERA:

If it required the appropriation of additional funds, which we have done time and time again. You'll be getting a new one from The Faculty Association that's been recently approved, we've done it with AME, we've done it with the Correction Officers, the Deputy Sheriffs. I can go on with all the groups we've brought agreements before you, but those are negotiated between the County Exec and the unions.

P.O. LINDSAY:

My point is I think you guys are splitting hairs for an excuse not to pass this legislation. Legislator Kennedy.

LEG. KENNEDY:

Thanks, Mr. Chair. I'm going to try to distill it down as basically as I can. And I also very much need to know, whether it's going to be from you, Jeff or from Dennis Brown, you're representing to us now that this is the violation of law and, in fact, it jeopardizes the arrangements under the \$12 million concession with the PBA; right? That was your statement?

MR. TEMPERA:

No, I'm not saying that the passage of this jeopardizes the \$12 million agreement. What I'm saying is it's an intrusion into the collective bargaining process. If the Legislature acted and did something contrary to or the County acted and did something contrary to the agreement we had with the PBA, yes, that would violate the agreement and that could result in the return of the \$12 million.

LEG. KENNEDY:

Okay. We -- I agree with that, you agree with that, we all agree with that, so now let's try to take it one more step here. Does this resolution violate that agreement?

MR. TEMPERA:

No, I don't think per se this violates the agreement.

LEG. KENNEDY:

So we're not jeopardizing \$12 million.

MR. TEMPERA:

No, I didn't say you were jeopardizing \$12 million. What --

LEG. KENNEDY:

Well, there was some talk before that this was running real contrary to what had been just

negotiated with the PBA and, in fact, it was in jeopardy and we were possibly going into the area that we couldn't go into.

MR. TEMPERA:

Oh, I did say we're going into an area that we shouldn't be going into, but for collective bargaining purposes. What I said before, and I said it earlier today, we sat down and negotiated this agreement very limited language with the PBA --

LEG. KENNEDY:

Yes.

MR. TEMPERA:

With an end date, 2015.

LEG. KENNEDY:

Yep.

MR. TEMPERA:

And we received \$12 million from the PBA.

LEG. KENNEDY:

Saw that, read it, yes.

MR. TEMPERA:

And again, what I'm saying is going into this area, this language has no end date on it, it applies to all the unions, and if passed you don't get any relief for the taxpayers with regards to any money coming in. But the Taylor Law issue is absolutely separate and apart from that; that's just an intrusion into the collective bargaining process.

LEG. KENNEDY:

Okay. And obviously, I don't agree with the characterization that we don't get anything for the taxpayers. As a matter of fact, I think quite the contrary; we're desperately trying to get anything for the taxpayers that goes close to public safety.

But what I'll also ask Mr. Brown then is, Dennis, has anybody from the PBA, be it the principals or Counsel for the PBA, furnished any opinion to you regarding whether or not, in their opinion, passage of this resolution would jeopardize that agreement?

MR. BROWN:

I haven't seen that opinion, no.

LEG. KENNEDY:

Has anybody sought that opinion? Has anybody had any dialogue with the PBA on this whatsoever?

MR. BROWN:

From the PBA, not to my knowledge.

LEG. KENNEDY:

Nothing. So for all we know, they may be doing cartwheels over this and thinking it's hunkey dorey.

MR. TEMPERA:

Absolutely, I think they are.

MR. ZWIRN:

I think they are, yeah.

LEG. KENNEDY:

Okay, good. Thank you. All right, that's all I need.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I want to continue with my thought. So the violation we're talking about is not a -- if we enact this resolution, it's not a violation of existing collectively bargained agreements or memorandums or anything like that with the PBA. The violation is in the Legislature impinging upon the authority of the Executive Branch to negotiate, that's what you're talking about; is that right?

MR. BROWN:

That's correct, but I also think that it goes deeper than that. And if I may, what I would just like to do to answer your question is talk a little bit about the PERB decision that was cited by Mr. Zuckerman. In that PERB decision, it was about a Legislative resolution, I think from 2003.

LEG. D'AMARO:

To increase the number of open periods for EMHP members, that one?

MR. BROWN:

Correct. Now, what that did, that resolution actually created a greater benefit to the union members than what they currently have and what they had back then; they made the open enrollment period four times a year instead of one time. Now, what the board did was they looked at that and they, in fact, said that even though you're doing something that is better for the employees than what you currently have, it's a unilateral change to what's been negotiated via the contract.

LEG. D'AMARO:

So it doesn't really matter whether there's an increased benefit or a decreased benefit, it's just the fact that you're changing something --

MR. BROWN:

That's correct.

LEG. D'AMARO:

The Legislature was exercising its authority to change something that should be subjected to collective bargaining.

MR. BROWN:

That's correct.

LEG. D'AMARO:

Is that what you're saying?

MR. BROWN:

Yes, that's correct.

LEG. D'AMARO:

Now let me ask you this. If this bill read instead, "In the event all parties agree through the collective bargaining process that no service provided shall be transferred, then such transfer should be subject to Legislative approval," would that be acceptable? In other words, leaving it to collective bargaining to decide whether or not to substantively enact these provisions, but if they are put into the agreement, then this law would say that it would be subject to Legislative approval; would that be -- would that pass Taylor Law muster?

MR. BROWN:

Could you repeat the question?

*(*Laughter*)*

MR. TEMPERA:

I think it's if you negotiate something.

LEG. D'AMARO:

I don't know if I can, but let me try and simplify it a little bit. Let's say you're right and let's say we agree that we can't enact this resolution today because you have -- it impinges on the Executive's authority to bargain.

MR. BROWN:

It changes terms and conditions of employment.

LEG. D'AMARO:

Right. Now, the Executive and let's say the PBA or any law enforcement union go into collective bargaining and these exact terms are agreed to by all parties.

MR. BROWN:

Okay.

LEG. D'AMARO:

Okay? Can we then say because they were agreed to in collective bargaining, the transfer would be subject to Legislative approval?

MR. BROWN:

I would think -- I would think not, and I would think for two reasons. The bargain for terms and conditions of employment, they have a finite date they expire at a certain -- at a certain date, and you would be altering what's been agreed to between the parties if you pass legislation.

LEG. D'AMARO:

Well, no, what if the Legislative approval clause was included in the collective bargaining process?

MR. BROWN:

That the terms and conditions agreed upon between the parties had to be approved by the Legislature?

LEG. D'AMARO:

No, the transfer of a service to another law enforcement agency; could that be a negotiated term?

MR. TEMPERA:

Again, I think -- if what you're saying, if we negotiate an agreement with the PBA --

LEG. D'AMARO:

Right.

MR. TEMPERA:

You're asking that that be subject to coming back to the Legislature for Legislative approval.

LEG. D'AMARO:

Correct.

MR. TEMPERA:

I don't think that per se violates the Taylor Law at all.

LEG. D'AMARO:

Okay.

MR. TEMPERA:

Again, that would have to be part of the agreement with the PBA. Typically, when we negotiate an agreement with the PBA or with any of the unions, you'll see a final tag line that will say it's subject to approval by the membership, ratification to the extent necessary by the Legislature and approval by the County Executive. So as long as that's made part of the process with the PBA in negotiating it, I don't see how that violates the Taylor Law.

LEG. D'AMARO:

So the Police union and the collective bargaining process could, if this language is thrown -- is put on the table, could include as part of the bargaining that, "Well, if we agree to this language and if you agree to this language, we want it subject to Legislative approval," not the agreement but the substance of it.

MR. TEMPERA:

Well, in fact, we've already agreed with the PBA for this language and it's in the agreement. The \$12 million agreement we negotiated with the PBA has similar language; this goes well beyond it and there's no end date to it. That's, you know, some of the difference, the PBA gave us the ability that we can civilianize any jobs.

LEG. D'AMARO:

No end date in the sense that this is a term and condition, therefore it's subject to periodic review through collective bargaining, but this a blanket, endless kind of imposition of a term.

MR. TEMPERA:

Well, again, the PBA agreement ends 2015. The \$12 million we got has an end date on it.

LEG. D'AMARO:

Right.

MR. TEMPERA:

This resolution is a change in the Charter, as I understand it, and says that everything has to come forward from now to eternity.

LEG. D'AMARO:

Okay, thank you.

P.O. LINDSAY:

I think everybody is talked out. Oh, Legislator Losquadro.

LEG. LOSQUADRO:

No, I'm just going to just make a brief suggestion. And this, I think, is in large part, the fault of -- I can't believe that this decision was asked for yesterday, that we're just getting this information now, we're asking these, you know, very complex, legal issues that we're discussing here, getting into, you know, bargaining issues, does it impinge on different levels of government. I have to tell you, I haven't been on this committee this year, but I remember us discussing this very issue for a long time when I was on that committee. To be put in a position now, and I think was mentioned earlier, you know, that it's always a last minute sort of thing, I have to tell you, I certainly want to address this before we break for the summer. We have a two-week cycle at this point. You know, Legislator Montano, who obviously has a very keen legal mind, brought up a very good point, this is a -- I'm not an attorney and I think this document is woefully inadequate. I would like to see a great deal more information before I render a decision on this.

Being that we have a two-week cycle, I'll ask -- I'll make a motion to table to try to get more information, final information on this. Because I have to tell you, you have not done a good job bringing this forward to us at the last minute here. And if there's nothing else forthcoming in these next two weeks, I have to tell you, it seems as though to me I'm really, you know, pretty well convinced, other than what you brought forward at the last minute here, that this is simply reinforcing what we already have. I'll give it another two weeks to try to make some of those points, but you didn't do a good job today, I have to tell you that. I'm very disappointed.

LEG. NOWICK:

I'll second the motion to table, but can I make --

P.O. LINDSAY:

Wait a minute. Give a second to Legislator Montano and then I'll recognize you, Legislator Nowick.

LEG. MONTANO:

Ben, on the motion. I understand your position and it's in conformity with my position. But we've been down this road before and I'm not prepared to table it. If this passes, then let it go back to the County Executive, let him veto it and then let him send it back to us with the appropriate explanation, justification, legal memorandum and then I'd be willing to reconsider based on what you provide subsequent. But I'm not going to play this, you know, game that, "Oh, here we are again, we're ready to make a decision," and out of your back pocket comes a legal decision, comes this, you know, a left-handed curve or whatever, no. I would suggest that whoever wants to pass it, we pass it; if it doesn't pass the issue is resolved, if it does pass, see me when you veto it. That's what I would recommend.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

The only reason I would second that motion to table is because he said one thing, he said another thing, I need somebody to break the tie. This is like bullying; he says/she says, he says/she says. I'm so confused. You say it violates the Taylor Law, our Counsel, who I respect, says it doesn't. As a layman, I don't know what the hell to do. I'm confused; does it or doesn't it?

MR. NOLAN:

Legislator Nowick? Can I say something?

LEG. MONTANO:

I'm asking him to take it up on the veto.

P.O. LINDSAY:

Go ahead. Counsel wants to weigh in here.

MR. NOLAN:

Legislator Nowick, I haven't said much, but I do want to say, I really -- I really don't think this has anything to do with collective bargaining. This really has to do with issues outside of collective bargaining, things that -- this bill came about because certain decisions were made outside of collective bargaining, policy-type of decisions that never came here, and I think that Legislator Eddington wanted those things to come here. If the County Executive wanted to make a policy change in terms of services provided by the law enforcement agencies, before he moved ahead with those in the future those would come here for our say as well. So I think the collective bargaining thing has kind of muddied the issue, but it's really about policy within the law enforcement agencies and do we get a crack at that before they were implemented in the future going forward. And to me, that's what the law is about, it's not that complicated.

LEG. NOWICK:

They disagree.

P.O. LINDSAY:

Legislator Eddington.

D.P.O. VILORIA-FISHER:

Can you put me on the list?

LEG. EDDINGTON:

Yeah. You know, I think if you just watch what's been happening over the last year or so, I don't know if Legislator Losquadro has a script, but he almost said the exact thing two weeks ago when you guys came up and said something else. So, you know, I'm just going to ask my colleagues to vote for it yes or no. You know, that's no hidden agenda here. I'm trying to do what George said and if you agree vote for it, if you don't, don't for vote for it. You know, I can sleep at night knowing I tried to do something for public safety.

And by the way, you know, a number of people that are questioning it, they supported it initially. I don't know what happened in the last month or so to make people change their minds when they were arguing so hard for it or helping me write the legislation, but some people changed miraculously over the last month or so. I haven't changed, I'm going to be the same, I guess, irritable person then.

*(*Laughter*)*

I'm going to be consistent and again I'm going to tell you, my only goal is to public safety of the citizens. I know it's not always the best way, but that's going to be my way. So I'm asking you to vote yes or no.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Well, thank you for your crankiness, Legislator Eddington.

*(*Laughter*)*

But you know, I think this whole -- this is just a red herring, throwing in this collective bargaining thing, because I remember -- remember, Dan, we were doing -- working on the budget and the Presiding Officer had just had this discussion with these guys about the Police and the final agreement? If that had been collective bargaining, the Presiding Officer couldn't have been part of it because the Legislature is never part of collective bargaining. So they -- this is purposely muddying the waters, it's a specious argument. And I agree with what Legislator Montano said, let's pass it. If there's a real basis for this argument, then it will appear in the veto message. And if it's -- if it's --

LEG. MONTANO:

Legitimate.

D.P.O. VILORIA-FISHER:

If it's substantive and compelling, then we'll make the judgment at that point. But we've been beating this enough, let's pass it. Let's make our commitment that you can't just fool around with the Police Department and move -- take jobs away and put them someplace else. Let's just pass this and let him give us a good argument.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I'll pass.

P.O. LINDSAY:

Pass.

D.P.O. VILORIA-FISHER:

That's the word.

LEG. MONTANO:

Now we're rolling, let's go.

LEG. ROMAINE:

No comment.

P.O. LINDSAY:

You want to say one more thing, Ben?

MR. ZWIRN:

If I might, and it's been an issue that was sort of glossed over. When Jeff Tempera and the County Executive's Office negotiated the language, the language is not as broad as the language in this legislation. They received \$12 million in give-backs from the PBA; \$12 million. Legislator Eddington says, "well, that's bullying tactics"; that's taxpayer money. That's 20% tax increase that was in the General Fund, 20% tax increase, \$12 million of taxpayer money; it's not Monopoly money, in tough economic times. We bargained for that and now, after all that work, on behalf of the taxpayers of this County, it didn't go in our pockets, it went -- we saved the taxpayers money, we're ready to give that all back in a way going forward forever.

LEG. MONTANO:

Come on, let's vote.

LEG. EDDINGTON:

Bill?

P.O. LINDSAY:

No, no, no more. No more. That's it, it's over.

LEG. EDDINGTON:

I can see the pressure.

P.O. LINDSAY:

No, no, that's over. I mean, that's such a baloney argument, I've never heard a baloney argument like that in my life.

*(*Laughter & Applause*)*

All right, we have a motion and we have a second to table; roll call.

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

LEG. LOSQUADRO:

Yes to table.

LEG. NOWICK:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes to table.

LEG. GREGORY:

No.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No to table.

D.P.O. VILORIA-FISHER:

No to table.

P.O. LINDSAY:

No.

MR. LAUBE:

Five.

P.O. LINDSAY:

Okay. Motion to approve; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

No.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Pass.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. NOWICK:

Oh, big decision; abstain.

LEG. MURATORE:

Yes.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay, 1164 passes. Moving right along --

*(*Laughter*)*

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

P.O. LINDSAY:

1186, Amending the 2010 Adopted Operating Budget to reallocate funding for a new initiative, the Heroin Treatment Program for Young Adults. (Co. Exec.)

Legislator Kennedy, would you like to make a motion on that.

LEG. KENNEDY:

Yeah. As a matter of fact, Mr. Chair, we've talked about this before. I think the heroin initiative had been done a couple of meetings ago. This is the remnants of what had been submitted originally by the County Executive. I'd love to make a motion to table subject to call.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Before we vote on that, Ms. Vizzini, hasn't the components of this original bill been passed in other forms? Is there anything still hanging out there? Legislator Romaine, do you know the answer?

LEG. ROMAINE:

In my bill for the Peconic Medical Center --

LEG. KENNEDY:

We broke that out.

LEG. ROMAINE:

We broke that out.

P.O. LINDSAY:

Do you want me to skip over this, Ms. Vizzini, so you could further exam this?

MS. VIZZINI:

Yes.

P.O. LINDSAY:

Okay. I'm going to skip over this. We have a motion to table subject to call. It's my recollection that the -- did the electronic monitoring component get passed? I think that was the piece that the -- what is the name of that drug.

LEG. LOSQUADRO:

Suboxone.

P.O. LINDSAY:

Suboxone. Okay. I know that part of it passed. Okay. I'm going to skip over that.

1298, Adopting Local Law No. -2010, A Local Law to change the composition of the Vanderbilt Museum Board of Trustees. (Lindsay).

I'm going to table that subject to call, seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. **(TABLED SUBJECT TO CALL).**

P.O. LINDSAY:

1355, Adopting Local Law No. -2010, A Charter Law to implement two-year rolling debt policy under 5-25-5 Law to mitigate budgetary shortfall.

LEG. ROMAINE:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Romaine.

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator D'Amaro. Seconded by Legislator Eddington to table. Do I have a second on the approval? Seconded by Legislator Gregory to approve. The tabling will go first. Any comments? No? Roll call.

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

LEG. ROMAINE:

Yes to table.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

No to table.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Pass.

LEG. LOSQUADRO:

Yes to table.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No to table.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Um, I'm going to vote yes to table.

LEG. MONTANO:

Yes.

MR. LAUBE:

Ten.

P.O. LINDSAY:

It stands tabled. We're going back. Do you have the answer on 1186 yet, Ms. Vizzini?

MS. VIZZINI:

Well, as amended, 1186 takes \$221,000 from the Brentwood Health Center line item and redistributes to fill existing drug counselor positions for what I believe to be Suboxone Program and provide an additional \$75,000 for fees for services, laboratory and laboratory supplies.

P.O. LINDSAY:

But I thought that was done under a different resolution, no?

MS. VIZZINI:

Legislator Kennedy had --

LEG. KENNEDY:

As a matter of fact, yes, it was, Mr. Chair. So in actuality to pass this resolution would then double what was originally identified as a pilot program, which you'll recall, my bill and the bill that I worked

with the Health Department on has the reporting back requirement to us within 45 days. Hence --

P.O. LINDSAY:

See, that's why I asked you if you had a motion when I brought this up.

LEG. KENNEDY:

You recall I said table subject to call.

P.O. LINDSAY:

Okay. But the electronic medical records wasn't part of this bill; am I correct?

MS. VIZZINI:

It was part of the original bill, but not -- not part of the amended.

