

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**NINTH DAY**

**June 22, 2010**

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

**Verbatim Minutes Taken By:**

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**&**

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*(THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY  
LUCIA BRAATEN - COURT REPORTER)*

*[THE MEETING WAS CALLED TO ORDER AT 9:33 A.M.]*

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Good morning, Mr. Presiding Officer.

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

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Present.

**LEG. BROWNING:**

(Not Present)

**LEG. MURATORE:**

Here.

**LEG. LOSQUADRO:**

(Not Present)

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

(Not Present)

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not Present)

**LEG. NOWICK:**

Yes, here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

(Not Present)

**LEG. D'AMARO:**  
(Not Present)

**LEG. COOPER:**  
(Absent).

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

**P.O. LINDSAY:**  
Here.

**LEG. BROWNING:**  
Tim.

**MR. LAUBE:**  
Twelve (Not Present: Legislators Losquadro, Montano, Kennedy, Stern & - Absent: Legislator Cooper).

**P.O. LINDSAY:**  
Could everyone rise for a salute to the flag, led by Legislator Jay Schneiderman?

*(\*Salutation\*)*

I'd like Legislator Schneiderman to come forward and introduce our visiting Clergy.

**LEG. SCHNEIDERMAN:**  
Good morning, everyone. Today's Clergy will be Reverend Cynthia Liggon. Reverend Cynthia Liggon is an ordained Clergy with the American Baptist Churches of Metro, New York and USA. She's the Assistant Pastor of the First Baptist Church of Riverhead. In the area of public ministry, she has served for eight years as an at-large member of the Governing Board of the Long Island Council of Churches, an organization that sets policy and governs over 744 Protestant churches in both Nassau and Suffolk Counties, as well as working with the Council's local East End area Steering Committee, helping to organize initiatives that address the sociopolitical concerns of the East End. She serves as the Clergy representative on the Board of Directors for Peconic Bay Medical Center. She served on the Suffolk County Minority Health Action Coalition, working in the area of cultural confidence in health care, and as community liaison to oversee the strategic planning partnership between the First Baptist Church and the Prudential Insurance Company of America, a partnership designed to foster economic empowerment in minority communities.

Currently, Reverend Liggon participates in prison ministry at the Suffolk County Correction Facility, where she does one-on-one pastoral counseling with male and female inmates, and on the Catholic Health Services Professional Advisory Board for pastoral care. Educationally, Reverend Liggon graduated with distinction as Valedictorian from Saint Joseph's College, with a Bachelor's Degree in Science -- a Bachelor's of Science Degree in Organizational Management. She is a Magna Cum Laude graduate of New Brunswick Theological Seminary, where she earned a Master's Degree in Divinity. Reverend Liggon also holds certification in counseling, leadership and supervision from Saint Joseph's College with certification in Clinical Pastoral Education from the Catholic Health Service. While in seminary, Reverend Liggon was given a special award for demonstrating excellence in pastoral care and ministerial practice.

Without further ado, let me introduce Reverend Cynthia A. Liggon.

**REVEREND LIGGON:**  
Thank you. Good morning. Again, good morning. We pause for a brief prayer, and I ask that you would bow your heads.

Dear Lord, how thankful that we are that you have given us yet another day. It is a day that we have never seen before, and neither shall we see this day once it is past and gone. On this day, these men and women, our elected officials and community leaders, have assembled themselves for the purpose of crafting laws and setting policies always which govern our lives, the lives of the residents of Suffolk County. We ask you, Dear God, that you might guide their deliberations. Give each of them clarity of thought and of speech. Let their words be seasoned with compassion and consideration. Let them not only hear with their ears, but also with their hearts. We thank you for their unwavering dedication, and may their final resolutions always serve the greater good. It's in your name that we pray. Amen.

***("Amen" Said in Unison)***

**P.O. LINDSAY:**

If we could remain standing for a moment of silence. As always, let us remember all those men and women who put themselves in harm's way every day to protect our country.

***(\*Moment of Silence\*)***

Thank you very much. Please be seated. Okay. We have a couple of presentations and proclamations this morning. And I see Legislator Schneiderman has taken advantage of being on the East End. The first one, we'll present proclamations to three art students from East Hampton High School, who swept the Congressional Art Competition Awards.

***(\*Applause\*)***

**LEG. SCHNEIDERMAN:**

Thank you, Mr. Presiding Officer. It's hard not to take advantage of this meeting out on the East End in this beautiful new facility to highlight some of the achievements of some of the East End residents, particularly our youth. I will start out by recognizing these three students from East Hampton High School. If they could come up, we have Meghan Farnum -- if they're here -- Tanya Willock and Kevin Buitrago. And you're?

**MS. FARNER:**

Meghan.