P.O. LINDSAY:

Okay. So we have a motion to table subject to call by Legislator Kennedy, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Back to ***1029, Adopting Local Law No. -2010, A Charter Law to provide a fixed terms for Public Safety Appointments. (Cooper)***. Do we have a resolution on this as yet -- a motion on this, Mr. Clerk? Same page, Page 7, first resolution.

LEG. COOPER:

I'd like to make a motion to approve.

LEG. LOSQUADRO:

Motion to table.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, second by Legislator Vilorio-Fisher. And a motion to table by Legislator Losquadro and seconded by Legislator Muratore; is that correct? Romaine. Okay. On the question, does anybody want to talk? No? Okay.

MS. MALAFI:

May I be heard?

P.O. LINDSAY:

Go right ahead.

MS. MALAFI:

Thank you. At the last meeting, I believe I gave my legal opinion on this that this bill because of the termination clause in it that automatically vacates the Public Safety appointments; the Police Commissioner, the FRES Commissioner and the Probation Director, it in essence, fires all three of them immediately upon its filing with the Secretary of State. All three -- the FRES Director and the Police Commissioner as well as the Probation Director were all appointed under Charter Law sections that provide that the appointments are at the pleasure of the County Executive. Therefore, this bill cannot be passed, because the Legislature in effect is firing all three positions.

Additionally, I would just like to point out that the five year term, which if this bill passed, whether it be vetoed and have to come back or subject of a litigation, would probably wind up with new appointments either the end of this year or the beginning of next year. The effect of this bill would mean that the next County Executive -- the current County Executive's expires at the end of next

year -- this bill if passed would mean that the next County Executive if it's not the current County Executive gets no Public Safety appointments.

P.O. LINDSAY:

Okay. I would like our Counsel to comment on that opinion from the County Attorney. Sure. You want to ask a question first? Go ahead.

LEG. MONTANO:

Your opinion, was it in writing or was it oral?

MS. MALAFI:

Oral. I've given it on committee, at least two other times.

LEG. MONTANO:

I wasn't at the meeting, so do you have it in writing?

MS. MALAFI:

No. I just have my notes.

LEG. MONTANO:

Okay.

MS. MALAFI:

No one asked for it in writing.

P.O. LINDSAY:

Okay. Legislator Romaine, you want to comment before our Counsel?

LEG. ROMAINE:

Yes. I'd like to request that opinion in writing please.

MS. MALAFI:

Sure.

P.O. LINDSAY:

Counsel.

MR. NOLAN:

Initially, let me just say that with the passage of this law, these people would not be fired immediately. The law provides that they continue to serve in a hold-over capacity for -- and there's 180 days that they can serve in that capacity. In the mean time, the County Executive would be required to put in a new resolution. It's right in the law. And the County Executive would be required to submit resolutions to reappoint these people. Their terms are ended, but they're permitted to serve in a hold-over capacity, and that's what the law states.

It does -- it is true that presently under the Charter these offices -- they serve at the pleasure of County Executive, but this is a Charter Law, which is a law of equal dignity, so that we can implement this and it can supercede the existing Charter provision. So I believe, again, legally we can proceed with this if that's the Legislature's desire.

MS. MALAFI:

Excuse me. Can I just -- if you look at the section George refers to is Section 4 Subsection B. Subsection A of Section 4 says that the position shall be deemed vacant as of the effective date of this legislation. That means that as of the effective date of this legislation the can no longer be considered the department heads. Rather, they can just be considered hold-overs. That takes them out of their office. That's the same thing as firing them.

MR. NOLAN:

It's not. I mean, we have people who all the time when their terms expire they continue to serve in a hold-over capacity. So they're not being terminated.

MS. MALAFI:

These people don't have terms. You are terminating them.

P.O. LINDSAY:

We just had a Social Services Commissioner that served for probably two years after her term expired as a hold-over.

MS. MALAFI:

Correct. But that was before the new law.

P.O. LINDSAY:

It's the same thing.

MS. MALAFI:

The reason she was hold-over was not because she was let go by Legislative resolution. The reason she was a hold-over was because she had a State term that expired.

P.O. LINDSAY:

And she was not reconfirmed by this body.

MS. MALAFI:

And I understand that, but that's the second part of the analysis. The first part of the analysis is that the reason she was a hold-over was because her State Law term expired, not because a resolution was passed taking her out of her office.

P.O. LINDSAY:

So, Christine, are you telling us this body cannot set a term other than the term set in State Law?

MS. MALAFI:

It would depend on the position. For example, the Probation Department --

P.O. LINDSAY:

So we can't change the Charter, is that what you're telling us?

MS. MALAFI:

That's not what I said. I just said you can't do it this way by vacating the positions.

P.O. LINDSAY:

But if we want to change the Charter to give this coequal branch of government a say in this very important position, is your testimony that we cannot do that?

MS. MALAFI:

No, that is not.

P.O. LINDSAY:

Okay. Legislator Cooper.

LEG. COOPER:

First of all, my intent was not to fire these three department heads. My intent was as Legislative Counsel set forth to appoint fixed terms, give them six-month periods, and then the Legislature will vote on whether we want to reappoint them to a new term or not. And if there isn't sufficient

support for any of those three department heads, the goal would be to work cooperatively with the County Executive on a replacement that would have a new fixed five-year term.

Just as Legislator Eddington, I want to ask my colleagues, I filed this bill back in January and we've heard a lot of debate over this, a lot in the media, a lot of back and forth. I also would request the courtesy of an up and down vote. If you support the bill, great. If you oppose the bill, vote no. But I request that this not be tabled.

I just want to briefly say what my rationale is for this proposed resolution. I believe that the Police Commissioner has not been forthright with the Legislature in his testimony before us. The reason being, I believe, is that he is an at-will employee and he could be fired at any time by the County Executive for any reason. If the Police Commissioner were to have a fixed five-year term, he can no longer be fired without cause. If the County Executive wanted to fire the Police Commissioner, he would have to request that the Legislature have -- hold evidentiary hearings. The Legislators would have to bring charges against the Police Commissioner. He would have an opportunity to answer charges and we would vote. But we could only remove him for cause.

Right now, if the Police Commissioner came before us and testified, for example, that he believed that to ensure public safety and that to ensure the safety of Police Officers under his command, we need more or cops. He can't say that, because if he said that publically, his concern is that he would be fired. If he had a fixed five-year term, he would be given great autonomy and independence. And we all heard Bob Creighton, former Police Commissioner under Republican County Executive, who came out not once but twice and spoke strongly in support of this bill for that very reason. He said it would give greater independence and autonomy.

I must say that one of my Legislative colleagues, Legislator Muratore, shortly after he took office also spoke strongly in support of the bill. And, Tom, I think you actually said that I stole the idea from you, but you were glad that I got on board and we move forward with this. Unfortunately, most of the Legislators were not at the Public Safety Committee Meeting where we heard testimony for two and a half hearings from Deputy Inspector Janson, the Police Commissioner and Chief Moore. But for those Legislators that were there, it was very powerful testimony about the houseboat incident where three people died, three of my constituents died when they were overcome by carbon monoxide poisoning. And there was a police boat moored just a couple of hundred feet away. Unfortunately, it was not manned.

There was another incident aside from concerns I have about short staffing in the Marine Bureau, I'm also concerned that we don't have enough cops on foot patrol in my district, on bike patrol, in the Gang Suppression Unit. And just this morning, it just came over the wire, three people were stabbed in Huntington Station this morning. My constituents are clamoring at every community meeting that I attend for more cops. And it's very frustrating to me when I'm told privately by top police brass that of course we need more cops, but publically they, for whatever reason, won't testify to that.

I think that if we had a fixed term for the Police Commissioner, it would give him the autonomy and the independence he needs to provide us with honest forthright answers on police policy issues. I think it would greatly increase the likelihood, since he knows that he couldn't be fired by the County Executive that if comes before us and we ask him to ensure the public safety of Suffolk residents, do we need more cops, I think it would greatly increase the likelihood that he would give us an honest answer, which he is not doing so far.

This is not unprecedented. There are at least three municipalities across the country including, I believe, the City of Los Angeles, that has fixed terms for their Police Commissioners. I think that this makes sense. I do want to also point out -- every Legislator has this in front of them -- going back to the police staffing issue. I have to say it's disconcerting to read misstatements in the media by the Police Commissioner. And it happened again today. He was quoted in a local Huntington paper as saying that Bravo Boat, the marine boat in my district is "always offline in the winter, and it's always been that way, it's been that way for years." He said that again just yesterday despite

the testimony that we heard at Public Safety and the statistics that you have before you that show very clearly that even though the Police Commissioner and Deputy Inspector Janson claim that we have more cops in the Marine Bureau than ever before, they took Bravo Boat, the boat that patrols the North Shore of Long Island, the western portion of the Long Island that's normally moored in Huntington, it has only been up and running this winter 22% of the time. That compares to past winters early in Levy's term of 56% to 65% of the time.

And in the month of March which is when this tragedy took place and three people lost their lives, three people died, it was only up 25% of the time this March. In March of 2003, it was 85% of the time, 85% of the time down to 25% of time. And yet, Commissioner Dormer is saying that we have more cops in the Marine bureau, and he's saying that what I'm saying is not true, the boat is always offline in the winter. I'm tired of the misstatements, I'm tired of allegations that I and other colleagues of mine are part of a PBA-Legislative cabal which has been repeated numerous times. And my only concern is trying to ensure the safety of my constituents and more importantly, the safety of residents of Suffolk County. And I think that providing a fixed term for the Police Commissioner and other law enforcements department heads is a necessary move in that direction. Thank you.

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

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:

Well, first I want to point out that I agree wholeheartedly with Legislator Cooper with respect to the need for the hiring of additional Police, that's why I supported that in our budget process. But when it comes to this bill where we're debating whether or not to have a fixed term or to have the law enforcement professionals serve at the pleasure of the County Executive, I think I have a philosophical difference with Legislator Cooper, and this goes to the very structure of government. While I think it's important that we debate Police protection and staffing levels, this is something more. This is really a change to how the government itself operates, and I want to make a couple of points about that.

First, the bill, in my opinion, will greatly politicize County departments instead of -- if we pass this bill, department heads will also have to count heads, specifically they'll have to count the 18 Legislators. When deciding and doing their job, what decisions that they have to make, it's going to be a consideration whether or not eventually each of those department heads, law enforcement officials would get the support of ten County Legislators. So I think that adds a level of politics to this that we don't have right now.

Also, I think it's basic government that a department head is an extension of the Executive Branch and by definition, a department head, even a public safety professional, should and must operate at the pleasure of the County Executive as the one responsible for the day-to-day implementation of the County Executive's policies and County Executive directives. Providing a fixed term for department heads flies in the face of basic government structure and the present structure that we have right now here in Suffolk County. These department heads are the alter ego of the County Executive, though are not independent of the Executive nor, in my opinion, should they be. They give their advice, and they always give their best advice, but the buck stops with the Executive. The last thing we should be doing in government is to make department heads more independent and autonomous, even Police professionals. Nobody elected them, they are not accountable to the public at large, and I certainly do not want to insulate them in their positions to a point where they are not directly accountable on a daily basis to a government official elected by the people. I think that is extremely important.

So the way you make government accountable to the people is by holding elections and by holding elected officials responsible, and not by insulating non-elected department heads with a term and giving them, in effect, the authority to make and implement without daily accountability. So I would urge everyone to vote against this bill.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Let me take a different tack with reference to this particular piece of legislation. As I take a look around the horseshoe, 17 of the 18, and I exclude myself, could well find themselves in the future one day waking up and they now are the Suffolk County Executive. Any one of the 17 have the capability of doing that.

LEG. ROMAINE:

That's Steve's nightmare.

LEG. BARRAGA:

I mean, we take a look at luck and good fortune and the availability, it could happen. The question is if you become Suffolk County Executive in the future, at any time, would you want this bill in law in Suffolk County?

LEG. ROMAINE:

Absolutely not.

LEG. BARRAGA:

I don't think so. Because any Suffolk County Executive, when they're first elected, they want to put their team together. They want to put people in key positions that reflect their political philosophy, their fiscal objectives and goals. This particular piece of legislation would handicap a County Executive, because certain people would be finishing out additional two and three-year terms in these three spots. You already have four positions based on the State where the County Executive is sort of hamstrung.

And you know something? Certainly, when he appoints his people, they come down here and we passed on them and they become Commissioners, but now under this legislation it's a five-year term. And in a way, that County Executive wants to be protected, he wants that person to serve at his or her pleasure. Because you know something? County Executives make mistakes. How many times, even in our own district offices, over the years have we brought somebody in and thought they were great, just the right person that's going to fill that slot, and you make the decision and you find out soon enough over a period of time that's a mistake. If this bill were to go through and the County Executive appoints Mary Smith or John Brown and he comes down here and he becomes the new Commissioner of Police or FRES or Probation, and then the County Executive finds out six months, twelve months down the line he or she has made a mistake, what does he do? He's stuck. He's stuck for four or five years. Don't depend upon the Legislature to get rid of that person. So you don't need a bill like this.

And you know something? I don't like the idea, after five years and someone comes along and they're out now and the County Executive brings somebody in and all of a sudden the County Executive is of one party and the Legislature is of another party and it's a political gamesmanship. We see this happen in Congress all the time where appointments are held up months, even years.

This bill is just not necessary. Don't think in terms of the current Commissioner or the current County Executive, think in the future.

LEG. HORSLEY:

Right.

LEG. BARRAGA:

Think of future County Executives and what their Executive role really has to be and what the Legislative role should be. Don't get -- even though it's extremely important, don't get bogged down on what's happening in this location or that location or you don't like this Commissioner, you don't like this County Executive. This permanently will change the law and affect future County Executives and none of you should have to deal with that based on this law.

LEG. MONTANO:

Can I ask a question?

P.O. LINDSAY:

I wanted to make a comment, but go ahead. Legislator Montano?

LEG. MONTANO:

Well, if I could direct a question to Legislator Barraga.

LEG. BARRAGA:

Let me bring this back.

LEG. MONTANO:

What was that?

LEG. BARRAGA:

No, it's my contraction here. Go ahead.

LEG. MONTANO:

No, I was just going to say, I agree with your arguments there. But would your arguments also be the same with respect to when you talk about making a mistake as a County Executive, would they also extend to the issue where we as a Legislature confirm someone and then realize that maybe we made a mistake in confirmation; would you feel the same way on that issue?

LEG. BARRAGA:

No, because I think the original decision comes from the Executive Branch. You make the call here. I mean, when we sign-off on a Commissioner, I'm sure there are people who have doubts even when you're voting, you just hope that, you know, they work out. And sometimes, you know, you'll vote for a Commissioner because the County Executive feels that that person is right. I don't think that the same should hold true for the Legislature as it does for the County Executive in this instance.

LEG. MONTANO:

Okay. We'll debate that when we get to the Dormer bill.

P.O. LINDSAY:

The only -- I hope I have the last word on this so we can move on, because we haven't gotten to the agenda.

LEG. COOPER:

Well, I just want to make one more brief statement, but go ahead, Bill.

P.O. LINDSAY:

Go ahead, make your brief statement.

LEG. COOPER:

No, I just wanted to --

P.O. LINDSAY:

It hasn't been brief yet.

*(*Laughter*)*

LEG. COOPER:

I think one of my best arguments in support of a fixed term is the recent experience that we had with Janet DeMarzo. If Janet had -- and nothing personally against Janet, but if we had not -- if Janet had not had a fixed term, Janet DeMarzo would still be our DSS Commissioner. And I think that anyone here would admit that morale at DSS is up, they work much more efficiently than they did in the past. I think that Greg Blass is doing a great job. Luckily that position has a fixed term, as does Social Services Commissioner and a couple of others -- as does Health Commissioner and a couple of others. And what happened when the County Executive brought that nomination back before us, we as a Legislative body decided that there was not sufficient support for Janet, we worked cooperatively with the County Executive, he came back with an alternate name and I believe that Greg's resolution was approved unanimously.

So that is the model that I hold forth. I think that if it makes sense for Health Commissioner and Social Services Commissioner, you can make an argument that it also makes sense for Police Commissioner. And although there are arguments and counter-arguments, I believe that the arguments in support of this institutional change outweigh those against it. Thank you.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

I'll be very brief. Many of us on this body believe that we desperately need more Police. Whether or not this Commissioner or any Commissioner agrees or stipulates or disagrees that that's the case is not going to affect, and obviously hasn't affected, what each of us believes to be true.

Furthermore, what the Commissioner believes or says does not translate into what the County Executive does. The Commissioner could come before us and say we need 200 more cops; if the County Executive doesn't want to hire 200 more cops than we're stuck. So this bill handcuffs the Legislature, it handcuffs the County Executive and -- excuse the pun -- and I just think it's bad policy.

P.O. LINDSAY:

Last word? The last word. I couldn't disagree with you, Legislator Cilmi, more. This isn't about more Police Officers, this is about this body and the department that the man heads has lost confidence in him.

LEG. CILMI:

Then fire the Police Commissioner.

P.O. LINDSAY:

I think I have the floor.

LEG. CILMI:

Sorry.

P.O. LINDSAY:

I didn't interrupt you. And I think that's what the issue is all about here. It isn't about Police Officers, but when someone comes before us repeatedly and keeps giving us statistics that we know are suspect, when he tells us that we keep civilianizing positions and the civilian population in the Police Department remains stagnant; come on, people.

I've been here nine years. We have four appointed Commissioners -- Real Property, I've never voted on anyone from Real Property. She was here before the current County Executive, she keeps getting reappointed. I mean, I don't think anybody has had any problem with that at all. I voted on the confirmation of three Health Commissioners. There has been no problem, there's been no micromanagement of that department. I voted on two Social Services Commissioners. Civil Service was here before the current County Executive, probably the Executive before him.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

All right? I mean, this County Executive chose to reappoint him, this body had no problem with confirming that. I just think that this -- the whole argument here is more of a red herring. I think we are a co-branch of government and I think we should act like a co-branch of government. With that, we have a motion to table; roll call.

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

LEG. LOSQUADRO:

Yes to table.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

No to table.

LEG. MONTANO:

Pass.

LEG. CILMI:

No to table.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No to table.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes to table; we're after the wrong head.

LEG. GREGORY:

Come on, man, take some of this stuff.

(*Laughter*)

No to table.

LEG. STERN:

Yes to table.

LEG. D'AMARO:

Yes to table.

LEG. COOPER:

No to table.

D.P.O. VILORIA-FISHER:

No to table.

P.O. LINDSAY:

I just want to say one thing. Why didn't you just vote it up or down instead of keep tabling it? Come on, will you?

LEG. BROWNING:

You are right, Bill.

P.O. LINDSAY:

No intestinal fortitude at all. No to table.

LEG. MONTANO:

No; vote it up or down.

MS. ORTIZ:

Eight.

P.O. LINDSAY:

Okay, so the tabling failed? The tabling failed.

D.P.O. VILORIA-FISHER:

Yes.

LEG. MONTANO:

Tabling fails.

P.O. LINDSAY:

Mr. Clerk -- do I have a Clerk? Did the tabling fail?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Yes, tabling failed.

P.O. LINDSAY:

Okay. Motion to approve.

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

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Five.

P.O. LINDSAY:

It failed.

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

Introductory Resolutions, page eight:

Budget & Finance:

***1582, Authorizing a public hearing pursuant to section 6-r of the General Municipal Law.
(Co. Exec.)***

LEG. ROMAINE:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Romaine.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Just, Counsel, without me opening my book, what is this about?

MR. NOLAN:

What this resolution would do would set a public hearing in August that would authorize -- we have to hold a public hearing in order to move money from our Tax Stabilization Reserve Fund to the Retirement Reserve Fund. So this -- this would authorize a public hearing. The amount would be \$30 million, and this is required under the General Municipal Law to hold the public hearing.

P.O. LINDSAY:

I make a motion to approve.

LEG. D'AMARO:

Second.

D.P.O. VILORIA-FISHER:

I withdraw my second.

LEG. KENNEDY:

I'll second on the table.

P.O. LINDSAY:

Okay. We have a motion to approve and a second by Legislator D'Amaro. We have a motion to table by Legislator Romaine and seconded by Legislator Kennedy. On the question, Legislator Romaine.

LEG. ROMAINE:

Yes. I argued against this in the Budget and Finance Committee for one simple reason. Right now we have a Tax Stabilization Fund. We also have a pension requirement coming due that we'll owe more to the pension fund next year. What the County Executive is attempting to do is take the Tax Stabilization Fund and move it over to pay the pension.

On the face of it, it would seem okay, this makes sense, except that State Law, the Comptroller and other municipalities throughout this State are bonding this expense out, which is an option that remains to us. Right now, if we set this public hearing, the County Executive will include this in the budget, we will not have an opportunity to use Tax Stabilization for any purpose, because it will be already committed.

If we delay the public hearing, we have an opportunity to make a decision. Do we want to either bond out the pension expense for 2011 or do we want to use Tax Stabilization Fund, because we can set the public hearing to do this in October and have a separate resolution for this so that the payment which is due at the end of February is ready. But if we commit now, what we've done is we've blocked ourselves in as far as the Operating Budget is concerned for 2011, because any maneuverability is lost. The Tax Stabilization Fund is totally committed, \$30 million. We don't have any discretion, we have no maneuverability, we have no say in that budget, because the County Executive, you don't want this, find \$30 million, and we're stuck.

What I'm saying is this may be the way to go, but at this time, I'd hold off this public hearing. And I'd hold this public hearing instead of August 5th, I'd have it October 5th. I'd wait on this and keep our options open until after the County Executive submitted his budget. I would not put this in now. This may be something we want to do, but that determination should be made after, not before the County Executive submits his budget, otherwise we're blocked in. You will lose all control over the 2011 Operating Budget by permitting this public hearing to be held on August 5th. This is a major, major decision cloaked in what seems like a ministerial act. But it determines for us the outcome of the 2011 budget; you, me and every other Legislator will lose any ability to control that budget or have any say in that budget by approving this.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. This is an additional cost passed on to us. We constantly talk about not wanting to put ourselves deeper into bonded indebtedness. In this situation where we have cash to pay for something. This is cost shifting. If we dedicate this specifically towards this mandate that's been placed upon us, it's money we don't have to find someplace else and it's money that we don't have to bond and look towards the future to increase our debt service.

You know, in a perfect world, would I have liked to have additional monies that we could maybe appropriated that money towards something else, but this is an expense we have to cover. And we don't want to increase our bond indebtedness. You know, we've fought in past years to get the County Executive to access Tax Stabilization Reserve and we now have a commitment that he will so, albeit towards a specific purpose. But it's a purpose that we're going to have to cover no matter what. And I would rather do it with cash, which is something we have not done much of lately, rather than bond it out.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Quick question, I don't know who could answer this. If we do approve the hearing, is that a fait accompli?

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

LEG. NOWICK:

From what I understood from Legislator Romaine, if we approve the public hearing -- and I don't know who answers this -- does that mean it's a fait accompli?

LEG. SCHNEIDERMAN:

No, it has to come back to us.

MR. NOLAN:

No. Approving this doesn't move the money between the funds. We have to do another resolution in order to do that.

LEG. NOWICK:

So here's the point on that then. If we are considering this at all and we go ahead with the public hearings, what's the downside? Because this is an expense with this economy that we're stuck with. I'm afraid if we let this go, we're not going to be able to access the money on time. So as long as I know this is not a fait accompli, I -- thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, Legislator Losquadro brings out something that all of us struggle with particularly as we look at debt issues. But my understanding with the legislation for this spike of pension costs for 2011 is that there is the opportunity to amortize, to amortize over a five-year time period. And I do believe that the interest cost associated with borrowing at this point continues to be at historic lows. I'm going to ask BRO, what are we paying out there in the market at this point when we go out for money? Do we have any idea?

MR. LIPP:

We're paying about 4% probably on a 20 year bond. It's less for, you know, maybe in the 3% range going out five years. But we -- as of now, we can't borrow for the retirement. There's something -- a stipulation in State Law now about the ERIP, the Early Retirement Incentive Plan, which has not passed yet, that we will be able to -- we would be able to make payments to the State over five years. But we wouldn't be borrowing that either. But it would be a payout over five years. But as of now, we can't make -- we cannot be bonding for our pension costs as of now.

LEG. KENNEDY:

My understanding was that this spike due next year we were going to have an opportunity to amortize. Would we do that through borrowing we would incur or is that something that the Comptroller is authorizing?

MR. REINHEIMER:

We spoke to the State the other day concerning early retirement, and in that conversation I brought up the fact -- the question as to what the status was of borrowing the additional cost for the retirement system. There's a couple of bills up there in Albany. According to Mike {Clannaghan} who's the Assistant of Employer Services, the Deputy Assistant Director, he says there doesn't appear to be a lot of support for those. He doesn't feel at this point in time that there's going to be -- that they will pass and we'll have that option to bond the additional cost.

Now, you know, New York State, like the Suffolk County Legislature, you can't always predict what Legislatures are going to do. But he's a source that I've been talking to for over 15 years. He's the second in charge in Employer Services. And his word -- you know, he has a lot of insight as to what the situation is. And this is news to us, because we felt the same as you did that there was a strong possibility that we would be able to bond this additional cost. Today -- you know, right now, it doesn't look like that. It could change.

LEG. KENNEDY:

I'll yield.

P.O. LINDSAY:

Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

What is our balance in the Tax Stabilization Reserve Fund?

MS. VIZZINI:

At the end of 2010, there should be \$99 million.

D.P.O. VILORIA-FISHER:

Okay. The County Executive is asking for a public hearing in August. And by August, he has done a lot of the work in already preparing his budget, he has begun --

MS. VIZZINI:

Well, they typically begin in June. But at some point, they do need what is referred to as budget certainty. They do need to have certain policy decisions made.

D.P.O. VILORIA-FISHER:

In place by August.

MS. VIZZINI:

Certainly by the end of August, the worst case would be early September.

D.P.O. VILORIA-FISHER:

Okay. So that would be the rationale for having this public hearing in August so that he knows what he is doing with his budget?

MS. VIZZINI:

This particular section of General Municipal Law requires a certain protocol before you are permitted to move money from Tax Stabilization Reserve to the specific Retirement Reserve Fund. This public hearing would be on simply that; moving the money from one place -- one reserve to another. However, it would then have to -- if it was going to be used to pay for that anticipated \$30 million in General Fund retirement costs, it would then either be put in the recommended 2011 Budget to do that or come to us via another resolution.

D.P.O. VILORIA-FISHER:

It would be put into the General Fund so that we could then pay the pension.

MS. VIZZINI:

Tax Stabilization Reserve can only be used for General Fund expenses.

D.P.O. VILORIA-FISHER:

And it would be on the mandated side of the budget because it's pension costs?

MS. VIZZINI:

You know, that's a whole other discussion. Some pension is mandated, others not so much. That was an arbitrary decision on the part of the County Executive's Budget Office to make mandated expenses -- retirement mandated expenses. We do have to pay the bill. We do know that the General Fund portion is in the vicinity of \$30 million over our current bill. We are going from 40 million to somewhere around 70 something million.

D.P.O. VILORIA-FISHER:

So then the County Executive crafts his budget, he will address this as an expense in the General Fund whether or not -- I mean, as an expense that has to be paid whether or -- without citing the source of the money? Okay.

MS. VIZZINI:

There would be -- there should be an auditable trail whether we -- and I can't really speak for what they are going to do, at some point, I would have to defer to Ben, but there will be either by resolution or in the budget, a transfer, and we should be able to see that the money went from one place to another.

D.P.O. VILORIA-FISHER:

Okay. Do you have that answer, Ben? Because he'll be working on the budget in August, and the public hearing is in August.

MR. ZWIRN:

Right.

D.P.O. VILORIA-FISHER:

And we won't be acting on whether -- wait a minute. Let's get back. I have to go backwards now. If I recall, when we trying to access the Tax Stabilization Fund, that has to be done by the County Executive, only by the County Executive.

MS. VIZZINI:

There are newer sections of General Municipal Law that pertain to Tax Stabilization Reserve. These sections were added on or about 2004 based upon Counsel's research.

D.P.O. VILORIA-FISHER:

Okay. But when we were looking at this, Gail, a couple of years ago, the Legislature couldn't do it. And the County Executive was able to do it in two instances; one was if we raise taxes by two and a half percent; and the other one was a declared rainy day or emergency. So he is doing it -- in this case, this public hearing is coming up because it's being declared an emergency?

MS. VIZZINI:

No. The distinction is moving it from your savings to your CD versus moving it and spending it. To move it and spend it like we did last year, that's under 6E of General Municipal Law.

D.P.O. VILORIA-FISHER:

And this is 6R, which is --

MS. VIZZINI:

This is R.

D.P.O. VILORIA-FISHER:

Yeah.

MS. VIZZINI:

R, the short of it, and I would defer to George at any point, is expenses are going up, particularly in retirement. It is now allowed to move it from one reserve -- from this reserve, Tax Stabilization Reserve to the Retirement Reserve. You're just moving it, you're not spending it. But what is happening here is you are positioning it so that it can be used in anticipation of retirement expenses in future years.

D.P.O. VILORIA-FISHER:

And the County Executive can do that unilaterally or does it have to come back to us for a vote?

MS. VIZZINI:

There's a protocol. I would defer to George on the protocol. The public hearing is the first step.

MR. NOLAN:

Right. This piece has to be -- the transfer has to be done by a resolution of the Legislature. And I should say that for this particular purpose, moving money from Tax Stabilization to Retirement, is something that the governing board, us, could do without the County Executive initiating it as well. This is one thing we can do without him initiating it.

D.P.O. VILORIA-FISHER:

Oh, I had the impression a couple of years ago that we couldn't do anything with Tax Stabilization Reserve without the County Executive.

MR. NOLAN:

Right. In most instances, that is the case. But in terms of the transfer to the Retirement Reserve Fund, it's different. It's treated differently.

D.P.O. VILORIA-FISHER:

So then the protocol is that there has to be a public hearing that's approved by the Legislature.

MR. NOLAN:

There has to be a public hearing.

D.P.O. VILORIA-FISHER:

It's requested by the County Executive, approved by the Legislature.

MR. NOLAN:

If we had wanted to do, when I read the law, we could have said, "We want to do this. We're going to schedule a public hearing." We didn't need the County --

D.P.O. VILORIA-FISHER:

But in this case --

MR. NOLAN:

That's what he did.

D.P.O. VILORIA-FISHER:

-- it's requested by the County Executive.

MR. NOLAN:

Yes.

D.P.O. VILORIA-FISHER:

But it has to be approved by the Legislature.

MR. NOLAN:

We have to set a public hearing.

D.P.O. VILORIA-FISHER:

Because sometimes the County Executive can set public hearings without us.

MR. NOLAN:

He can't set a public hearing that we hold, though.

D.P.O. VILORIA-FISHER:

Right. Okay. So we have the public hearing. We need to vote to close it.

MR. NOLAN:

It doesn't really speak to that, but I presume we would close the public hearing.

D.P.O. VILORIA-FISHER:

Okay. Then the County Executive will give us a resolution that would request the transfer of the money from Tax Stabilization to Retirement and then we have to vote on it.

MR. NOLAN:

Right. There has to be a resolution to move the money.

D.P.O. VILORIA-FISHER:

Okay. Now my question to Ben. Ben, how will that be reflected in the recommended budget?

MR. ZWIRN:

This would be a revenue, and the expense for the pension fund would be -- would be listed as an expense. But let me just say a lot of this would be --

D.P.O. VILORIA-FISHER:

No, wait a minute, because I have a Part B to that question.

MR. ZWIRN:

Understood. But we're asking --

D.P.O. VILORIA-FISHER:

Wait a minute. Wait. Wait. Thank you. It will be reflected as a revenue in the budget. Now if we were not to hold the public hearing in August, if we were to do as Legislator Romaine suggests and not have the public hearing until October, how would the County Executive then deal with the \$30 million increase in the pension fund.

MR. ZWIRN:

I can't speak to that. You know, you could cut positions. You know, it's hard to say. I mean, if this revenue --

D.P.O. VILORIA-FISHER:

You're saying he would find another place.

MR. ZWIRN:

He would have no choice. This is something that we have to spend the money on. All we're asking for today is just a public hearing where a lot of these questions --

D.P.O. VILORIA-FISHER:

I understand what you're asking.

MR. ZWIRN:

-- where a lot of these questions will be addressed.

D.P.O. VILORIA-FISHER:

Okay. Now, Legislator Romaine and I think somebody else mentioned bonding or borrowing the money.

MR. ZWIRN:

You can't do that as of right now. Robert said it.

LEG. ROMAINE:

Nassau just did.

MR. ZWIRN:

Nassau is a different situation. There are bills pending in Albany now that may give Suffolk County and other counties the opportunity. But if you remember just last summer I think it was when we talked about bonding, scat pay and early retirement costs, the Legislature was adamantly opposed --

D.P.O. VILORIA-FISHER:

And Nassau County had done that.

MR. ZWIRN:

Yes.

D.P.O. VILORIA-FISHER:

Right.

MR. ZWIRN:

But we would not support --

D.P.O. VILORIA-FISHER:

We opted not to do it.

MR. ZWIRN:

We opted not to do it.

D.P.O. VILORIA-FISHER:

I remember that well.

MR. ZWIRN:

Right.

D.P.O. VILORIA-FISHER:

Okay. So basically he's going to put in the budget as if we had already vote on it. Because he's going to be building his recommended budget before this public hearing is done and before we have had a chance to vote on it.

MR. ZWIRN:

That's possible. I don't know the answer to that. But if it were the case, remember, the Legislature gets the last word on that. They may say, "We're not going to spend the money for this purpose." But this is a permitted use of the fund. It's one of the few times they don't have to raise taxes to do it. And it's a rainy day fund, and this is really what we think would be a good rainy day. And the rating agencies also look favorably on this, when you have to go into the rainy day fund, this is not something they penalize you for.

D.P.O. VILORIA-FISHER:

Okay, Mr. Chair, just one more quick question. Gail, what is the recommended amount for the rainy day fund? I remember that there used to be a recommended number. Is it a percentage of our full budget or is it a number?

MS. VIZZINI:

It's not so much a recommend amount similar to, like, a reserve for the Community College or something. There is a cap that it cannot be greater than 10% of the General Fund. It would really depend on whether you had other reserves. You know, we have in the past had retirement reserve, we've had a debt reserve, we've had your pay-as-you-go reserve. There is no money in any of those reserve anymore. This is our only major reserve.

D.P.O. VILORIA-FISHER:

And how would that be looked at by the rating agencies? Ben just said this kind of transfer isn't looked upon negatively by the bond agencies. But how would it look, the amount that we have? Ben, do you know? We would be down to 70.

MR. ZWIRN:

Which is still a considerable amount. Here we have -- we're really going to have -- this is not money -- this is a fixed number that we're going to have to come up with. We have the money there to do it. You know, the County Executive is loathed to go into the Tax Stabilization Fund. But this is one of the permitted uses. And we think it will have the least impact on the rating agencies. And, you know, it's a way without having to raise taxes first to get access to that money. So it makes sense in a lot of different ways. And again, this is just the public hearing.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. At the Budget and Finance Committee, I rose a number of questions. And our Chairman is there, Mister -- Legislator Gregory. And I was assured repeatedly by those at that meeting, including our Deputy Budget Director, including Ben Zwirn that I would get a report no later than Monday as would all members of this committee as to the long term strategy for the three year pension debt that we expect to incur, because in essence, once we go down this road, we commit all of our Tax Stabilization Fund to this effort and this effort alone. We've blocked out any maneuverability in our budget. And I wanted a long-term strategy. This reporter sitting here, Rick Brand, reported that the following day in Newsday. I was assured repeatedly that I would have these reports as of Monday as would members of the Budget and Finance Committee. I did not get this report. Chairman Gregory, did you receive any such report or communications about this?

LEG. GREGORY:

No, sir, I did not.

LEG. ROMAINE:

I would strongly recommend that we table this for two weeks. We're going to be back here two weeks from now. This committee, our Budget and Finance Committee will meet in one week. They didn't meet this deadline. They did not give us the overall. I'm asking for a comprehensive report from this administration before we make a commitment of \$30 million. And by the way, yes, it does come back to us. Everything you're doing is absolutely permitted by the law. It's transferring one money from one reserve fund to another. But it also, it also blocks us in with the budget. It blocks us in to such a way that we have no maneuverability.

It may be in the end that's what we desire because that's the best way to pay this pension debt. But then once we're in, we're in for three years. So I want to make sure that we have the full understanding. I've asked for this, I was assured this and I was lied to. I wasn't provided this information. We're about to make a major financial decision. I think we would be better personally advised to have this hearing on our own motion at our first meeting in October. But nevertheless, I'm asking that we table this for two weeks. And not only myself and the members of our Budget and Finance Committee, but every one of the 18 Legislators get a full and comprehensive report from our County Executive's Office. Thank you.

P.O. LINDSAY:

I just have one question before I recognize you. Was Legislator Romaine promised this report?

MR. ZWIRN:

We have information that -- we were just waiting for approval.

P.O. LINDSAY:

So he was promised a report?

MR. ZWIRN:

Yes.

P.O. LINDSAY:

Okay. I withdraw my motion to approve. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Well, there's no motion to approve anymore obviously, but I wouldn't have a problem approving this today. I don't think it boxes us in any way. I don't think it's this momentous decision. I think it's just a small step in a process that's going to take place in the fall over the budget with our working group and votes and overrides and vetoes and all of that. I don't really need an extensive report to tell me as, Legislator Losquadro says, that we have the rainy day fund, this is exactly what we should be using it for. I'd rather do that than put out \$30 million more in bonding. I think that's a no-brainer when you have to make a decision like that. So I'll offer a motion to approve if the other one has been withdrawn.