**LEG. SCHNEIDERMAN:**

This is Meghan. Is Tanya and Kevin -- are they here?

**MR. CORDONE:**

Kevin is actually on his way.

**LEG. SCHNEIDERMAN:**

Kevin is on his way, okay. Three East Hampton High School students took home awards in D.C. while competing in the 29th Annual Congressional Art Competition. Megan, who is here, took home first place, while Tanya Willock placed second, and Kevin Buitrago received a \$300 Discovery prize from the Brookhaven Arts Society. Tanya could not make the meeting today due to regents exams, but here to accept the award on her behalf is Chris Cordone, the photography teacher from the East Hampton High School. For placing first, Meghan will have her photograph displayed in a year-long exhibit on Capitol Hill. All the students' work is proudly on display here today. So maybe you can take me through this a little bit, Meghan. So, your photo, I believe, is this one in the center. And this is from -- taken in Barcelona, Spain?

**MS. FARNUM:**

Yes.

**LEG. SCHNEIDERMAN:**

Okay. And you want to say anything? Come over here. Say a word or two and while we embarrass you. So, I'm noticing the interesting camera angle. It looks like you were standing somehow above them. So, can you explain it a little?

**MS. FARNUM:**

Sure. We were at Park Guell, which is a park by Gaudi in Barcelona, and there was this school with some children playing, like lower than the park was, so I just saw them and took a picture.

**LEG. SCHNEIDERMAN:**

That's great. And that was the first place --

**MS. FARNUM:**

For the -- Congressman Tim Bishop, for his district, it was.

**LEG. SCHNEIDERMAN:**

Oh, for his Congressional District. And the other two.

**MS. FARNUM:**

The painting is Tanya's. I'm not sure what it's of, but I know it's oil. And that one is Kevin's, and that was taken at Long House. It's a garden park, kind of out at East Hampton, and it's of a fountain, kind of, in the Fall, I guess.

**LEG. SCHNEIDERMAN:**

Great. Well, congratulations. And I have a proclamation for you and for the other two students. Chris, do you want to say anything?

**MR. CORDONE:**

No.

**LEG. SCHNEIDERMAN:**

You're good, okay. Let's have a nice round of applause these students.

*(\*Applause\*)*

While I'm up here, I'll continue. Next, I'd like to introduce some students from the East Hampton High School Jazz Band and from the Orchestra. For 15 years, the East Hampton High School Jazz Band has been competing in the acclaimed Music in the Park competition around the United States. In May of this year, East Hampton High School Jazz Band and Orchestra competed again in the competition under the direction of music teachers Marilyn Van Scoyoc and Troy Grindle, who are both here, and if you'll both step forward. They competed against other schools from the Mid-Atlantic region, and I'm delighted to report that the Jazz Band pulled in first place, the first place award, with the Orchestra coming in second. And, also, Steven Clark, who's a senior in the Jazz Band, was awarded best instrumental solo at the festival for his Jazz -- his guitar solo in the song Mambo Swing.

Following their win, the groups gave a one-hour performance at the Washington Monument for visitors in the D.C. area. So, let me introduce Marilyn Van Scoyoc. She's here -- you may remember Marilyn. Her daughter received an Intel Scholarship, she was a finalist in the Intel Awards. And Troy Grindle, who's the orchestra conductor, Marilyn being the band, the Jazz Band conductor. So, I give proclamations. Do we have any of the kids here?

*(\*Applause\*)*

This is a national competition. They took first place for the Band and second place for the Orchestra. So, let's have a round -- a good round of applause for all these kids.

*(\*Applause\*)*

And we're going to step outside and we'll do a photo as well. Did you want to say anything, Marilyn?

**MS. VAN SCOYOC:**

No, but thanks.

**LEG. SCHNEIDERMAN:**

Troy? Troy?

**MR. GRINDLE:**

(Shook Head No).

**LEG. SCHNEIDERMAN:**

Okay. Great. I have the -- I typically every year get to go see the East Hampton High School perform in their Spring and Fall concerts and they do just a remarkable job. Very, very talented, very talented kids. And, no doubt, also, because of the great direction that you two provide as well. Okay. Why don't you take a quick seat. Thank you for coming out.

One last proclamation. I think all of you know that the Shinnecock Nation received their well-deserved Federal recognition just very recently.

*(\*Applause\*)*

And thank you. So, they've been on our minds lately. And there's a very talented young man from the Shinnecock Nation who I'd like to introduce to you, who just won a major national award. So, on June 14th, 2010, as you know, is the historic day for the Shinnecock Nation receiving their recognition. Joining us today is Adam Phillips. He's a graduate of the Ross School, he's also from the Shinnecock Nation. Adam's a third generation rodeo rider. He follows in the footsteps of his father and his paternal grandfather, who was a Navaho rancher in New Mexico. Adam, who is 19, started competing at the tender age of nine, and last week was named High School State Champion for both bare-back and bull riding. He is currently the New York State High School Rodeo Association's Bull Riding and Bare-Back Champion for 2009 and 2010, and he's qualified to ride in the Nationals in Wyoming in July.