LEG. NOWICK:

I'll second.

P.O. LINDSAY:

Who is the second? Okay. Legislator Nowick seconded it. So we have the motion back on the floor to table and we have one to approve. Okay. This is the first resolution under the thing. I mean, you're going to be here to 11 o'clock tonight. Go ahead.

LEG. GREGORY:

I can be very quick. I'm not saying that I'm opposed to the notion of transferring the funds, but I do agree with Legislator Romaine's argument here today as well as in committee at least for myself. We passed it out of committee against his better judgement thinking that we would have a report so that we can have at least an insight as to what the plan is to address the pension costs in the future years so that we can have an overall perspective. So I will support a tabling motion today, but I'm not -- I'm inclined to keep tabling it or be against this proposal.

P.O. LINDSAY:

We have a motion to table and one to approve. The tabling goes first. Roll call.

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

LEG. ROMAINE:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes to table.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Motion to approve. Roll call.

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

LEG. D'AMARO:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Abstain.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Abstain.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. GREGORY:

I said yes.

MR. LAUBE:

I thought you passed.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Approved.

Economic Development, Higher Education & Energy:

IR 1303, To appoint Lyn Boland as a member of the Suffolk County Citizens Advisory Board for the Arts. (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?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1513, Appointing member to the Local Home Energy Efficiency Task Force (Joe Schroeder). (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?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1574, Reappointing Joanna Ferraro-Levy as a member of the Suffolk County Citizens Advisory Board for the Arts. (Schneiderman)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Environment, Planning & Agriculture:

1575, Amend deadline for the Equestrian Task Force. (Eddington)

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1656A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$411,000 bonds to finance the cost of preliminary study & analysis, including the environmental review, in connection with the proposed use and development of County-owned land in Yaphank, CP 6420.111.

LEG. KENNEDY:

I make a motion to table.

P.O. LINDSAY:

Motion to table.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Seconded by Legislator Browning.

LEG. BARRAGA:

Motion to approve.

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Viloría-Fisher, seconded by Legislator Barraga.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I make the motion to table this resolution today because I have, along with my colleague Legislator Schneiderman, asked our Legislative Counsel to draft IR 1670, which you will be hopefully reading in some time before the witching hour as a late starter tonight, which would direct the declaration of surplus of the commercial and industrial portion of what is still called Legacy Village. As that appears to be the most expeditious and quickest way for us to generate the revenue that we desperately need.

As that is property that is already commercially zoned industrial property with essentially no disagreement as to it being in a critical area, I have every reason to believe that it would get a SEORA determination of negative dec and it could probably be moved pretty quickly out to sale and development.

We heard extensive comment today from our labor community about a desire. But once again, I believe labor is being told a tale, if you will, because an EIS is a process that is long, protracted and on average takes anywhere from two to three years. During that time of an EIS, as you know, Mr.

Chair, not one shovel hits the ground. So it is illusory to offer to labor or anybody else that this is somehow salvation or is going to address our 40% unemployment rate.

I also find that as we just discussed about how best to dispose of 30 million sitting in our reserve, we can now contemplate spending a half million that may or may not be paid off by Beechwood and Cater sometime in the remote future. I ask for a tabling for a cycle to see if there is a willingness and an ability to go forward with an actual sale of something that will translate to construction in a relatively expeditious fashion. That's my reason to put it forward.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

If I may through the Chair. Legislator Kennedy, what I'm concerned about is that if we were to break out the industrial piece that that would result in what would be called segmentation, because we had been looking at the project as whole.

LEG. KENNEDY:

Yes.

D.P.O. VILORIA-FISHER:

And as you know, under SEQRA segmentation is not permissible. So the way I see this is that we have asked for information regarding this project as a whole, and this EIS would be addressing that. The faster we are able to move forward with the EIS, the faster we will be able to sell that piece of property, you know, go ahead and work on getting that industrial piece sold.

And I agree with you, there won't be a shovel in the ground for years. And EIS is a very -- and this is a very complex EIS. You have very different areas. But this is the -- the piece that you're talking about is the as-of-right, we wouldn't have issues with zoning, it's not right in the Carmans Watershed, I don't believe. I think it's well south of that. So I feel let's vote for this bonding, let's get the EIS started, and then we can move forward with the facts.

I don't agree with the Legacy Village project as it stands, but I would like to make my judgement based on the facts, based on the data rather than just the vagaries of politics. So I believe that we have asked for an EIS, the CEO asked for an EIS. We need to put the money up and get it done so that we can have the facts before us.

LEG. KENNEDY:

Madam Chair, segmentation is an important concern. And I spoke with Legislative Counsel at length about this. And certainly over your time in the Legislature, you've devoted hundreds of hours of service with CEO, so I know that you know SEQRA very well. But I think that we can have a fairly good position as to not embracing segmentation, because despite the fact that more than four and a half years have elapsed since the first request for expression of interest has gone on, this Legislature has never deemed property surplus, has never embraced the concept, has never committed to a developer. This has been unilateral at best or worst. And so while segmentation is something that becomes problematic, if there is a written, binding commitment on the part of a proponent, we have none of that here. Let me turn to Counsel, if I can, Mr. Chair.

MR. NOLAN:

First, let me state that the resolution that Legislator Kennedy referenced recognizes the issue has to go to CEO to make a determination. The only thing I will say is the Legacy Village proposal which required the EIS, I think the main reason CEO said you have to do the Environmental Impact Statement is that as part of the sale, going with that was a big development plan. In the case where we're just saying, "You know what? This piece of property is surplus to our needs and we're going to sell it at auction and that's it," that may be subject to a lesser standard of review. I think that's what CEO is going to have to determine. I think there's a chance they may do that, but I

don't want to speak for them.

P.O. LINDSAY:

Anybody else? Okay. We have a motion to table and a second, 1656 A. And we have a motion to approve as well. And it's a bond, it's roll call anyway. Roll call. On the tabling. This is tabling.

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

LEG. KENNEDY:

Yes to table.

LEG. BROWNING:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No to table.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

No.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. ROMAINE:

Yes to table.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Five.

P.O. LINDSAY:

Okay. A motion to approve.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. BARRAGA:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Yes?

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Health & Human Services:

1229, Adopting Local Law No. -2010, A Local Law prohibiting the sale of aerosol dusting products to minors. (Horsley)

LEG. HORSLEY:

Mr. Presiding Officer, may I -- would you suffer five minutes of time? I would like to show you just a quick tape on what huffing is about.

P.O. LINDSAY:

Okay.

LEG. HORSLEY:

All right. Again, thank you very much for allowing me to make this quick presentation. This is for the bill called "Prohibiting the Sale of Aerosol Dusting Products to Minors." Number one that we should recognize is that in 2005, 5% of teens 12 through 17 used inhalants to get high. By the time adolescents reach the 8th Grade, one in five have tried inhalants at least once. The intentional misuse of commercial inhalants can lead to death, addiction and other very serious health problems. These products are often a teenager's first high because they are legal, they are cheap, and they are available. And if I can just quickly show you, this is an aerosol dusting used generally for computers. And I wanted you to know is they stick this into your mouth and you inhale.

(*VIDEO PRESENTATION*)

P.O. LINDSAY:

I think we have the sense of it. Do we have a motion?

LEG. HORSLEY:

Motion to approve.

LEG. BROWNING:

Second.

P.O. LINDSAY:

We have a motion to approve with a second. Could I have all Legislators back to the horseshoe, please? Legislator Kennedy we are about to vote. Let's go. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not present - Legis. Romaine).

P.O. LINDSAY:

1540, Amending the Adopted 2010 Capital Budget and Program and appropriating additional funds for the Forensic Sciences Medical and Legal Investigative Consolidated Laboratory (CP 1109). (Co. Exec.) Could Ms. Vizzini give us the specifics on this, because Counsel's engrossed in another conversation.

MS. VIZZINI:

It appropriates \$100,000 for repairs to corroded duct work in the Medical Examiner which is preventing the hoods from appropriately venting the area.

P.O. LINDSAY:

I'll make a motion, seconded by Legislator Browning. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed - Legis. Barraga; Not Present - Legis. Romaine).

P.O. LINDSAY:

On the accompanying bond resolution 1540 A. Same motion, same second, roll call.

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

P.O. LINDSAY:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

(Not present).

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

(Not present).

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Fifteen.

LEG. COOPER:

I'm here yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

IR 1557, Appropriating funds for the purchase of equipment for the Environmental Health Laboratory (CP 4079). (Co. Exec.) Could you give us the specifics, Counsel?

MR. NOLAN:

It appropriates \$75,000, the money is already in the budget.

P.O. LINDSAY:

Okay. I'll make a motion, seconded by Legislator Browning. Any comments? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed - Legis. Barraga; Not Present - Legis. Romaine).

P.O. LINDSAY:

The accompanying bond resolution, 1557 A. Same motion, same second, roll call.

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

P.O. LINDSAY:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

(Not present).

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

16 (Opposed - Legis. Barraga; Not Present - Legis. Romaine).

P.O. LINDSAY:

IR 1579, Appropriating funds for the purchase of equipment for groundwater monitoring and well drilling and approving the purchase of a vehicle in accordance with Section 186-2(B)(6) of the Suffolk County Code and in accordance with the County Vehicle Standard (CP 8226). (Co. Exec.)

LEG. KENNEDY:

I'll make a motion to approve, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Seconded by Legislator Browning. Legislator Cilmi has a question.

LEG. CILMI:

Can anybody from the County Executive's Office tell us if the old drilling equipment that we have is no longer usable or if this helps us in a substantive way?

LEG. KENNEDY:

If I can, Mr. Chair.

P.O. LINDSAY:

Go ahead.

LEG. KENNEDY:

Legislator Cilmi, actually I had asked those questions early on. I've recently had the well drilling section in my district in a couple of places. And I believe they're working off of a 1979 Ford at this point well drilling rig which has in excess of, I believe, a couple of hundred thousand miles on it.

As a matter of fact, the full rig itself is basically been moth-balled. The only thing that they actually operate with now is a smaller portable rig called the Geo Probe. That's able to sink wells that are about 20 to 30 feet for basically groundwater monitoring. But when you enter the complex here, you saw a series of blue polls. Those are deeper monitoring wells. We don't have the capability to actually sink them anymore because the rig that we had basically outlived its useful life.

And bonding money, I believe, has been in the budget for the last year or two, and we're finally seeing it now being brought forward so that we can have the crew of supervisor and four well drillers actually go out and do the work that they've -- we've had them retain. They actually work in conjunction with DEC for monitoring as well. So, A, the equipment that we have is basically ready for the scrap heap and, B, we have personnel to actually do this work who have no tools to do the job.

LEG. CILMI:

Thank you.

LEG. KENNEDY:

You're welcome.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed - Legis. Barraga; Not Present - Legis. Romaine).

P.O. LINDSAY:

The accompanying bond resolution, 1579 A. Same motion, same second, roll call.

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

LEG. KENNEDY:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

(Not present).

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Mr. Clerk.

MR. LAUBE:

Seventeen (Opposed - Legis. Barraga).

P.O. LINDSAY:

1580, Amending prior capital authorized appropriation for a South Shore Regional Health Center (CP 4015). (Co. Exec.) Motion by Legislator Montano.

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:

IR 1591, Appointing member to the Suffolk County Board of Health (Christine M. Doucet, MD) (Eddington).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, I'll second it. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Discussion.

P.O. LINDSAY:

I'm sorry, discussion. Legislator Romaine. Hold up calling the vote.

LEG. ROMAINE:

Yes. I just wanted to put on the record, we're appointing a member of the Board of Health. And I had spoken with Legal Counsel, our Counsel, earlier this week about our Sanitary Code. Right now, our Sanitary Code does a great deal to protect groundwater, but nothing to protect surface water. And I'm just putting this on the record as a concern that I want to express to our new appointee to the Board of Health that I'd like to see Sanitary Code address surface water problems much as it has

addressed groundwater problems. That's the only comment I wanted to make. Thank you, Presiding Officer.

P.O. LINDSAY:

You're welcome.

LEG. BROWNING:

Bill?

P.O. LINDSAY:

Yes, Legislator Browning.

LEG. BROWNING:

I will let you know, I know we have a Board of Health meeting tomorrow. I believe she will be present tomorrow, so we will certainly bring that up.

P.O. LINDSAY:

Okay. Thank you. We have a motion and a second. All in favor? Opposed? Abstentions? Now you can call the vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Labor, Workforce & Affordable Housing:

IR 1558, Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Police Department: Police Operations Aide (Spanish Speaking). (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Hold on. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. MONTANO:

Question.

P.O. LINDSAY:

Yes, Legislator Montano.

LEG. MONTANO:

Is this position Civil Service or is this -- how is this going to be filled?

MS. VIZZINI:

It's a competitive Civil Service position.

LEG. MONTANO:

So there's a list for it now?

MS. VIZZINI:

This is a new title. What the resolution does is based on a review by Civil Service. The additional skill of Spanish speaking is required. So it creates -- we already have Police Operations Aide.

LEG. MONTANO:

Right, I understand that.

MS. VIZZINI:

We don't have Police Operations Aide with the additional requirement Spanish speaking. It creates that new tile.

LEG. MONTANO:

So are they going to fill it in the interim, is that how it's going to work?

MS. VIZZINI:

I don't know. I wasn't at the committee meeting.

LEG. MONTANO:

Well, all right. Who was --

MS. VIZZINI:

What the resolution does is creates the title, adds it to the Salary and Classification Plan and takes a --

P.O. LINDSAY:

The Chairman, Legislator Kennedy has the answer to your question.

LEG. KENNEDY:

At the committee and beforehand, it was related to me by the department that there is a desire to try to bring in a Spanish speaking or bilingual aides that are working in the precincts. They say the normal staffing is two sworns and one civilian at the desk in each one of the precincts. And those positions are the ones they're trying to fill now with bilingual Police Operations Aides.

LEG. MONTANO:

So they're going to fill the position -- that's my point, they're going to fill the position now and then make the test subsequent, because we don't have a test; am I correct on that?

MS. VIZZINI:

It's a new title.

LEG. KENNEDY:

This is not a new title. I mean, it's a Civil Service title. I think they're amending --

LEG. MONTANO:

But the Spanish speaking part is new.

P.O. LINDSAY:

Mr. Zwirn, do you have the answer?

MR. ZWIRN:

It's a competitive title. I don't know if they plan to put somebody in, but even if they appoint somebody, it's provisionally until the test is out.

LEG. MONTANO:

I understand that part of it. But that's my point. The point is that they're filling the position and then having the person take the test subsequent.

MR. ZWIRN:

Well, that happens generally with a new title.

LEG. MONTANO:

And that's what's being done here.

MR. ZWIRN:

I'm not sure, but that's likely what will happen.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1559, Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Police Department (Range Officer I). (Co. Exec.)

LEG. KENNEDY:

I'll make the motion on this, Mr. Chair.

LEG. BARRAGA:

Mr. Chairman, on the resolution.

P.O. LINDSAY:

Motion by Legislator Kennedy. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick. And on the question, Legislator Barraga.

LEG. BARRAGA:

Mr. Zwirn, are you available for a question? As I look at this, it looks as if we're replacing a Police Officer who is on the range, I guess, teaching other Police Officers with a civilian with the title of Range Officer.

MR. ZWIRN:

Yes.

LEG. BARRAGA:

Do you really think, Ben, that that's going to work? You know, all of a sudden you have someone running a range who is not a policeman teaching policeman? I mean --

MR. ZWIRN:

I believe they think it'll work. They'll have somebody who meets the qualifications of this title. It's civilianized and it's already been -- passed muster with the union.

LEG. BARRAGA:

It's passed muster with the union?

MR. ZWIRN:

Yes.

LEG. BARRAGA:

I'm surprised. All right. Thank you.

P.O. LINDSAY:

Legislator Muratore.

LEG. MURATORE:

You know, I have a little experience with the police range. I was a firearms instructor out there. That was tried a number of years ago to civilianize, they did bring a civilian in. And it all went to pot. It did not work at all. It was terrible. Didn't work at all.

MR. ZWIRN:

That may be, but I think they're looking to see if they can civilianize this. And the position's in there to do it. And we've gone through all the channels and the proper way to do it, so. There will be a savings.

LEG. KENNEDY:

You know, what, Mr. Chair, I'll withdraw motion to approve.

P.O. LINDSAY:

Do we have anybody who wants to make a motion?

LEG. EDDINGTON:

Motion to table.

P.O. LINDSAY:

Motion to table. Do I have a second to the tabling? Seconded by Legislator Cilmi -- Montano. Okay. All in favor of tabling? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands tabled.

Parks & Recreation:

1418, To establish Community and Youth Services Program for Suffolk County Residents and Northern Brookhaven Little League at Sheep Pasture Road in Port Jefferson/Setauket, New York. (Viloria-Fisher)

D.P.O. VILORIA-FISHER:

I'd like to table this for one cycle, Mr. Chair.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1572, Amending the 2010 Capital Budget and Program, accepting a Community Enhancement Facilities Assistance Program (CEFAP) Grant in the amount of \$125,000 from the Dormitory Authority of the State of New York for equipment and appropriating funds for revenue collection at parks facilities (CP 7186). (Co. Exec.) Do I have a motion?

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. On the question, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying bond resolution 1572 A, same motion, same second. Roll call.

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

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1573, Amending the 2010 Capital Budget and Program and accepting and appropriating an Environmental Protection Fund (EPF) Grant in the amount of \$175,000 from the New York State Department of Parks, Recreation and Historic Preservation for the restoration of Sagtikos Manor, West Bay Shore (CP 7164). (Co. Exec.) Do I have a motion? Motion by Legislator Horsley, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1586, Appointing Kevin Peterman as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 3). (Pres. Off.) I'll make a motion.

LEG. KENNEDY:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1587, Appointing Christopher M. Hahn as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 12). (Viloría-Fisher).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1588, Appointing David M. Bottomley as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 15). (Cooper)

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper.

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:

1589, Appointing Elizabeth Jean Cambria as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 6). (Cooper).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Safety:

IR 1371, Removing Richard Dormer as Commissioner of the Suffolk County Police Department. (Cooper)

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. SCHNEIDERMAN:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Schneiderman.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. Any discussion? I don't think we need anymore testimony.

MS. MALAFI:

I agree, but I'm here in case anyone has any questions.

D.P.O. VILORIA-FISHER:

I would just like to see this up or down.

P.O. LINDSAY:

Okay. We have a motion to table and we have a motion to approve. The tabling goes first. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. BARRAGA:

Yes.