*(\*Applause\*)*

You know, we tried to get the electric bull, the mechanical bull here, so he could demonstrate, but it just wasn't possible. No, I'm just kidding. So, Adam, I have a proclamation for you, and congratulations. Did you want to say anything?

**MR. PHILLIPS:**

No, thank you.

**LEG. SCHNEIDERMAN:**

As a representative of the Shinnecock Nation, though, let's give him one more round of applause.

*(\*Applause\*)*

All right. Mr. Presiding Officer, thank you for giving me that time.

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

Okay. Thank you. Presiding Officer will present a proclamation to Suffolk County Clerk, Judith Pascale, for being awarded the Computer World 2010 Laureate Award in recognition of her dedications, hard work and vision for innovations and technology. The County Clerk's Office was a

top five finalist amongst winners in the government category.

*(\*Applause\*)*

**P.O. LINDSAY:**

That's worth applauding, yeah. Take a bow.

**MS. PASCALE:**

I can't the bow.

**P.O. LINDSAY:**

I believe this is not the first award, this is the second award that the County Clerk's Office has won, and under your leadership. And we have a proclamation signed by all 18 Legislators recognizing that fact, and appreciation for a wonderful job by yourself and your entire staff.

**MS. PASCALE:**

Thank you very much.

**P.O. LINDSAY:**

Would you like to say something.

**MS. PASCALE:**

Yes, I would.

*(\*Applause\*)*

Thank you all very much. On June 7th, myself and members of my staff flew to Washington D.C. to accept the Computer World Award on behalf of the million-point-five residents of Suffolk County. And I would just like to introduce my Director of Optical Imaging, Pete Schlusser, who led the charge, and my I.T. staff. Would everybody stand up?

*(\*Applause\*)*

Members of my Management Team are here, my Chief Deputies, some people in the back. This is a very, very special award for us because we were in the top 115 finalists. This was a global award, this was not just New York State. We competed with Austria, Australia, Brazil, China Columbia, The Netherlands, the Philippines, Italy, Japan, Spain, Turkey, and Suffolk County, your Suffolk County Clerk's Office, was in 115 top. And in addition to that, we were the finalists in the category of Government Worldwide. We were in the top five, and we were beat out by Alameda County, California. So, next year, we're just going to try a little harder.

But I would like to thank my staff. I have been blessed with a very, very, very dedicated staff. I'd like to thank DPW for helping us get together the public access room, which I invite you all, now that you're out here today on this beautiful day in Downtown Riverhead, to please go down the hall and visit it. And, also, again, my staff, who, without them, none of this would have been possible. And I'd also like to thank all of you, because individually and collectively, you've been very, very supportive of all of our endeavors. And whenever we've come to you, and as well as the County Exec's I.T. Department, we've always been able to get -- we don't always get what we want, but we typically get what we need. And in this day of having to do much more with much less, as you all experience, this is especially rewarding.

And I would be really remiss if I didn't pay special homage to former County Clerk, Ed Romaine, because he was the spark that started this. So, Ed, I share this with you. Applause.

*(\*Applause\*)*

Thank you, Presiding Officer.

**P.O. LINDSAY:**

You're welcome. You're welcome.

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

Thank you, Madam Clerk. Presiding Officer Lindsay will present a proclamation to the Suffolk County Salvation Army proclaiming the beginning of the Salvation Army's "Christmas in July" summer campaign in Suffolk County.

**P.O. LINDSAY:**

Yeah. In the audience is our Treasurer, Angie Carpenter. Angie, if you could join me. Myself and Angie have been on the Board of the Salvation Army, the Advisory Board, for -- I've been on it for -- I think before I was a Legislator, and Angie's been on it forever.

**MS. CARPENTER:**

Almost.

**P.O. LINDSAY:**

Almost, almost. The Salvation Army was founded in 1865, and they're one of those charities that work very quietly, but, literally, help millions and millions of people around the world every year. Everybody is very familiar with the kettles at Christmastime, which is their major source of revenue. And they're starting a new campaign of Christmas in July because the kettles once a year don't cut it anymore and they need a little bit more help, especially -- after we present this proclamation, we've asked Charles Roberts, the Suffolk County area Coordinator, to do a presentation on just what they do for our community. But the recent role they played in Haiti after the earthquakes was just phenomenal; tens of thousands of people that they helped down there, and really did a yeoman's job, like they always do. With that, I'm going to turn it over to Angie to say a few words.

**MS. CARPENTER:**

Thank you, Presiding Officer. I think it's very fitting that they're having this campaign in July, because the needs of the people of Suffolk County that the Salvation Army so graciously service is happening 365 days a year, it's not just at Christmastime. And, as Bill said, you see the kettles at Christmas and we have the Angel Tree Program. I know here in the Riverhead County Center we participate and help make the lives of many, many children a little bit brighter at the holiday time, but those needs are all year long. So, when you see that kettle around the holiday time and now in the summer, please, encourage everyone to participate. Thank you so much, Bill.

**P.O. LINDSAY:**

Charles, could you come forward and --

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

Charles Roberts, Envoy of the -- Suffolk County area Coordinator will give a presentation for the Salvation Army now.

**P.O. LINDSAY:**

First, we want to present the proclamation.

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

Oh, sorry about that. Jumping the gun.

**P.O. LINDSAY:**

Accept this on behalf of the Suffolk County Legislature.

**MR. ROBERTS:**

Thank you so much, Mr. Presiding Officer.

**P.O. LINDSAY:**

You're welcome. This gives us an opportunity to try out our new video system.

**MR. ROBERTS:**

As the Presiding Officer has said, the Salvation Army has been in existence since 1865. We've been in the United States since 1880, and in Suffolk County for the last 50-plus years. We have been privileged to help over 70,000 people a year with the basic emergency services, food, clothing, assistance with utilities and mortgage, and be part of Suffolk County's safety net, and so we're very privileged for that opportunity.

This is a few slides to just show you about what's happened in Haiti. The Salvation Army's been in Haiti since 1950 and has operated over 60 centers, schools, community centers, orphanages, children's homes, etcetera, so this is just a quick overview of some of the basic needs that are still being provided for the people of Haiti. Sanitation, water, still -- first response area, you see emergency medical care. This is much more coordinated than it was on the day -- the days of January 12th, when the 7.0 earthquake hit the Port Au Prince area and devastated the region. But, since the Salvation Army was there since 1950, there was already a ready response personnel that got relief instantly from America, and Canada and Australia.

And, as you can see, there are several other agencies that worked to provide water. Oxfam provided a water bladder, which helps to save clean water. You see, there are -- there's no public sanitation there, so that was an immediate problem, and so, just getting the basics of clean water to people was a major concern.

Before the 82nd Airborne arrived, it was very chaotic, and you can see, even with some of the UN forces, just getting food out to people could develop very easily into near riot conditions, primarily because, oftentimes, in the beginning of the incident, food that was promised at a certain time and a certain place very often didn't arrive until later. And so, when you have hungry, desperate people, what starts out to be orderly can grow to be less than that. But we were very fortunate to get help from Numana in putting together over four million meals, which were rice and beans, and nutritional supplements, and soy protein, which, of course, the Haitians immediately separated out from the rice and beans, because they wanted to have their food close to culturally relevant as possible. And so they were able to develop a compound area where the Salvation Army had already served and took over primary supervision, over 24,000 people, which grew day by day. So, you can see, as the incident goes on, the lines stay orderly. They were able to develop registration programs, so that people had little cards and they could get their Numana meals, which are still being given out at the rate of one million meals a month in the Port Au Prince area.

Some of those young men you see in the picture, you think at first they were faithful Army volunteers. When they began to show up on the scene, they were the neighborhood warlords who took over, you know, the government as they knew it in that particular neighborhood, but during the course of the Army's interaction with them, they donned uniforms and followed a protocol, and were very, very helpful in providing management early on.

So, now you see, as the rainy seasons approaches, we're getting tents from Coleman and other places. And even though -- even though the tents were there, there were many Haitian people wanted to sleep on the ground because of the traumatic nature of an earthquake. Even being indoors in a tent was traumatic for them.

So, we're grateful for your continued support, not only there, but here. The Salvation Army serves currently in 121 nations around the world, most currently landing in Kuwait, Burkina Faso and the United Emirates, and we're still here to serve and be part of Suffolk County's safety net right here at home. Thank you very much.

*(\*Applause\*)*

We have these little tripods for you, if you would help us support our Christmas in July campaign. Thank you so much.

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

Wait. Before you go away, I just have a question.

**MR. ROBERTS:**

Yes.

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

Now, where will this be conducted, the project, the Christmas in July, how is that going to move forward?

**MR. ROBERTS:**

Well, we have it moving forward in several ways. At the East Northport Salvation Army, yearly, there's a bicycle -- a bike run that they do that will support Christmas in July. The Salvation Army Officer in Riverhead is here, Captain Sanchez. And right here in Riverhead, there'll be a variety of cake sales and flea markets of that nature help to support the Christmas in July campaign.

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

No kettles?