LEG. COOPER:

No to table.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

No to table.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yeah, I agree, I'll put down no. I vote no. But it carries, it's tabled.

MR. LAUBE:

Ten.

LEG. MONTANO:

No.

MR. LAUBE:

Ten.

(The following testimony was taken by Alison Mahoney, Court Reporter & transcribed by Kim Castiglione, Legislative Secretary)

P.O. LINDSAY:

1452, Adopting Local Law No. -2010, A Local Law prohibiting demonstrations at funeral services in the County of Suffolk (Stern). Legislator Stern. Legislator Stern, this is your bill. Legislator Stern.

D.P.O. VILORIA-FISHER:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine.

LEG. STERN:

On the motion, very quickly. If you did not have the opportunity to attend the press conference earlier today, you will see that we were joined by so many of our veterans' families and leaders of so many outstanding veterans organizations throughout Suffolk County in support of the legislation. I'm sure we all agree that families that have lost loved ones who made the ultimate sacrifice in the service of our nation deserve the respect and admiration that they deserve, not the indignity of a graveside protest. This is important legislation that will ensure that our veterans and those that passed in service to our country may rest in peace.

P.O. LINDSAY:

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

LEG. CILMI:

Cosponsor.

LEG. HORSLEY:

Cosponsor.

LEG. GREGORY:

Cosponsor.

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Cosponsor.

LEG. KENNEDY:

Cosponsor.

LEG. NOWICK:

Cosponsor.

LEG. D'AMARO:

Cosponsor.

LEG. COOPER:

Cosponsor.

LEG. LOSQUADRO:

Cosponsor.

P.O. LINDSAY:

Just list everybody.

MR. LAUBE:

I called it; eighteen.

P.O. LINDSAY:

All right. ***1510, Adopting Local Law No. -2010, A Local Law to strengthen citizen protections against sex offenders (Lindsay).***

I'll make a motion to approve.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, a point of personal privilege. I have supplied you with a formal recusal as well as the Ethics Commission as I believe this bill affects my hotel {disproportion} and the one that I am 50% owner of. I cannot participate.

P.O. LINDSAY:

You're recused. Anyone else? Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen -- seventeen. (Recusal - Legislator Schneiderman).

1515, Approving an increase of one vehicle in the fleet for the Suffolk County Sheriff's Office (Co. Exec.). I will make a motion. Do I have a second.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

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

D.P.O. VILORIA-FISHER:

Jack, your bill is up.

P.O. LINDSAY:

Did you call the vote on 1515?

MR. LAUBE:

I did; fifteen.

P.O. LINDSAY:

Okay. **Public Works and Transportation:**

1238, Creating a "Share the Road" signage program in Suffolk County. (Eddington)

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

MR. LAUBE:

Fifteen. (Opposed: Legislators Barraga and Cilmi; Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1514, Authorizing transfer of surplus County computer systems and hardware to the Salvation Army Northport Veterans Residence. (Stern) Does Legislator Stern want to approve this? You want to make a motion?

LEG. STERN:

I'll make a motion.

P.O. LINDSAY:

Wonderful. Motion by Legislator Stern. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

Okay, I'm sorry.

1532, 1532A, Amending the 2010 Capital Budget and Program and appropriating funds in connection with safety improvements and corridor study on CR 99, Woodside Ave (Eddington).

LEG. BROWNING:

I'll make the motion to approve.

LEG. ROMAINE:

Jack?

LEG. BROWNING:

Jack will second it, right.

LEG. ROMAINE:

This is your motion.

LEG. BROWNING:

I made the motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen -- fifteen (Opposed: Legislator Barraga; Not Present: Legislators Montano and Cooper).

P.O. LINDSAY:

Accompanying Bond Resolution, 1532A.

LEG. BROWNING:

Same motion.

P.O. LINDSAY:

Roll call. Same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. BROWNING:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

(Not present)

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

LEG. KENNEDY:

Tim, I'm a yes.

MR. LAUBE:

Seventeen. (Opposed: Legislator Barraga)

P.O. LINDSAY:

Okay, *IR 1539, 1539A, Amending the 2010 Capital Budget and Program and appropriating funds in connection with Construction Inspection Services (CP 5568) (Co. Exec.)*. I'm going to make a motion to table because we can't get the bond yet.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1543, 1543A, Appropriating funds in connection with the County share for participation in the reconstruction of CR 11, Pulaski Road from Oakwood Road to Depot Road, Town of Huntington (CP 5168). (Co. Exec.) Is there a Huntington guy that wants to make a motion on this resolution.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro. Seconded by Legislator Stern.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not present: Legislator Eddington)

P.O. LINDSAY:

We have the accompanying Bond resolution 1543A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

(Not present)

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Not Present: Legislators Eddington)

P.O. LINDSAY:

1547, 1547A, Appropriating funds in connection with replacement/cleanup of fossil fuel, toxic and hazardous material storage tanks (CP 1706). (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Eddington).

P.O. LINDSAY:

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

(Roll Called by Mr. Laube - Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

(Not present)

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Eddington)

P.O. LINDSAY:

1548, 1548A, Appropriating funds in connection with Installation of Fire, Security, and Emergency Systems at County facilities (CP 1710). (Co. Exec.)

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?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Eddington)

P.O. LINDSAY:

On the accompanying Bond resolution, 1548A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yep.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

(Not present)

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Eddington)

P.O. LINDSAY:

1549, 1549A, Appropriating funds in connection with the Elevator Controls & Safety Upgrading at various County facilities (CP 1760). (Co. Exec.)

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Eddington)

P.O. LINDSAY:

Same motion, same second on the accompanying Bonding resolution 1549A; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. ROMAINE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

(Not present)

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Eddington)

P.O. LINDSAY:

1550, Authorizing the filing of a grant application on behalf of the Disabled American Veterans (DAV) for Federal Capital Assistance for the purchase of a van for its Transportation Programs. (Co. Exec.)

Motion by Legislator Losquadro, second by Legislator Muratore.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Legislator Eddington)

P.O. LINDSAY:

IR 1551, Authorizing the County of Suffolk as a designated recipient of Federal Transit Grant Funds for Mass Transportation Projects. (Co. Exec.)

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Legislator Eddington)

P.O. LINDSAY:

1552, 1552A, Amending the 2010 Capital Budget and Program and appropriating funds in connection with preparing a Sewering Feasibility Study for the Business Corridor of Flanders Riverside (CP 8192). (Schneiderman)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Viloría-Fisher. Do I have seconds to either one?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second to the approval motion.

LEG. ROMAINE:

(Nodded head yes)

P.O. LINDSAY:

Do I have a second to the tabling motion?

LEG. CILMI:

I'll second to table.

P.O. LINDSAY:

Second by Legislator Cilmi. Okay. On the question?

LEG. SCHNEIDERMAN:

I guess, on the motion, maybe I can explain it a little bit. This is an area that's blighted currently. It's a community that is looking for sewerage infrastructure so that they can see development in accordance with their zoning. The money is available within the budget for this type of purpose, and it probably should have, you know, ideally have been in with that master plan. Unfortunately it can't be added to that at this point so it has to be done separately. It could provide tremendous economic benefit to the County. It's great to have a community that is looking for more commercial types of development. I can't see any benefit in holding it up, frankly.

P.O. LINDSAY:

Ms. Vizzini, where's the offset come from?

MS. VIZZINI:

The Legislature's offset project 1755.

P.O. LINDSAY:

How much is left in that project?

MS. VIZZINI:

When we did this I think there was about 350,000.

P.O. LINDSAY:
And what is this for?

MS. VIZZINI:
This is 250.

P.O. LINDSAY:
Okay. So we'll have 350 after this or 250 will come out of the 350, which will leave us a hundred thousand dollars for the rest of the year?

MS. VIZZINI:
We'll have 279 remaining.

P.O. LINDSAY:
Huh?

MS. VIZZINI:
We'll have \$279,000 remaining. Okay. Did you want to --

LEG. LOSQUADRO:
How does that math work?

(Laughter)

LEG. LOSQUADRO:
I don't know that math. Is that outcome based education?

(Laughter)

MS. VIZZINI:
It includes about a million dollars of resolutions that have not yet been adopted.

P.O. LINDSAY:
Wait a minute, I don't understand that. There's a million dollars out of this offset fund that hasn't been adopted. How could it be -- that doesn't make sense.

MS. VIZZINI:
We have resolutions that are using --

P.O. LINDSAY:
So that resolutions must have been adopted.

MS. VIZZINI:
Right. There's two million dollars in the project we've -- one point five million dollars in offsets have been used from this.

P.O. LINDSAY:
So we should have 500,000 left. How do we get a hundred -- how about you guys get it together and then we'll come back to it, all right?

MS. VIZZINI:
I'm sorry. We're looking at a summary that should give us the \$279,000 --

P.O. LINDSAY:
All right. Is it okay that we pass over that until they get the numbers?

1560, Amending the 2010 Capital Budget and Program and approving the purchase of

Hybrid Electric Vehicles of various models for County fleet and accepting Federal Aid (CP 5601). (Co. Exec.)

D.P.O. VILORIA-FISHER:

Yes. Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. How many vehicles and how much Federal aid are we getting for this?

MR. NOLAN:

We're getting a million bucks.

P.O. LINDSAY:

We're getting a million bucks.

D.P.O. VILORIA-FISHER:

We're getting three vehicles. They are very fancy.

P.O. LINDSAY:

We're getting three vehicles?

D.P.O. VILORIA-FISHER:

I was kidding.

P.O. LINDSAY:

Fifty-two.

D.P.O. VILORIA-FISHER:

I was kidding. I'm sorry.

LEG. SCHNEIDERMAN:

It's thirty-seven hybrid sedans and 15 hybrid Escapes. It's 80% federally funded.

LEG. ROMAINE:

Some of which will go to the Legislature.

P.O. LINDSAY:

Okay, we have a motion, Mr. Clerk?

MR. LAUBE:

Yes, we do.

P.O. LINDSAY:

Motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. CILMI:

I'm opposed as well, please.

MR. LAUBE:

Fifteen. (Opposed: Legislators Barraga and Cilmi; Not Present: Legislator Eddington)

P.O. LINDSAY:

On the accompanying Bonding Resolution 1560A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Not present)

P.O. LINDSAY:

He's outside.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

I'm a yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

(Not present).

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

MR. LAUBE:

Fifteen. (Opposed: Legislators Barraga and Cilmi; Not Present: Legislator Eddington).

P.O. LINDSAY:

IR 1561, 1561A, Appropriating funds in connection with Riverhead County Center Power Plant Upgrade (CP 1715). (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Eddington)

P.O. LINDSAY:

Okay, on the accompanying Bond resolution 1561A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

(Not present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

(Not present)

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

15. (Opposed: Legislator Barraga; Not Present: Legislator Eddington and Cooper)

P.O. LINDSAY:

1562, 1562A, Appropriating funds in connection with demolition Old Cooperative Extension Building and New Parking Facilities (CP 1768). (Co. Exec.)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. LOSQUADRO:

Second.

LEG. D'AMARO:

On the motion, very quickly.

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

I just wanted to -- I'm not on this committee. I just wanted to know exactly what this project is, 1768. Commissioner Anderson is here and I'd appreciate just a quick response.

COMMISSIONER ANDERSON:

This allows us to add additional parking at the Cooperative Extension building. The town had dedicated a paper road over to the County so this will allow us to basically expand their parking lot and add some spaces.

LEG. D'AMARO:

Is there a lack of parking or a need for additional parking there?

COMMISSIONER ANDERSON:

Yes.

LEG. ROMAINE:

Yes, there is. Can't find a parking space for your life over there.

LEG. D'AMARO:

I'm really going to vote against it.

(Laughter)

All right, thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Not Present Legislator Cooper)

P.O. LINDSAY:

1562A, the accompanying Bond Resolution, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

(Not present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not present)

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Opposed: Legislator Barraga; Not Present: Legislators Cooper and Montano)

P.O. LINDSAY:

IR 1563, 1563A, Appropriating funds in connection with improvements to Water Supply Systems (CP 1724). (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. ROMAINE:

Question.

P.O. LINDSAY:

Question on the question, Legislator Romaine.

LEG. ROMAINE:

The reason I asked the question is what are we doing to the water supply system and where?

COMMISSIONER ANDERSON:

This is replacement of a 12-inch main which will extend in the Yaphank area, you know, where our County building -- it will actually serve the jail and the police and that whole area and will improve water service.

LEG. ROMAINE:

So we're responsible for the main, not the Water Authority.

COMMISSIONER ANDERSON:

Correct.

LEG. ROMAINE:

But we're hooked up to public water and we're paying the Water Authority rate?

COMMISSIONER ANDERSON:

Yeah, but this is --

LEG. ROMAINE:

Is this our well, is this the Water Authority well?

COMMISSIONER ANDERSON:

This is an internal on-site line that will service the facilities for the County. It's not a water main for the Water Authority.

LEG. ROMAINE:

But the water that flows through this main, is that being provided by our well or the Water Authority well?

COMMISSIONER ANDERSON:

It's a Water Authority well, yes. But it --

LEG. ROMAINE:

But we have to pay for the main.

COMMISSIONER ANDERSON:

Because essentially it's an on-site main.

LEG. ROMAINE:

It's an internal --

COMMISSIONER ANDERSON:

Correct.

LEG. ROMAINE:

Right. We're saying the Water Authority won't put the main in on County property, we have to do that.

COMMISSIONER ANDERSON:

Correct.

LEG. ROMAINE:

The only reason I ask that is it costs about \$275,000, but because we're bonding it out, see bonding it looks like my mortgage, is 303,000 and interest. So the interest is more than the principal to start it up with over the course of the life of the bond.

COMMISSIONER ANDERSON:

This is -- it may be, but this is --

LEG. ROMAINE:

I understand.

COMMISSIONER ANDERSON:

-- work that needs to be done on our site to serve our facilities. I mean, we do need it done. As far as the bonding and the bonding rates, that's outside of our purview.

LEG. ROMAINE:

I'm amazed we got a 40 year bond for this. Okay.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I just want to point out, obviously did a lot of research when we were looking into the water distribution systems. This is a post meter main.

COMMISSIONER ANDERSON:

Correct.

LEG. LOSQUADRO:

Okay. Anything past the meter becomes the responsibility of the individual, not the Water Authority.

COMMISSIONER ANDERSON:

Correct.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Opposed: Legislator Barraga; Not Present: Legislators Montano and Cooper)

P.O. LINDSAY:

On the accompanying Bond resolution 1563A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

(Not present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not present)

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen.

LEG. MONTANO:

Yes. By the way, I'm here.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga; Not Present: Legislator Cooper).

P.O. LINDSAY:

IR 1564, 1564A, Appropriating funds in connection with replacement of major buildings operations equipment at various County facilities (CP 1737). (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Legislator Schneiderman made a motion.

LEG. BROWNING:

Second again.

P.O. LINDSAY:

Second by Legislator Browning.

P.O. LINDSAY:

Explanation?

LEG. LOSQUADRO:

No, just a question.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

What operations equipment? HVAC, what are we looking at here.

COMMISSIONER ANDERSON:

This project will provide new HVAC at the Probation building and then upgrade portions of the chiller here.

LEG. LOSQUADRO:

Okay. Do we have a motion already?

LEG. BROWNING:

Yes.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Cooper)

P.O. LINDSAY:

The accompanying Bond resolution 1564A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

(Not present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Cooper)

P.O. LINDSAY:

Okay, *1565, 1565A, Appropriating funds in connection with weatherproofing County buildings (CP 1762). (Co. Exec.)*

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

I just had a question for a little more detail as to which buildings and why at this time. Is there a dire need for this right now?

COMMISSIONER ANDERSON:

This resolution allows us to do some repointing and recaulking over at the Cohalan Courts Building. It is needed, I mean, as part of regular maintenance.

LEG. D'AMARO:

Four-hundred thousand we're bonding for recaulking? I mean, is there -- is there a severe condition that we're talking about here? I mean, how come so much.

COMMISSIONER ANDERSON:

Well, I mean, it's a detailed work. It's masonry structure, you have to repoint, you know, where needed on all the brickwork. What will happen if you don't is it will start to chink away and gaps and you'll, you know, energy usage will go up.

LEG. D'AMARO:

That's all exterior brickwork?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Is that a flaw in the construction material? I mean, how old is that --

COMMISSIONER ANDERSON:

No, this is just something that has to be done, you know, regularly, I mean, even though the

building was built, I don't know, what, 15 years ago.

LEG. D'AMARO:

Is this the first time we're doing that? Do you know?

COMMISSIONER ANDERSON:

That I don't know.

LEG. D'AMARO:

It just seems like an awful lot of funds to weatherproof a building that is only 15 years old. Do we do this with other County buildings?

COMMISSIONER ANDERSON:

Yes, we do.

LEG. D'AMARO:

I don't recall authorizing --

COMMISSIONER ANDERSON:

We did it recently for the Dennison Building, we did it, I think, two sides of it over a period of two years, and I know we did some other buildings too.

LEG. D'AMARO:

Is this the kind of thing that given that the building is only 15 years old we could delay for a period of time?

COMMISSIONER ANDERSON:

I would recommend against delaying anything like this because the condition would, if there is, you know, and I'm assuming there is an issue that has to be addressed, it's just going to worsen with each passing winter.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Mr. Anderson, why don't you at least sit in the first row.

COMMISSIONER ANDERSON:

This is the most exercise size I get in a day.

(Laughter)

P.O. LINDSAY:

We have a motion on 1565 and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Cooper)

P.O. LINDSAY:

On the accompanying Bond resolution 1565A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

(Not present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

(Not present)

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yep.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Opposed: Legislator Barraga; Not Present: Legislators Cooper and Gregory)

P.O. LINDSAY:

IR 1566, 1566A, Appropriating funds in connection with improvements to Suffolk County Farm (CP 1796). (Co. Exec.)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. LOSQUADRO:

Explanation.

P.O. LINDSAY:

We're buying a new pig.

(Laughter)

LEG. HORSLEY:

Yeah, exactly. It is what it is.

LEG. LOSQUADRO:

Do we have to donate the pig, Bill?

P.O. LINDSAY:

We have a motion -- did I get a second?

D.P.O. VILORIA-FISHER:

Yes, I think so.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. Now explanation. I'm sorry.

COMMISSIONER ANDERSON:

These funds will provide for roof replacement at the main barn, renovation of the hog house, renovation of an animal yard, renovation of a nature explore classroom, which is one of the out buildings on the site, as well as renovation of the hay barn.

LEG. BARRAGA:

The renovation of the hog house, is that \$60,000?

COMMISSIONER ANDERSON:

Yes, sir.

LEG. BARRAGA:

Thank you.

LEG. SCHNEIDERMAN:

I have the backup generator on my list, too. Is that off? For the meat processing center?