**MR. ROBERTS:**

Well, it's tough to get kettles and flip-flops together in the same place, but we have some partner agencies who will help us in a letter-writing campaign. The difficulty with kettles in July is that the sites where we normally do kettles at Christmas, you know, we have to look at the bang for the buck. So, if we want July, we'd get July, but we'd rather have Christmas, so we have to make some decisions.

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

Well, thank you for that presentation, and thank you for your efforts and for all you do.

**MR. ROBERTS:**

Thank you so much.

*(\*Applause\*)*

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

Our first speaker is Joe Williams, Commissioner Joseph Williams from FRES.

**COMMISSIONER WILLIAMS:**

Good morning. I'm here to speak on the Resolution 1533. For the members of the Public Safety, I know we spoke about this last week. I just want to let you know, we've looked at this. The intent is good, but we've got some really serious concerns about this.

What's happening is that to make this particular bill work, to make this program work, we have to have open discussions about all our plans. We need to talk about them to really make it come back meaningful. With the Open Meeting Law, we have -- FRES has very bad concerns about this. Our plans, our County plans, plans that we have with the other agencies regional wide, all our plans for the County Attorney are non-FOILable. I don't know how we could conduct meetings and have a meaningful meeting and also do our job reporting back to the County Legislators when we have an Open Meeting Law, that these plans would be open. Even when we're requested by the media, we have -- it's been tested before. We don't provide our plans, because, not that the media is going to

put it in the wrong place, but they could wind up in the wrong place.

Many of the items that are in the bill itself we already do. We have a Terrorism Task Force, we have regional meetings with our neighbors, Nassau, Suffolk County, New York City. As a matter of fact, my Deputy right now is down in Louisiana at a meeting of -- what they call the "Big Cities", sharing information. These meetings that we have, we're meeting with our own people, it's not a formal meeting that we have to be subject to the Open Meeting Law.

I've been contacted by a number of fire departments in the County, in fire districts. They have expressed concern about that, because part of our plan with them is they share their plans with us. It's not fire-fighting plans, it's what they're going to do for their own members and how do we help each other.

I would as you take a look at this. I think the bill is not necessary at this time. I think that we can cover it. If the Legislators so will, we can introduce a bill to report back in Executive Session quarterly to the Legislators to let everybody know what we're doing, so we can do that in Executive Session. It would make no sense to have these meetings as soon as these meetings start to actually call for an Executive Session. It would be defeating the purpose of the meetings. So, I would ask you to reconsider this bill. Thank you.

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

Thank you, Commissioner. And might you be available later, or can we let you know when we're getting to the bill, so that you can answer questions that Legislators might have? Because, during the public portion, we don't -- we don't dialogue with the speakers.

**COMMISSIONER WILLIAMS:**

Yes, I would be available when the bill comes up.

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

Okay. Thank you very much, Commissioner. Mark White.

**MR. WHITE:**

Good morning, Presiding Officer Lindsay, Deputy Presiding Officer Viloría-Fisher, and Legislators. I'm Deputy Chief Mark White from the Suffolk County Police Department Office of Homeland Security and Anti-Terrorism, and I'm here this morning to also comment on Introductory Resolution 1153, seeking to create the Suffolk County Emergency Preparedness Coordination Council.

It's the Police Department's position that this Council is unnecessary, and we're concerned that law enforcement sensitive, homeland security, counter-terrorism and tactical planning methodology could become discoverable by persons outside of law enforcement community. While we share the commitment of the Legislature to protecting our communities whenever emergency situations occur, we don't see the need to create this administrative body to formalize cooperation that already exists. The current disciplinary system structure and robust relationships are already used to regularly communicate with each of the agencies identified within the proposed council. We meet with the appropriate agencies when needed. We develop or modify plans jointly, and share information whenever it's warranted.

I'm particularly concerned about the potential for discussing details of plans, manuals and procedures for response to manmade no-notice events, mainly weapons of mass destruction, such as explosive, biological, radiological and nuclear attacks. Also, tactics for responding to active shooters or hostage barricade-type incidents, similar to those that may have occurred in Mumbai, India. Emergency plans do exist within various levels, from department-wide to the local command level in the Police Department.

You know, we keep these plans to limited distribution and for a reason. The details could be used against us, if discovered by potential adversaries. Knowledge of our procedures, strategies, even equipment capability, could be used by plotters to defeat our protective counter-measures. Mandating written reports for public record and documented transcripts of proceedings are topics that also cause us concern. Now, maintaining operational security can be -- for written records containing sensitive information can be challenging in this type of situation. And the Police Department feels that the preparedness initiatives currently in place are sufficient to generate the cooperative environment sought through this resolution, and additional administrative oversight is unnecessary. Thank you for your consideration.

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

Thank you very much. Chief Ed Webber.

**CHIEF WEBBER:**

Good morning. My name is Ed Webber, Chief of Support Services, Suffolk County Police Department. I'm here as a representative of the Department to speak in opposition to 1407, the cost savings through effective use of light-duty police officers. As I spoke in the Public Safety recently, while the number is fluid, changing almost daily, there is a finite number of limited duty officers, all of which at the present time are actively performing police functions.

On May 7th, the date of the report issued by the Department to the Legislature, there were 87 light-duty officers. Fifty-eight were assigned to precinct desks, and 29 assigned to such other functions as applicant investigation, pistol license, impound, MEU and PAL. If we move the currently assigned limited duty officer positions in lieu of civilianization, we would have to backfill these current positions with either full-duty officers or other civilians.

Finally, many of the commands through which these limited duty personnel are assigned require specialized training. It would be highly inefficient to continually train new officers when the incumbent return to full duty or became no duty because of a medical procedure. Thank you.

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

Thank you. Our next speaker is Ian Toy.

**MR. TOY:**

Thank you for this opportunity to speak again. I was in front of you at the last Legislators meeting on May 11th, and also spoke on June 2nd at the Parks Committee meeting. I would like to give you an update as to where things stand with the Helen Keller House in Southold, New York, submitting for the record a report from Architect, Michael Mendello, which is for the restoration of the Helen Keller House. The approximate costs would be \$386,656 total, which is under \$400,000.

I'm also submitting a copy of a letter of support from the Executive Director of the American Association of the Deaf-Blind from Silver Spring, Maryland. American Association of the Blind's mission is to ensure that the deaf and blind individuals achieve their maximum potential through increased independence, productivity and integration into the community. Randall Pope, Jamie Pope's husband, who is Executive Director of the deaf and blind came from Maryland to come and look at the Helen Keller House in Southold. He shares my vision of the Helen Keller House and sees how it's in -- how it is in bad shape, and in its rehabilitated state, it can benefit our community, as well as special needs individuals. Randy himself has limited vision and hearing, but, as Helen Keller did, he appreciates its beauty and the North Fork. We walked him down to Cedar Beach, just as Helen Keller walked down.

The East End Green Fest, coming up in July, was kind enough to donate a booth for me to continue to gain support and get more signatures on my petition. This is my last week of final exams, so starting officially next week, I will dedicate all my summer to saving the Helen Keller House.

Thank you again for this opportunity to speak, and I wish you all a happy and safe summer. I'll see you at the next meeting.

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

Thank you, Ian. Good luck on your finals

*(\*Applause\*)*

Claire Kennedy.

**MS. KENNEDY:**

Hi. Thank you very much for this opportunity. Ian is doing a great job. Like he said, he'll be out of school and he'll be able to dedicate more time to this project.

Just a couple of other points to bring you up to speed. Ian and his project will be featured in a story from the Preservation Magazine, which is published by the National Trust for Historic Preservation, whose headquarters are in Washington D.C.

One other item. In July, Cablevision will be running a story on the television show called "Neighborhood Journal". I believe that's Channel 18, so if you would watch for that.

Also, just one last point. It's very interesting, but a little bit upsetting. During our research about the Helen Keller House, we found out that Suffolk County now owns another very historic property, which is right down the street from the Helen Keller House, it's called the General Wayne Inn. This structure dates back to 1784. It was built for Major Horton, and is believed that George Washington stayed there -- George Washington stayed there as well. In the early Twentieth Century, it was purchased by Edwin Brown, who also owned the Helen Keller House. It was supposed to be renovated to become a clubhouse. It was part of a proposed subdivision that was from 1926 that Helen Keller House was also on as well. Brown decided to move this location of the clubhouse.

The structure is also believed to have very close ties with the Prohibition era and the rumrunners. There is a tunnel in the basement of this house that goes directly across the street to a home.

Later on, the General Wayne Inn was converted to Cedar Beach Inn. It changed hands again in 1949, and that's -- eventually, it did become the General Wayne Inn, in honor of General Anthony Wayne of the American Revolution. Today, the hotel stands abandoned, and, again, in severe disrepair. It's not as far gone as the Helen Keller House is, yet, but I just wanted to make this point, that this is, yet, another example of the County's neglect and disregard for historic sites out on the eastern end of Long Island.

I will continue to support my son, Ian, on his quest to save the Helen Keller House. I think we all can take a lesson from him. His perseverance and his tenacity are qualities he will definitely need throughout this journey. Ian has encountered many naysayers, some of them maybe even in this room, and, yet still, Ian moves forward undaunted. He has established a solid team of dedicated people who share his vision of this house, including Legislator Edward Romaine. I'd like to thank you, Ed, Legislator Romaine, for your support.