COMMISSIONER ANDERSON:

Yes. The revised list that was provided by Vito at committee didn't provide for that.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

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

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. D'AMARO:

Opposed.

LEG. LOSQUADRO:

Opposed.

LEG. MONTANO:

Opposed.

MR. LAUBE:

Thirteen -- pardon, eleven. (Opposed: Legislators Kennedy, Barraga, Losquadro, D'Amaro, Montano, Cilmi; Not Present: Legislator Cooper)

D.P.O. VILORIA-FISHER:

Can we get Cooper in here? Hold on. Did you call the vote already?

MR. LAUBE:

There were six no's and one not present.

P.O. LINDSAY:

Okay. IR 1566 passed. On the accompanying bond resolution --

D.P.O. VILORIA-FISHER:

He called the vote already.

P.O. LINDSAY:

No, no. That was the motion. I didn't start the roll call. I'll skip over 1556 until Jon Cooper gets back, the bond.

1567, Authorizing execution of an intermunicipal agreement pursuant to §§ 119-o and 239-n of the General Municipal Law to establish an Intergovernmental Relations Purchasing Council. (Co. Exec.)

LEG. SCHNEIDERMAN:

I'll make a motion.

P.O. LINDSAY:

Do we have a motion?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore.

LEG. GREGORY:

Mr. Chair, on the motion.

P.O. LINDSAY:

On the motion, Legislator Gregory.

LEG. GREGORY:

Is this bill, I guess through the Chair and to Counsel. Is this an established council with Suffolk and Nassau for purchase agreements?

MR. NOLAN:

Right. It will authorize the County Executive to make an agreement with Nassau County to govern, you know, attempts at joint purchasing.

LEG. GREGORY:

Are there any funded positions that come with this council?

MR. NOLAN:

It's not really addressed in the resolution.

LEG. HORSLEY:

I asked that question.

LEG. GREGORY:

Thank you.

LEG. HORSLEY:

Who knows.

P.O. LINDSAY:

Mr. Zwirn, do you have that answer?

MR. ZWIRN:

Yes. No, there are no additional positions.

P.O. LINDSAY:

All right. Any other questions about it?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Ben, it does say in (g) employ such persons and adopt such rules as shall be necessary, but we're not planning on employing any people?

MR. ZWIRN:

No, we'll use Purchasing, the current personnel.

LEG. BARRAGA:

I have a question.

P.O. LINDSAY:

Yes, Legislator Barraga.

LEG. BARRAGA:

There's a board involved with this right, Ben?

MR. ZWIRN:

Yeah.

LEG. BARRAGA:

A seven member board which includes, I guess, the purchasing agents from Nassau and Suffolk County, I guess representatives from each County Executive, and then I recall -- I recall three members who are purchasing agents not from Nassau or Suffolk, from other counties, and I thought that was a bit odd. Yet when it comes to group purchasing, you know, we have 126 school districts, you have libraries in every hamlet, you have fire districts; they're not included in the board. I would think that, you know, if you really want to do constructive group purchasing, you should have some of the main players as part of the board, as opposed to three purchasing agents who live in other counties other than Nassau and Suffolk County.

MR. BROWN:

The initial organization of the council would be governed by a Board of Directors made up of seven members, the four from Nassau and Suffolk and the three other members.

LEG. BARRAGA:

When you say the three other members, from other counties.

MR. BROWN:

No, not from other counties, from other municipalities within Nassau or Suffolk County, from a school district or from a town or from a village or some other type of taxing districts. Now, since this is established pursuant to an intermunicipal agreement, each governing body of each district has to pass its own authorizing resolution. So, for example, a village if it wanted to participate would have to pass an authorizing resolution, and then it would become a member of the Council, not necessarily a member of the Board of Directors. Same thing with school districts, same thing with towns, same thing with other taxing districts. Because there are so many -- now, this is only at the incipient stages. Because there are so many school districts and so many other taxing districts, it could very well be that the Board of Directors will evolve, such as a representative of the fire districts or a representative of the school districts, then maybe voted upon and added to the Board of Directors to serve as part of the governing body in making purchasing decisions.

LEG. BARRAGA:

So they could possibly be part of that group of three.

MR. BROWN:

Yes, as it evolves.

LEG. BARRAGA:

Okay. Thank you.

P.O. LINDSAY:

Is there any other questions about this resolution? Seeing none, we have a motion and a second on 1567. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Going back to 1566A. We have a motion and a second, the same as the motion and the second for 1566. Roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Pass.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

No.

MR. LAUBE:

Twelve. (Opposed: Legislators Barraga, Cilmi, Montano, D'Amaro, Losquadro and Kennedy)

P.O. LINDSAY:

Okay. *1569, 1569A, Amending the 2010 Capital Budget and Program and appropriating funds in connection with improvements to North Highway, CR 39, from Sunrise Highway to Montauk Highway, Town of Southampton (CP 5528). (Co. Exec.)*

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Same motion, same second, on the accompanying Bonding Resolution 1569A; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1570, 1570A, Amending the 2010 Capital Budget and Program and appropriating funds in connection with reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven (CP 5516). (Co. Exec.)

LEG. BROWNING:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Muratore.
All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

I heard one --

LEG. MONTANO:

Abstention.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Abstention: Legislator Montano)

P.O. LINDSAY:

Okay. On the accompanying Bonding resolution 1570A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Abstain.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Opposed: Legislator Barraga; Abstention: Legislator Montano)

P.O. LINDSAY:

IR 1571, 1571A, Appropriating funds in connection with painting of various bridges within Suffolk County (CP 5815). (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman was it? Okay.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying Bond resolution 1571A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. (Opposed: Legislator Barraga)

P.O. LINDSAY:

Okay. Go back to page ten, **1552**. Ms. Vizzini, are you ready with the details?

MS. VIZZINI:

Yes, Mr. Presiding Officer. There was \$1.5 million included in the Capital Budget for the infrastructure project that is the offset. Of that, \$150,000 has already been expended, leaving 1.35 million. However, we have 1,071,000 committed towards resolutions including this one. If all of those resolutions were passed, there would be \$279,000 remaining.

P.O. LINDSAY:

Here's my problem with this, and we did a master sewer study and then we've approved some other additional sewer studies, and I'm all for sewerage, you know, I think it's something that we have to do. I just don't know why, Legislator Schneiderman, you didn't try and put it in the Capital Budget because you are going to eat up -- I mean, we're not even at the six month mark and if something comes up we have no money.

LEG. SCHNEIDERMAN:

Again, I think this is an important area to study the feasibility. It's an area where 80% of the property is off the tax rolls. They're asking for some commercial development. This is also an area where, you know, that feels somewhat dumped upon in that, you know --

P.O. LINDSAY:

But we just voted on the Capital Budget this morning. Why didn't you propose to put it in the 2011 Capital Budget?

LEG. SCHNEIDERMAN:

Because there's the money available in this year in the budget to do so and I'd like it to move forward as we did with the Manorville project. I was told that there was sufficient funds to do it without having to wait till next year to move this forward.

P.O. LINDSAY:

That's true, but then we wouldn't have any money to do anything the rest of the year.

LEG. SCHNEIDERMAN:

No, that's not what has been said. There's a balance remaining plus all the projects that right now are theoretical are also -- there's enough money to pay for them as well. So it's not jeopardizing any other projects and you have a community that's looking for it. Also this is the area, the Peconic Bay Estuary area. It's an important area to try to sewer.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

The County Center is right there, too.

P.O. LINDSAY:

Do we have a motion on this?

D.P.O. VILORIA-FISHER:

Well, actually, Mr. Chair --

P.O. LINDSAY:

We do have a motion.

MR. LAUBE:

You have a motion and a second to table and you have a motion and a second to approve.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

And actually, Mr. Chair, I would like to withdraw my motion to table because when I made that motion I was under the impression that this was going to take money away from the sewer study, the large sewer study project, and it's not. This is separate money.

P.O. LINDSAY:

Okay. We just have a motion to approve. There's no other questions? Legislator D'Amaro.

LEG. D'AMARO:

Is Commissioner Anderson still here?

P.O. LINDSAY:

I believe so.

LEG. D'AMARO:

Gil, this is another sewer study. I just want to know, is the department in a position to move forward? I know we're doing a couple or two or three others right now. Is this something that you are ready to take on or is this being done in-house or by outside consultant?

COMMISSIONER ANDERSON:

It would be by outside. We obviously -- it would join the cue, but we would eventually get to it.

LEG. D'AMARO:

So -- but this would involve the RFP process --

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

-- where we would seek an outside consultant?

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

What would be the department's timing on getting this moving forward and getting the RFP out?

COMMISSIONER ANDERSON:

Realistically the RFP would go out probably by July, August. We'll get proposals in August, September, review them, so it would be the fall we'd be able to award it.

LEG. D'AMARO:

Okay. Thanks. Thank you, Gil.

P.O. LINDSAY:

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

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Opposed.

LEG. D'AMARO:

Opposed.

LEG. MONTANO:

Opposed.

P.O. LINDSAY:

Maybe we should do a roll call. Do you guys need a roll call?

MR. LAUBE:

Let me do a roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. HORSLEY:

One for you, Jay; yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes for sewers.

D.P.O. VILORIA-FISHER:

Yes to sewers.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Twelve. (Opposed: Legislators D'Amaro, Gregory, Nowick, Barraga, Cilmi, Montano)

P.O. LINDSAY:

On the accompanying Bond resolution 1552A roll call. Same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yeah.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen. (Opposed: Legislators D'Amaro, Barraga, Cilmi and Montano)

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

Okay, page 12, *Veterans and Seniors:*

1541, 1541A, Appropriating funds in connection with the purchase and replacement of a Nutrition Vehicle for the Office for the Aging (CP 1749). (Co. Exec.)

LEG. STERN:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Stern, second by Legislator Losquadro. Is there any -- is this an aided thing? Are we getting any aid on this?

MS. VIZZINI:

Typically we bond for this. We are bonding for this and there is no aid indicated.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond resolution 1541A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. STERN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Ways and Means:

IR 1003, 1003A, Appropriating funds in connection with the implementation of a County database for taxpayer access (CP 1650). (D'Amaro)

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro. Do I have a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. On the question, Legislator Barraga.

LEG. BARRAGA:

Can I just get an explanation in terms of what this will cover?

LEG. D'AMARO:

I can give, through the Chair, a brief synopsis, easy access to government information that's normally scattered and difficult to retrieve. It will pull together the following areas; campaign finance, lobbying agency contracts, member items, legislation, votes on legislation, donors and contractors. So similar to what the Attorney General is doing on the State level, all of that information will be in a user friendly format on-line and available to our constituencies and to the residents of Suffolk County making government truly more transparent.

LEG. BARRAGA:

But you can find this information but you have to go to various sites now. Like, for example, if someone does a campaign finance disclosure in January or July you can go on either New York State Board of Elections or Suffolk County I think also has the same information. What are you -- just incorporating everything into one site?

LEG. D'AMARO:

I think it's a little more than that. I think some of the information is readily available on-line like campaign finance, but this goes beyond that, publishing, for instance, I believe it's going to cover contracts entered into by the County along with various spending items. Some of the information is available, it's not all pieced together. I believe some of the information is also not readily available on-line.

The other component of this is that the -- this is part of the capital project that was approved, of course, in the Capital Budget. I believe it's appropriating \$110,000, and the Commissioner of IT came to the committee and stated that they did a little more investigation and they believe they might be able to do it for even less than 110.

In addition, they're working with the Attorney General's Office, hopeful that they can get the underlying software that's used by the AG's Office on their website so we don't have to reinvent the wheel.

So I think all and all for maybe 110,000, maybe even less, you will be pulling all of this information together in, again, a user friendly format that makes it available for people to do their own easy investigations and to get information.

LEG. BARRAGA:

Do you really think there's a need to do this particular project now?

LEG. D'AMARO:

I think there's a need now more than ever, yes, I do.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

MR. LAUBE:

Sixteen. (Opposed: Legislators Barraga and Cilmi)

P.O. LINDSAY:

On the accompanying Bond resolution 1003A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Opposed: Legislators Barraga and Cilmi)

P.O. LINDSAY:

All right, *1004, Adopting Local Law No. -2010, A Charter Law to strengthen the independence of the Ethics Commission. (Montano)*

LEG. MONTANO:

I'll make a motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1163, Adopting Local Law No. -2010, A Local Law to streamline procedures for selecting the County Legislature's Presiding Officer and Deputy Presiding Officer. (Cooper)

LEG. KENNEDY:

I'll make a motion to table.

LEG. NOWICK:

Second.

LEG. COOPER:

Motion to approve.

LEG. LOSQUADRO:

Second to table.

P.O. LINDSAY:

You have three on the tabling. I got two already. I need a motion to second the approval --

LEG. STERN:

Second.

P.O. LINDSAY:

By Legislator Stern. So we have both approval and tabling. Anybody want to speak? No? Tabling goes first.

MR. LAUBE:

Could I get the motion and second on the tabling?

LEG. KENNEDY:

I made the motion to table.

MR. LAUBE:

And who was the second? There was a lot of background noise, I couldn't hear it.

P.O. LINDSAY:

That's okay.

MR. LAUBE:

It was Nowick?

P.O. LINDSAY:

Nowick, yeah.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

Kennedy, Nowick, Cooper and Stern.

MR. LAUBE:

Roll call?

P.O. LINDSAY:

Yes, roll call.

MR. LAUBE:

Will do.

(Roll Called by Mr. Laube - Clerk)

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

Pass.

LEG. STERN:

Nope.

LEG. GREGORY:

No to table.

LEG. HORSLEY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes to table.

LEG. MURATORE:

Yes to table.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. ROMAINE:

Yes to table.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

LEG. D'AMARO:

No.

MR. LAUBE:

Eight. (Opposed: Legislators Lindsay, Viloría-Fisher, Cooper, Stern, Gregory, Horsley, Montano, Eddington, Browning and D'Amaro).

P.O. LINDSAY:

Okay. Motion to approve. Roll call.

LEG. ROMAINE:

Discussion.

P.O. LINDSAY:

Wait. Legislator Romaine, you want to say something?

LEG. ROMAINE:

Yeah, I certainly do, because I think we have a provision now that works very well. We have an opportunity for the first two weeks in January to select a Presiding Officer and a Deputy Presiding Officer. If that doesn't happen, if we're deadlocked, we have a provision in the Charter where the Clerk would appoint, the County Clerk. I have been in that position as County Clerk where I have taken that job seriously. This changes that in that it would eliminate, and I would ask Counsel to explain how this changes that, the current provisions in the law now.

MR. NOLAN:

Well, under the proposed law the selection of the Presiding Officer by the Clerk if the Legislature is deadlocked by January 15th remains unchanged.

LEG. ROMAINE:

Yes.

MR. NOLAN:

She will make the selection, but it clarifies that the subsequent choice of the Deputy Presiding Officer will come back to the Legislature in that the -- under this proposal the Clerk will have until January 22nd to select a Presiding Officer. Then the full Legislature will have the opportunity by the 25th to elect a Deputy Presiding Officer. In the event they're unable to get ten votes for a Deputy Presiding Officer, then the selection would be made by the Presiding Officer.

So it empowers the Legislature in that it returns the choice of DPO to the Legislature. We need the Clerk to break the deadlock for Presiding Officer, but the thinking is there's no reason why the choice of the Deputy shouldn't be here at the Legislature. That's one of the changes in the bill.

LEG. ROMAINE:

It's a matter of semantics. If I'm County Clerk, you want to be Presiding Officer, "Listen I would love Joe Blow to be the Deputy Presiding Officer. Oh, you don't agree? Sorry, I can't appoint you. Next?"

(Laughter)

LEG. LOSQUADRO:

That's why.

LEG. ROMAINE:

I'm County Clerk. You have a deadlock, okay, you have a deadlock. As County Clerk I appoint the Presiding Officer. When I interview people for Presiding Officer before I make my appointment, one of the key components of my discussion is who are you going to appoint as Deputy. And if you don't give me the right answer, you're not getting the appointment. I mean, so this really doesn't change anything.

P.O. LINDSAY:

I think it does in case of assassination.

(Laughter)

LEG. ROMAINE:

And they tell me that there's a special ops team forming on the 12th floor of another building.

(Laughter)

P.O. LINDSAY:

Legislator Kennedy, did you want to say something?

LEG. KENNEDY:

No.

P.O. LINDSAY:

That's wonderful.

(Laughter)

Okay. We have -- where are we. Do we have a motion and a second to approve?

MR. LAUBE:

Yes, you do.

D.P.O. VILORIA-FISHER:

Motion and a second to approve, yes.

P.O. LINDSAY:

We don't have a tabling motion, right?

MR. LAUBE:

Negative.

P.O. LINDSAY:

It failed. Oh, I'm sorry. Okay. Let's do the roll call on the approval then I guess.

(Roll Called by Mr. Laube - Clerk)

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

Negative.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes, if they don't assassinate me.

(Laughter)

MR. LAUBE:

Twelve. (Opposed: Legislators Nowick, Kennedy, Barraga, Cilmi, Losquadro and Romaine)

P.O. LINDSAY:

1410, Adopting Local Law No. -2010, A Local Law requiring broader dissemination of auction information. (Browning)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Did you make a motion, Legislator Browning?

LEG. BROWNING:

Yes, I did.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Anybody on the question? Nope? Okay. All in favor? Opposed? Abstentions?

LEG. CILMI:

Opposed.

MR. LAUBE:

Seventeen. (Opposed: Legislator Cilmi)

P.O. LINDSAY:

We already did 1415.

We're up to **1431, Adopting Local Law No. -2010, A Local Law to encourage the sale of substandard properties in the County's inventory to adjacent property owners (Cilmi)**. You want to make the motion, Legislator Cilmi? It's your resolution.

LEG. CILMI:

I'm sorry. Which one? Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cilmi. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. Any discussions?

D.P.O. VILORIA-FISHER:

Just a short explanation, Tom?

LEG. CILMI:

What this does is it allows the -- it allows for the direct sale of adjacent substandard properties at a higher threshold level than what is currently the case.

D.P.O. VILORIA-FISHER:

Oh, now I remember, 70/30.

LEG. CILMI:

Right. Just it will help us, hopefully, get properties off our inventory and back on to the tax rolls quicker.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1454, Approval of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act. (Co. Exec.)

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Seventeen. (Opposed: Legislator Romaine).

P.O. LINDSAY:

1527, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Brian and Doreen Besemer (SCTM No. 0102-005.00-02.00-135.009). (Co. Exec.) Motion by Legislator D'Amaro, second by Legislator Stern. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen. (Opposed: Legislator Barraga)

P.O. LINDSAY:

1528, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Mark and Marianne Reuter (SCTM No. 0900-013.00-01.00-084.000). (Co. Exec.) How about we do same motion, same second?

D.P.O. VILORIA-FISHER:

Sounds good.

P.O. LINDSAY:

Same vote all right with everybody?