Ian intends to leave no stone unturned, and we will be all right by his side helping Ian any way we can. Thank you very much.

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

Thank you.

*(\*Applause\*)*

Judy McCleery.

**MS. MC CLEERY:**

Good morning. As you know, my name is Judy McCleery, I live in Southold, and I'm here once again to ask the Legislature to support Ian Toy's effort to preserve and restore the Helen Keller House, located at Cedar Beach in Southold.

As I mentioned in my comments before the Parks Committee a few weeks ago, the commitment and energy demonstrated by Ian and his family to protect this property from the wrecking ball should be an inspiration to us all, for it not only reminds us of the importance of preserving our history for the next generation, this property in particular connects us, those of us in Southold in particular, to Helen Keller, a woman who has served as a beacon of hope for anyone with disabilities.

We understand that significant private support will be necessary to successfully preserve the Helen Keller House. Right now, we ask that the Legislature stop the demolition planned for this summer, and, when the time is appropriate, authorize the landmark designation by Southold Town, so we can raise the funds we need and establish the organizational structure that we will also need to manage this preservation effort.

Suffolk County has a reputation for putting the needs of the East End on the back burner. This is your chance, this body of government, to help us in a project that we believe is important to our local history, not only in Southold Town, but in Suffolk County in its entirety. Thank you for your support. I know that we can count on many of you, and, hopefully, we can count on all of you. Have a great day.

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

Thank you. Our next speaker is Mickey St. John.

**MS. ST. JOHN:**

Good morning, Chairman, Presiding Officer, Members of the Legislature. This matter is in regard to stopping the proposed demolition of the Helen Keller House, located at Cedar Beach, and, hopefully, the future restoration thereof.

I have been a title examiner in Suffolk County for over 39 years. I recently examined the title to the property in question. As a matter of record, the land was taken, as you know, in 1969 by eminent domain. I can't imagine how difficult it was to give up that house and that land located in a beautiful beach front community.

Five years ago, I moved to Southold near this house. I had walked by it over a hundred times and very often stopped and wondered who owned the house and what happened there. It wasn't until I saw the recent article in the Suffolk Times that I said to my husband, "This is the house I loved. Why was it left to deteriorate?" In an effort to save the house, in a March 2002 article in the Suffolk Times, Town Historian, Antonia Booth, said, "It's a shame these places just get neglected. They need an angel to come along and save them," but I guess there aren't too many angels out there. I believe there is an angel out there. He is in this room, he is here today, he is Ian Toy. The house and land are within the most northwest corner acre of an almost 70-acre parcel owned by the County. Isn't that one acre worth preserving a small corner of this world.

In closing, I would just ask you to stop for a moment and even close your eyes and imagine the darkness and the light of day that Helen Keller never saw and the things that she has never heard. In closing, I would be so humble as to read two quotes from her. "When we do the best we can, we never know what miracle is wrought in our life or in the life of another." And, "The most best and beautiful thing in this world cannot be seen or even touched, they must be felt within the heart," and saving her house is what is in Ian Toy's heart. Thank you for listening. May God bless you and may God bless America.

*(\*Applause\*)*

Thank you, Mickey. Our next speaker is Susan Lawlor.

**MS. LAWLOR:**

Good morning. Thank you for hearing me this morning. As she just said, my name is Susan Lawlor, and I am a resident of Southold. I'd first like to say that I'd like to thank Ian for all the hard work he's put into this project. Having a child with visual impairments, who is now a young adult, I could see the need on the East End for increased support for members of the visually impaired and deaf community and population. Because of our rural location, many services are just not available to us. Mobility training, aid to daily living, daily need, social trainings, as well as certain assessments require long distances of travel for the client, as well as the professional. In New York, there are limited schools or training facilities for this population, and when our local school district could no longer meet my daughter's needs, the choice was Batavia, New York, which is about a 10 to 11-hour drive, or Perkins School for the Blind, Helen and Annie's alma mater. Its location? Six miles outside of Boston, Massachusetts. Perkins accepted her as a residential student, where she remained for five years. She graduated with her New York State High School diploma. How wonderful it would have been if she had a local place to attend, to blend her instruction from her local education at her local district with the benefits that she would and did receive at Perkins. Her friendships could have remained intact, and our family unit as well. The cost of five years at Perkins School for one student far exceeds the \$400,000 estimate for restoring the Helen Keller House, sending our money once again out of state. There are so many students and other adults who could benefit from this locale, the aging baby-boomers population for one. As aging and legal blindness go hand in hand, Southold's population is older, and, thus, this would also meet the local needs of the taxpayers.

I feel the beauty of the old home that I pass on a regular basis could have much to offer. Helen and Annie's last summer together is a priceless memory. Helen and Annie gave so much to the entire world, and because of their determination and subsequent inspiration, we have growth in a population once locked away.