MR. LAUBE:

Seventeen. (Opposed: Legislator Barraga)

P.O. LINDSAY:

1529, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Robert J. Downs and Eileen P. Healy (SCTM No. 0900-298.00-03.00-017.029). (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

Seventeen. (Opposed: Legislator Barraga).

P.O. LINDSAY:

1530, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Smithtown - (SCTM No. 0800-019.00-02.00-053.001). (Co. Exec.) I need a new motion.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

More affordable housing.

LEG. KENNEDY:

Absolutely.

LEG. NOWICK:

Do our part.

LEG. KENNEDY:

Bring it on.

LEG. D'AMARO:

No, this is for drainage purposes.

P.O. LINDSAY:

IR -- aww.

LEG. D'AMARO:

Nice try.

D.P.O. VILORIA-FISHER:

Hope springs eternal.

P.O. LINDSAY:

1538, Authorizing the transfer of property to Suffolk County Department of Parks, Recreation and Conservation (SCTM No. 0200-461.00-03.00-029.000). (Co. Exec.)

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Viloría-Fisher.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1544, 1544A, Amending the 2010 Capital Budget and Program and appropriating funds in connection with Fiber Cabling Network and WAN Technology Upgrades (CP 1726). (Co. Exec.)

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator --

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Cooper. Did you have a question, Legislator Losquadro?

LEG. LOSQUADRO:

I would like an explanation. I see the committee discharged this without recommendation. What exactly is this project?

P.O. LINDSAY:

Does the Chairman want to answer that, of that committee?

LEG. D'AMARO:

I believe it was discharged without recommendation. We were waiting for some further detail on what the project was covering. I believe Legislator Kennedy was requesting that.

LEG. KENNEDY:

I raised questions, Mr. Chair, and as a matter of fact, I did get a fairly extensive response from Commissioner Quinn, which detailed about 300 various notes throughout the County that are wireless connections as I had suspected. I think it supports a variety of different things that our various departments do, and it made reference to, like most everything else in this County, just worn out infrastructure, aging out, in desperate need of repair. There's certainly legitimacy to it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bonding Resolution 1544A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *1545, 1545A, Appropriating funds in connection with the acquisition of a Disaster Recovery Project (CP 1729). (Co. Exec.)*

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. I missed this committee so could Legislator D'Amaro give us a brief recap? Do you have recall on this?

LEG. D'AMARO:

Yeah. I think this was about in the event of catastrophic crash of the computer, the IT systems in the County. There is certain software and hardware available that can either prevent that or restore the data in the event of a catastrophic meltdown, in computer related type of systems. So it's taking preventive action in a sense.

P.O. LINDSAY:

Okay. And the committee was convinced this is something that we need?

LEG. D'AMARO:

Yes.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen. (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying Bond resolution 1545A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. (Opposed: Legislator Barraga)

P.O. LINDSAY:

Okay on *IR 1546, 1546A, Appropriating funds in connection with the acquisition of an Upgraded Payroll System Database (CP 1740). (Co. Exec.)*

LEG. LOSQUADRO:

Mr. Chairman, I'm going to make a motion to table for purposes of discussion. I may withdraw that, but I just want some answers to this.

P.O. LINDSAY:

Okay. We have a motion to table.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Do we have a motion to approve?

LEG. D'AMARO:

I'll offer a motion to approve for discussion purposes.

LEG. COOPER:

And I'll second that.

P.O. LINDSAY:

Okay. Motion to approve, motion to table. Who wants to do the explanation?

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

On the motion. You want me to get an explanation first or you want to ask?

LEG. LOSQUADRO:

I will ask a specific question.

P.O. LINDSAY:

Okay. Go ahead.

LEG. LOSQUADRO:

In years past I have had this discussion about whether or not this County ever intends to move to a paperless payroll system, and I have gotten various answers over the years. "Oh, we already have

stubs printed up, we already have checks printed up." Well, in the time that I've asked, I'm sure we've used that stock up and replenished it.

We continue to order things and we continue to maintain this antiquated system that we have, when every major company in this country has mandated direct deposit. You have countless banks across Suffolk County that offer free checking, give people a window, six month, eight month window, whatever it is, or maybe more depending on what that stock of the pre-printed pay stubs we have out there is, to tell people you have "X" amount of time to do this and we are moving to a paperless system.

What's the plan with this system that we're moving to update? What's updated about this system and what are we planning on doing differently?

P.O. LINDSAY:

Legislator D'Amaro or Ben who -- who is capable of answering?

LEG. D'AMARO:

Just very briefly, Ben, just give me one second. I think, Legislator Losquadro, the purpose of this bill is to move exactly in the direction that you're talking about. I don't think they even know yet how to get to that point where it's paperless or direct deposit. I think this requires some kind of preliminary type of consideration of all the systems that are in place and the information that's available. That's my understanding.

LEG. LOSQUADRO:

Legislator D'Amaro, we already have direct deposit available to employees who opt into it. We have that system in place, it's part of the payroll system.

LEG. D'AMARO:

Right, but I think this would go beyond.

LEG. LOSQUADRO:

It would just be a matter of doing it for everyone, making it mandatory instead of voluntary. I don't see that requires a change in the type of system that we operate, since our current system is capable of performing that function.

LEG. D'AMARO:

I'm not disputing that. I think it goes -- I think it's a little more complex than simply direct deposit, but I don't have any further information than that.

LEG. LOSQUADRO:

Mr. Zwirn, do we have any further information on that?

MR. ZWIRN:

I think this is a -- is not the final measure, but it is a stopgap measure because right now -- and forgive me, because I am fairly computer illiterate, but we use COBOL system, and that is so antiquated that we can't find -- we can't hire anybody who can remember how to use it. So this system, this will give us an opportunity to expand the payroll system I think until we can move to something more permanent, but right now we're sort of at a standstill. I think they're doing this just to get us through for the time being and allow the system to be expanded. I can read you the explanation. It will probably make more sense to you than it does to me. It's in the backup of the material, but I think --

LEG. LOSQUADRO:

I'm hearing a lot of think and possibly, but I'm not hearing a lot of definitive answers and what we're doing with, you know, a quarter million dollars.

MR. ZWIRN:

If you want to table this I would have no objection, but --

LEG. D'AMARO:

Before we do that if maybe this would clarify it, if I may, through the Chair.

P.O. LINDSAY:

Go right ahead.

LEG. D'AMARO:

The committee received a memo from Commissioner Quinn. It was directed to Mr. {Crinell}. It is dated April 22, 2010. It says program description. I don't know if, Legislator Losquadro, if you have this, and this will clarify it. "This project provides funding to conduct an analysis to port the current mainframe payroll system to a platform that is capable of producing payroll checks along with increased human resource functions. The current system operates under the COBOL programming language, which is antiquated. It is increasingly difficult to recruit personnel resources with the knowledge to maintain the system. This project will extend the life of the current payroll system by moving it to a platform which will allow expanded development". It sounds perfectly reasonable to me.

LEG. LOSQUADRO:

That does, but it's still not moving it to the next step. I'm willing to let this move forward because, you know, COBOL is as prehistoric as FORTRAN, so, you know, we need to get rid of the dinosaurs and move into the modern age.

Counsel, I don't know where Counsel is, I'll be filing a piece of legislation to move us forward in that regard, not only towards direct deposit, but then with the secondary component to move us into a paperless pay stub as well. There's no reason for us to be dedicating the printing resources or the human resources then to distribute these pay stubs in the future. It's -- you know, most businesses did this a decade ago. The fact that we're still doing it is a little ridiculous, so I'll be working with Counsel on filing that legislation.

I withdraw my motion to table.

P.O. LINDSAY:

Okay. We only have a motion to approve now. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution 1546A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1568, 1568A, Appropriating funds in connection with the acquisition of renovations to Bldg. 50, Hauppauge (CP 1765). (Co. Exec.). that doesn't read right.

D.P.O. VILORIA-FISHER:

That sounds bizarre to me, too.

P.O. LINDSAY:

Let me get a motion and a second and then we can go into the explanation.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, seconded by Legislator Gregory.

D.P.O. VILORIA-FISHER:

The title is with the acquisition of renovations to Building 50.

LEG. D'AMARO:

I think the -- just on the motion.

P.O. LINDSAY:

Go right ahead.

LEG. D'AMARO:

I think the title -- I think the word acquisition is misplaced. I have another memo here, renovations to Building 50, North County Complex. It's from the Commissioner of IT, again, to Mr. {Crinell}, dated April 22nd. It says the project provides funding as requested by the department, that's IT, for renovations to Building 50 located at the North County Complex. The bulk of the project is the replacement of windows, insulation and overhang areas, insulation and additional HVAC work. So, those are the renovations.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen. (Opposed: Legislator Barraga)

P.O. LINDSAY:

On the accompanying Bond resolution 1568A, same motion, same second; roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

MR. LAUBE:

I'm sorry. Cooper?

LEG. COOPER:

Yep.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yep.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. (Opposed: Legislator Barraga).

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

P.O. LINDSAY:

Okay, *1584, Designating the Smithtown Newspaper for publication of notices.* That should be undesignating, no?

LEG. GREGORY:

No.

LEG. KENNEDY:

Most to table.

P.O. LINDSAY:

Oh, I see. By approving this you are --.

MR. NOLAN:

Undesignating.

P.O. LINDSAY:

I see. I see. First of all, I have a motion to table.

LEG. NOWICK:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Nowick. Do I have a motion to approve?

LEG. HORSLEY:

Motion to approve.

LEG. COOPER:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion to approve and a second by Legislator Viloría-Fisher. Okay. Anybody want to talk?

LEG. KENNEDY:

You want to go first?

LEG. GREGORY:

Go ahead. I yield to my esteemed member to the right.

LEG. KENNEDY:

Yeah, the dinosaur. I objected to this in committee, Mr. Chair. And to the sponsor and to all those around this horseshoe who found that editorial in the Smithtown Messenger to be offensive, I have said to each and every one of you I don't agree with the sentiment of the editor just as I have disagreed with editorials in many different newspapers. But I find that this action puts us on an extremely dangerous and slippery slope.

And I will not bore people around this horseshoe with the Constitution, but I was just looking at the Federalist Papers explanation about what our Founding Fathers knew was so important for this democracy to actually be able to thrive. And to look at singling out a particular paper because of its editorial content, and then in the same resolution, replacing it with a paper that is of the majority's party, I find doubly offensive. And I think it really speaks to a real problem. So on that basis, I made a motion to table.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

I will yield to Legislator Romaine, if you want to make a comment, I saw you raise your hands.

P.O. LINDSAY:

I've got a whole list go.

LEG. GREGORY:

Okay. All right. Well, you know, as Legislator Kennedy stated that this was -- he was offended, I think the majority of us, if not all of us, were offended by this pictorial. I tend to look at it from a standpoint of is us as endorsing this paper's content. And I think it's something that we as a County should reject. And I think this motion or this resolution is along those lines.

LEG. LOSQUADRO:

Time's up.

LEG. GREGORY:

I think that we -- you know.

LEG. GREGORY:

What happened?

P.O. LINDSAY:

There's a light going.

LEG. GREGORY:

I think that, you know, we should send a strong message that here in Suffolk County, we don't tolerate this type of quote/unquote humor, because to a significant portion of the community, it's not funny and it plays along those racial stereotypes that are hurtful. And, you know, we should stand up against it. And I would appreciate everyone's support. Thank you.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Legislator Kennedy, I completely agree with you that we have to be very careful about treading on our constitutional rights. And we have -- the County has ads in newspapers whose editorial positions anyone of us can disagree with. But when I saw this editorial cartoon the -- my reaction was immediate. It was offensive, it was racist, it was reprehensible. It wasn't an editorial opinion that respected the audience that would be looking at this opinion. It wasn't an opinion that was a policy opinion. It was plain and simple, a racial joke. It was a racist -- it was belittling our President because of his race.

When you looked at the other characters -- someone was calling this an ad today, it wasn't an ad, it was an editorial page -- there was no differentiation in the portraits, the before and after portraits of the other Presidents based on their ages or their political party. So the only differentiation with President and Mrs. Obama was their race. And I don't believe that we could in any way accept this as an appropriate editorial comment. It was a horrible -- in poor taste and very, very offensive. It was offensive to me. As soon as I saw it, there was not even a question about what was being said on that editorial page. And we are not stifling that newspaper. They can continue to operate. But I don't believe that we should have any County money involved in what their mission seems to clearly be.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

We've heard a couple of points. This really goes back to a fundamental point of our Constitution and democracy. I don't think you are going to hear anybody saying that they accept what it was, that they endorse it in any way. That's exactly the point. It is editorial content. You don't have to agree with it. In fact, many times -- I know many times when I look at editorial content, I disagree with it, sometimes very strongly.

I didn't hear, you know, any outrage when our former President was portrayed as a monkey or an idiot, and this was a regular occurrence, donkey ears on him. That had nothing to do with policy. That was routinely portrayed that way. I didn't go searching out which newspapers ran that, which didn't. But I didn't hear anyone screaming saying, "You know, this is our President. Regardless of party, we have to defend him." No, that was acceptable.

The point is it is editorial comment, you do not have to agree with it. And regardless of what we say here, we've heard it, we're going to sanction them for something that we disagree with them. You are going to take business away with from them, because it was something you disagreed with.

I think Legislator Kennedy is exactly right; that is the slipperiest of slopes. In fact, it's not even a slope at all, it's a cliff. You go over that cliff, you are talking about censorship, you are talking about freedom of the press issues. I completely disagree with it. You don't -- I am certainly not defending anyone's actions here, but I think this is a fundamental of our democracy that you have to be willing to have someone scream at the top of their lungs in opposition to something that you would scream at the top of your lungs supporting. I think that's what being a part of this country is about. So I am not voting for this.

LEG. COOPER:

Bill?

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. I will be brief. Legislator Vilorio-Fisher actually articulated my position quite well. I don't think there's any debate as to whether or not this was offensive, it was beyond offensive. It purely was racist. As far as being editorial comment, to me, it wasn't editorial comment. This was simply, from what I understand, something that had been passed around the internet, and the editor used it to fill space at the last minute. It had, in my mind, no editorial content, no editorial message. It was simply filling space with racist stereotypical behavior that is reprehensible.

I agree with the NAACP's position. We're not censoring the newspaper, we're simply saying we're not going to support a publication that engages in this kind of behavior. They can print all the ads, all the racist jokes and commentaries they want, we simply are not going to support them. And that's what this resolution says.

You know recently -- and the other position, recently one of the reporters, well-known reporter from -- the Senior Correspondent from The White House, Helen Thomas, made some reprehensible comments, and I believe that there was human cry for her to be taken off the newspaper. That was done. You know, people are free to say and do whatever they want. We are free to do and say what we think is appropriate. It is a slippery slope, I will agree with you. But we have to make those decisions.

This went beyond anything that I have seen that implies it had editorial intellectual or any kind of purpose other than, to me and from what I've experienced, to be nothing more than just a racist derogatory filling of a space and a newspaper that we are supporting. I don't think we should be doing that. It is a slippery slope, but I'm willing to, in this case, go that far. They can print it again and again and again, but we shouldn't support them in their efforts. They should do that privately

with people that agree with that what they have done or what they say. They can say what they want, but I don't think we should be supporting them. They should be eliminating as -- because they do carry the recognition as an official Suffolk County newspaper, and that I think should be eliminated.

P.O. LINDSAY:

Legislator Romaine?

LEG. ROMAINE:

All the comments that I was going to make were made by others, I'll pass.

P.O. LINDSAY:

Okay. Legislator Cooper.

LEG. COOPER:

Just briefly I wanted to say that I think if the editorial cartoon expressed anti-Catholic sentiment or anti-Semitic sentiments, we wouldn't even be here today debating this. I think there would be a unanimous support for this resolution. Unfortunately, racist sentiments apparently are still a little bit more acceptable in today's society.

We're not calling for a boycott of the paper. We're simply saying that taxpayer dollars, taxpayer dollars should not be used to financially support this paper. Any individual is free to subscribe and support the paper with their own private funds, but I absolutely feel it's not appropriate for taxpayer dollars to be used. And I know that I have heard from a number of my constituents, not one of them has supported continuing to fund this paper. All of them, every one has called for me to support this resolution, and that's what I'll be doing. Thank you.

P.O. LINDSAY:

Legislator Browning. Laboratory?

LEG. BROWNING:

No. I'm never saying that word again.

LEG. LOSQUADRO:

Depending on what you say.

P.O. LINDSAY:

Were you on your way to the laboratory?

LEG. BROWNING:

I'm never going to live this one down. Sorry. My English is better than everybody else's. You know, I said at committee and I will say it again, we are not preventing their First Amendment Right to print whatever they want. I have minority communities I represent. They're highly offended by it. And their tax dollars are going towards that newspaper, and that offends them. And they felt that it was inappropriate for us to spend their tax dollars on a paper that basically makes racist statements. That's why I'm supporting the bill.

We are not preventing the First Amendment Right. They can continue to do whatever they want. If we weren't sending Suffolk County tax dollars to that paper, there would be no offense on it. I did want to clarify and make sure, though, it is not the Republican-designated paper?

MR. NOLAN:

That's correct. The Messenger will continue to be the Republican-designated newspaper for the Countywide ads. This just removes them as the Smithtown paper for the publication of notices just in Smithtown, which are rare and limited, but we do have to publish certain things just in certain towns, and that's what we're removing them as.

LEG. BROWNING:

They're still getting our tax dollars as the Republican paper?

MR. NOLAN:

That's correct.

LEG. BROWNING:

Okay.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

That answered my question. But do we often ask the towns where they want these notices printed, or is that not typically done?

MR. NOLAN:

I'm not understanding your question, Legislator.

LEG. SCHNEIDERMAN:

Well, town-by-town, do we ever get input from the town boards or Town Supervisors? We just make that decision?

P.O. LINDSAY:

We make that decision, yeah. Legislator Kennedy.

LEG. KENNEDY:

My real concern here is, is that what we are doing is we are absolutely sanctioning one paper. And you know, the Supreme Court rules are very clear on what is prohibited speech.

We now find ourselves in a position where we will become arbiters of what is and what is not tolerable and acceptable regarding print in these ten newspapers, and that clearly is not our role. We do not belong being judges nor ones who will say what is within some framework that we deem tolerable or acceptable.

This newspaper which runs the ads was selected off a resolution that Counsel has even acknowledged there's no statutory basis for. So if we run down this possibility of now finding this paper that's not acceptable, then perhaps I would ask Counsel to draft a resolution to bar or do away with all ten town papers, because 214 is solid on this. There's absolutely no basis in order to go ahead and do this. And if our concern is about our tax dollars and these various papers, then perhaps maybe we need to take that to heart and do away with that.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yes. Thank you. I just think it's important to go on the record on this. And I agree with the comments of Legislator Vilorio-Fisher and Legislator Montano. In my opinion, this is editorial comment, but with clear racial overtones. And I think the test for me was at home at the kitchen table reading the newspaper with my little kids and I turn the page and I see this particular editorial, how do I explain it? You know, you can't.

The bottom line is that our children are all going to school and trying to undo years and years and years of racial bigotry, and the schools are doing a great job of reversing that. I'm living that and I'm seeing that in my children. And this goes directly against all of those attempts to try and

reverse very hurtful and harmful trends that we've seen in this country for many, many years. So I'm not concerned at all about the First Amendment here. As many Legislators have pointed, this newspaper has a right to print what it wants to print. But as elected officials, we have a right to judge and especially when it comes to spending taxpayer money.

And we as Legislators and as a County have a constitutional right, it's called the "freedom to contract." So we're simply exercising our constitutional right and saying, "We choose not to do business with this particular -- with this particular business, this newspaper." Yes, based on the content of an editorial. And I think it's perfectly within our right to do so. And I think that's exactly the right direction that we should be going. Thank you.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

I have to be frank with you, when I read this newspaper article, I don't know whether I live a sheltered life or I wasn't looking for something or it's not in the eye of the beholder, but I just saw it as policy satire. I didn't -- maybe I don't read into things that fast, maybe I wasn't looking for it, maybe I have a sheltered life, I don't know. But I do not condone this kind of satire as I didn't condone what Legislator Losquadro said when we saw many, many cartoons, negative cartoons, disgusting cartoons about the President of the United States when George Bush was the President. But be that as it may, that might just be -- I just wasn't looking for it. But I do understand it, and I certainly don't condone it.

But I think that we as a County can object to the content, but I don't think we have the right to object to the constitutional right of the press. If we want to express our outrage, and I think most of us do, because we do feel outrage, I think we should stand by our convictions, our democrat principles, and maybe pass a resolution condemning the content of the newspapers. I know I and my Republican colleagues will certainly go along with that -- the content, that's what it is -- rather than to choose to take away someone's livelihood, to do it through economics, I think there are other ways to do this.

Maybe -- I don't -- yes, this is a Republican newspaper in Smithtown, this is the paper that we would choose in Smithtown if we could, but that may not be possible after this very, very -- this cartoon which was in poor taste. This is -- I'm sorry. This is a slippery slope. I do believe it is. I certainly hope -- and I'm going to tell you something, because I don't look for this stuff, but I sure as hell hope that there are no political or any kind of cartoons that in any way have cartoons about that show The Sopranos depicting Italians as mob people. I just hope there are no cartoons in any of the papers that we support. If this is something that -- you know, this is a slippery slope. I wouldn't say that if I didn't think we were going down the wrong slope here constitutionally. So I have to vote against this, and not because I -- I don't think this was right. I just want to tell my colleagues that. But I think that we have to stand by the First Amendment.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I would concur. I think from a constitutional perspective, there are serious issues here. But I also have to take a look at the response of the owner, the publisher of this paper, and the absolute negative feedback he's gotten across the board. And I look at it from the standpoint after receiving this negative feedback, was there a sense of arrogance on his part, a sense of denial, a sense of, "you can go to hell, I am sticking with this"? I did not sense that at all. Certainly, I think he felt the pressure, but he also, I believe, put in his newspaper almost a formal apology for that particular satirical cartoon to the affect that he admitted that it was in bad taste.

And I think we've done our job here in the Legislature to bring something like that out into the forefront. And other groups have done that as well. Do you then take it -- when there's been an apology on his part, do you take it even further and then hit him in the pocketbook? I am not so sure I want to do that.

You know, everything is politically correct today. I mean, Mr. Cooper made a reference to if the comments were made about Catholics. Well, just turn any late night comic show on on Channel 2 or Channel 4, and you will hear humor dealing with the Catholic faith. And everybody laughs, because they know they can get away with that and nobody is going to do anything. But yet, you don't hear any jokes about Jews. You don't hear any joke about the Muslims, because it's not acceptable and it shouldn't be acceptable with reference to Catholics. So we can look at a lot of different areas here. And, you know, what happens in the future? Is someone going to read a piece of legislation that's objecting to something that someone said?

The point is I think the Legislature and others have made this a central theme. I think the owner, the publisher has gotten the message. I don't think we have to take it any further. It will be a long period of time before he or anyone else will move in the same direction again. I don't think it's really necessary. If there was arrogance, if he took a real hard approach, well, then I think you can take steps accordingly, but that has not been the case. So I will, you know, not be supporting this. Thank you.

P.O. LINDSAY:
Legislator Gregory.

LEG. GREGORY:

Yes. I thank my colleagues for their comments and their sentiments, but I have to disagree, particularly with the response from the paper. His initial response was lacking to say the least. There was an interview, I think, on News 12 where he was very unapologetic and couldn't even see where people would be offended, then he's -- subsequently he's released an apology, which, you know, if you want to technically call it an apology, I guess it fits that's definition, but it certainly didn't go far enough.

As an African American, constantly under the imagine and under the microscope of other people who feel that we're not intelligent enough, we're not smart enough to excel to certain positions in life, and this pictorial plays directly to that sentiment. As Legislator Vilorio-Fisher pointed out, you wouldn't have an argument from me if other Democratic Presidents were depicted in a unparticularly flattering light. But the African American President was depicted in a light where, "well, you know, after his Presidency, maybe he's not intelligent enough to withstand the stress and demands of being President, so he's going to be an old man fighting with someone who is not even his wife," you know, that's a stereotype. And that's something that I've had to deal with all my life, and it's unacceptable.

I think in a county that's the third -- studies have shown it's the third most segregated county in the country, all the national and probably international press we've received regarding hate crimes in Suffolk County and the attention that people -- that we have drawn with some of our issues regarding race, I think it's important that as a County, as a government, as a body, that we take a stand against something that clearly plays to racial stereotypes. And I'm not the person who's ready to protest and picket and March, I don't call everyone a racist, I don't think I've -- I've used that term very sparingly ever since I've been here other than one person, I'll keep that to myself.

But, you know, it's not -- you can't label me the Al Sharptons of the world who are ready to protest at will, who's looking for every instance to label someone a racist. To me -- I was sitting here in a committee meeting, someone came up to me, "Look, this is what is in the Smithtown Messenger." My first reaction wasn't "Oh, my God, these racists." You know, I said, "All right. Let me compose myself, let me think about it, what is this really saying?" And I really tried to analyze it for myself. And I said, "You know what? There's no way around it. This is not right." And I took a deliberate approach about it.

And Mr. Sciarello, who I've met, seems a nice enough gentleman. You know, he didn't call me -- we didn't meet until probably a week or so ago. You know, I know he called other members in this body before then. I was offended by that. You know, I think -- you know -- you know, protocol on a situation like this would have been he would have called me and said, "You know what? This was my -- you know, this was my thinking. This is what I intended it -- this is what I wanted to do to, unfortunately this is the result of it." But, you know, he didn't afford me that opportunity. And that I think was injury to insult -- insult to injury.

So I think -- and from the debate that I'm hearing, you know, this bill has become more political than anything, and that's unfortunate. You know, we're talking about -- and it's not even whether it's the President. You know, this is a racial stereotype. You know -- you know, you know, to bring up depictions of George Bush and others, I don't know if that's really necessary. It's degrading of the President, but it's not racial in nature. This is clearly -- you know, if Barack Obama was our President or not, this is racial stereotype that was depicted. And as a county who provides money to this paper, we implicitly endorse it, and we endorse their message. I don't think because we've done that we're in perpetuity tied to contract with this -- with this paper. Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I haven't -- I just saw the piece, and I understand, it's offensive, i'm not going to argue that, it's racist. It appears though that it was also reprinted in many publications, not just this. The new story about it reprinted the same offensive piece. And, you know, I obviously wouldn't want to see something that was anti-Semitic, anti- African American, anti-anything. But I'm a little bit concerned that we carefully examine the First Amendment issues that are being brought up and what other papers may have printed this as well.

I'm just going to ask that we table it for one cycle. I'd like to make a careful decision here that doesn't send a -- doesn't depress free speech in any way. I'm not arguing that it's not racist, it is. I understand why people would be hurt, but let's make sure we're being very careful before we start censoring in any way comments that are made in newspapers.

P.O. LINDSAY:

So you made a motion to table.

LEG. SCHNEIDERMAN:

Yes. I'm just asking for two weeks.

P.O. LINDSAY:

Okay. Guys, you know, it's ten minutes to nine. You know, we still have a lot of business. Go ahead.

LEG. SCHNEIDERMAN:

The Daily News, for example, printed it as well

P.O. LINDSAY:

But do we advertise in The Daily News?

LEG. SCHNEIDERMAN:

But that's why I want to see which papers we advertise in and who printed it?

P.O. LINDSAY:

As far as I know, anybody else that's reprinted it, we don't advertise with.

LEG. SCHNEIDERMAN:

That's all I wanted to say.

P.O. LINDSAY:

Go ahead, Legislator Nowick.

LEG. NOWICK:

Legislator Schneiderman, just a quick comment. When you say -- geez, I lost my whole train of thought.

P.O. LINDSAY:

It's too late.

LEG. ROMAINE:

Let's vote.

P.O. LINDSAY:

It's too late, you talk too much.

LEG. NOWICK:

I don't think -- I think intent here would have been if he intended to be racially prejudice. I don't think that was the intent. Albeit it stupid, albeit it wrong, I don't think that was the intent. I think he thought he was a brilliant satirist, which obviously he is not.

P.O. LINDSAY:

Okay. I'm going to make the last comment, and I find myself agreeing with Legislator Kennedy. I'd like to get rid of all the papers, all right, because last year, we spent six months arguing over what is an official paper. Because do you really want to honestly examine most of these rags we advertise in? They don't qualify as a paper. You know that. You know that. All right. If we put it on the internet, more people would see it and we'd save hundred of thousands of dollars. All right?

LEG. KENNEDY:

I'll cosponsor the resolution with you.

D.P.O. VILORIA-FISHER:

You can't do it because of State regulations.

LEG. KENNEDY:

But there's no regulations for these town papers.

P.O. LINDSAY:

I'm all for getting rid of all of them. All right. Let's go. Roll call.

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

LEG. KENNEDY:

Yes to table.

LEG. NOWICK:

Yes.

LEG. COOPER:

No to table.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

To table? No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes to table.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Absolutely not.

P.O. LINDSAY:

No.

MR. LAUBE:

Eight.

P.O. LINDSAY:

To approve, roll call.

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

LEG. GREGORY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

1590, Appoint member to the Suffolk County Ethics Commission (Craig J. Tortora). I'm going to make a motion to approve.

LEG. STERN:

Second.

P.O. LINDSAY:

Seconded by Legislator Stern. All those in favor? Opposed? Abstentions?

LEG. ROMAINE:

Abstain.

LEG. CILMI:

Opposed.

MR. LAUBE:

Sixteen (Opposed-Legis. Cilmi; Abstention - Legis. Romaine).

P.O. LINDSAY:

We have a *Procedural Motion Number 12, which is the CSIs Phase III.*

Do I have a motion?

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Vilorio-Fisher. All those in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The two *Veto Overrides:*

Resolution No. 315-2010, a Local Law to expand opportunities to create housing under the 72-H Transfer Program. Do I have a motion.

LEG. SCHNEIDERMAN:

Motion to override.

P.O. LINDSAY:

Motion to override. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Resolution No. 417, ending the voucher system and directing the Department of Social Services to develop a comprehensive plan to house homeless sex offenders. I'm going to make a motion to override, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Go to the [Red Folder, CNs:](#)

We had a public hearing on this today, and it's *Resolution 1626, a Local Law amending the Suffolk County Empire Zone boundaries to include MITEQ, Incorporated.* Do I have a motion.

LEG. KENNEDY:

I make the motion to approve, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy to approve, seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

This is different than the one that was in our packet, this is to hire a Police Officer. Let me get the resolution -- the motion first.

IR 1668, amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Police Department, Police Officer Spanish speaking. Do I have a motion on this? And then we're going to have some discussion. Do I have a motion.

D.P.O. VILORIA-FISHER:

I make a motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. MONTANO:

I'll second it for purposed of discussion.

P.O. LINDSAY:

Seconded by Legislator Montano. Okay. Somebody had questions.

LEG. MONTANO:

I have a question on the motion. Gail, is there Civil Service position already online for this? Ben? Either one. I don't care. We can do this real quick.

MS. VIZZINI:

It's a new title, so there probably is not a list for that precise title. Whether they would use the existing list in my way, I do not know.

LEG. MONTANO:

Existing list of Police Officers. Ben, do you know how this is going to be filled?

MR. ZWIRN:

We're doing this now so that we can advertise this in the coming year. So the position is created, somebody can take a test for it and hopefully --

LEG. MONTANO:

Is this person going into the class, the new class?

MR. ZWIRN:

No.

LEG. MONTANO:

So how are you going to hire?

MR. ZWIRN:

We're going to create a new title, there would become a list for this title.

LEG. MONTANO:

Oh, it's someone who is already in the department, is that what you are saying?

MR. ZWIRN:

My understanding is that this person will be hired in 2011. But we have to do it now to advertise the position. So we create the title and then create the test.

LEG. MONTANO:

So you have to have the test is what I'm asking; is that correct?

MR. ZWIRN:

To create the title, then we're going to have a test for it. Nobody is going to be serving in this provisionally.

LEG. MONTANO:

Okay. That's what I wanted to know. And why do you need to do it by CN?

MR. ZWIRN:

Because we want to advertise it now so it's as early as possible.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. To clarify this, you're saying that there's going to be a separate test for this title that would be separate and apart from the test given to hire all Suffolk County Police Officer?

MR. ZWIRN:

I believe so, yes.

LEG. LOSQUADRO:

For one title. And we see how many people apply to become a Suffolk County Police Officer. What happens if you get 8000 applicants for this, which could very well happen? My brother is Italian-American, happens to be fluent in several languages, one of them being Spanish. This wouldn't just be limit to -- I think we can get thousands of people who could apply for this position. I think this is not well thought out at all.

MR. ZWIRN:

You can apply for more than one -- you can take the test for more than one position, but somebody is going to qualify -- under these special circumstances, somebody will be number one on the list with respect to this particular title.

LEG. MONTANO:

If I may, Dan.

LEG. LOSQUADRO:

Just one second, Legislator Montano. We have a situation now where we have, you know, sometimes tens of thousands of people apply and take the test for a limited number of positions. Here you have one title where you could potentially be -- maybe it's a revenue generator for us. But I don't -- I think you can certainly draw from within the ranks of the people who are already on the list and certainly generate a candidate out of that preexisting Civil Service list. I think creating a separate title for this or a separate test to create a separate list for one title is a very poor idea.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Legislator Montano wanted to speak.

LEG. MONTANO:

We have had throughout -- for a while, Spanish speaking positions throughout the County. This is I think the first time -- and we have had Spanish speaking within the Police Department, but I don't think that we've had Spanish speaking Police Officer positions before. Do you know if that's accurate or not?

MR. ZWIRN:

I believe that is accurate, that's why this is being done.

LEG. MONTANO:

Now, we had the cadet program. I would imagine that the person that fills this position has to fill all the other requirements and is probably going to be someone that is simply more reachable on the exam. Is that essentially where you're going with this?

MR. ZWIRN:

There will be a separate list for this. And the person who takes the exam for this title, as I said if there are other positions open, they can take both --

LEG. MONTANO:

And we're getting two positions; am I correct? There were two C of Ns, was a one Police Officer, and what was the second one.

P.O. LINDSAY:

Spanish clerk.

LEG. MONTANO:

Spanish clerk. All right. Thanks. No more.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Through the Chair to Mr. Zwirn. Ben, we have been doing this for 12 hours now. Why can't this go through committee, because there's a hundred questions to ask about this? Do we need to have officers who communicate in Spanish proficiently? Absolutely. But you know what? We must have a hundred languages in this County. As a matter of fact, chief Moore more held up the phone that translates in 105 languages only about a month ago. So as we embrace one particular language here, do we have anything -- why do we have to do this here? Why isn't this in committee? What's the urgency here tonight?

MR. ZWIRN:

The urgency is for advertising purposes.

LEG. KENNEDY:

Well, I have one less paper for you to advertise in. What do you mean "urgency to advertise?" My mother's name is Sanchez, so I'm sensitive. But listen, why can't this go through the committee process where we can vet it?

MR. ZWIRN:

My answer is that we are under a time constraint to get this advertised in a timely manner.

LEG. ROMAINE:

Let's just vote.

LEG. LOSQUADRO:

Motion to commit.

LEG. KENNEDY:

I make a motion to commit to committee if for no other reason to go ahead and at least explore some of what Legislator Losquadro raised about the duality of lists and anything that shows me what's the basis for his when some other native speaking or other speaking language comes forward and says, "Why don't I have an Asian speaking Police Officer," or "Why don't a Hindi," or "Why don't I have a Slavic," or "Why don't have a Polish?" Or anything else. There's got to be some basis for discussion for it. I make a motion to committee?

P.O. LINDSAY:

Okay. We have a motion to commit and we have a second and a third. And we have a motion to approve. The motion to commit goes first.

MR. LAUBE:

Who was the second on the motion to commit.

P.O. LINDSAY:

The second -- the motion to commit was by Legislator Kennedy, seconded by Legislator Losquadro.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

Motion to commit goes first. All in favor of committing it to committee? Opposed? Abstentions?

MR. LAUBE:

Fifteen (Opposed - Legis. Gregory, D'Amario and Vilorio-Fisher).

P.O. LINDSAY:

It stands committed to committee.

With that, we will now go to the yellow folder. I'm going to make a motion to waive the rules and lay on the table the following Late Starters: 1657 to Economic Development, Education & Energy; 1658 to Public Works; 1659 to Ways & Means; 1660 to Ways & Means; 1661 to Ways & Means; 1662 to Ways & Means; 1663 to Budget & Finance; 1664 to Budget & Finance; 1665 to Labor, Workforce & Affordable Housing; 1666 to Labor, Workforce & Affordable Housing; 1667 to Economic Development, Education & Energy; 1669 to Ways & Means; 1670 to Ways & Means; 1671 to EPA; 1672 to Health & Human Services; 1673 to Economic Development, Education & Energy; 1674 to Economic Development, Education & Energy; 1675 to Economic Development, Education & Energy; 1676 to Economic Development, Education & Energy; 1670 to Economic Development, Education &

Energy, and that's it. So I made that motion. Do I have a second? Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
I'll entertain a motion to adjourn by Legislator Losquadro, seconded by Legislator Browning. All in favor? Opposed? Abstentions? We stand adjourned.

MR. LAUBE:
Eighteen.

(*THE MEETING WAS ADJOURNED AT 9:10 P.M. *)

{ } - Denotes Spelled Phonetically