This year we celebrate the 25th Anniversary of the ADA. And, if I may quote from the Beacon, which is a little paper put out by the Suffolk Independent Living Organization, "Happy Anniversary to the American With Disabilities Act. How far have we come? Let us begin with a basic refresher. President George Bush signed the American With Disabilities Act of 1990 into Law on July 26th, 1990. It was the first comprehensive civil rights law for people with disabilities, and opened the doors to participation by prohibiting discrimination. We still have a long way to go, and we would like to -- hopefully, the American With Disabilities Act will continue, as will the Helen Keller House. That you very much.

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

That you.

*(\*Applause\*)*

I saw Supervisor Anna Throne Holst enter the auditorium. Supervisor, would you like to come forward?

**SUPERVISOR THRONE-HOLST:**

Good morning, everyone. I wanted to talk to you about something on a positive note. I want to start by thanking the Environmental, Planning and Agriculture Committee for voting favorably on moving forward on planning steps on a very significant piece of property in Southampton Town. It is what we know as the Bailey's Motel property or Pierpont. It is a 34-acre track that is of environmental significance. It is one of the few of that size remaining open in the Town. It has wetlands, open space and meadowland value. And we are very much looking forward to a partnership with the County on the preservation of this piece off property.

It scored in the 50-point range on your scoring chart, so this is not a piece of property that's teetering on the 25-maybe-maybe-not scale. It did, in fact, score, I believe if it wasn't 50, it's take or leave a couple of points. So it was deemed as significant. It has about three or four acres that have been disturbed, and we are looking to sell that piece to the Westhampton Cemetery

Association, rather than having to tamper with our CPF properties, which has been in questions. But, in order to meet a public need for burial space, which we have run out of in the Town of Southampton and in the Westhampton Cemetery Association's domain. And, again, we would very, very much appreciate your sport for this. It is of great significance, both to the Town and to the County as whole. Thank you.

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

Thank you, Supervisor. Councilwoman Bridget Fleming.

**COUNCILWOMAN FLEMING:**

Good morning, everyone, and thank you very much for listening. I am considering the authorization of the planning steps to acquire the Peirpont Property, what we call the Bailey's Motel Property. This property has been a priority for preservation in our community for a very long time. And, as the Supervisor suggested, it is now sort of more important than every because of the community pressure that we're under to help the community find space for the cemetery, which is running out of space.

I would just add to Supervisor Throne-Holst's comments that the pressure comes because there is a -- land that was purchased under the Community Preservation Fund that the community would like to see us swap for landlocked property that the cemetery owns. The community sees that this would solve the cemetery space problem. As an environmentalist, I find this a very dangerous precedent, and I hope that all of you who consider either preservation of our open spaces and drinking water protection a priority would see as well. If we have alternatives and we do not need to make a swap or use our land that's been set aside for preservation to solve a pressing need in the community, then it's my feeling that it's incumbent upon us to do everything we can to pursue that.

Since the Bailey's property has been a priority for so many reasons because of its -- how it adds to the community character, because it's acres, which is unusual, or 34 acres, in these times it's unusual to have that kind of space. And because it's in an area that really will protect the community character, all those things add to the wonderful opportunity that we have to help, first of all, the Cemetery Association, but also to help environmentalists, to help send a message that we take our preserved property very seriously, it's sacrosanct, and if we can find an option, we're going to use that option. So, for all those reasons, it's a fantastic opportunity.

At this time, we have committed to partnering with the County at a 50% level. We passed a resolution on June 8th as the Town Board to do that. So I hope you will join us in partnership and take this opportunity to purchase this beautiful space.

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

Thank you very much.

**COUNCILWOMAN FLEMING:**

Thank you.

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

Diana Weir.

**MS. WEIR:**

Good morning.

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

Good morning.

**MS. WEIR:**

And thank you for allowing me the opportunity. I am representing or supporting here with you -- that's scary (referring to time clock on wall) -- resolution, I.R. 1666 and 1665, which are two

developments in downtown areas. One is the Summer Wind development right here in Riverhead. And if you go to the traffic circle and you drive around, all that property is going to be a beautiful 52-unit building, with commercial, restaurants on the ground floor, right by the Riverside. For those of you that -- well, you're familiar because you're here, but Riverhead is probably the shining star of Long Island. Nowhere else does a downtown area have a river with a beautiful boardwalk and the opportunity for such growth, and be able to build and bring housing to a downtown area without destroying open space.

You just heard Southampton plea to have open space and we need that on Long Island, we love it, it's part of our environment and our economy, but our downtown areas are precious to us. Here's where we can build, build with a little density, build smartly, and with an ability to have transit-oriented walkable communities. And these two developments, Summer Wind, which is right around the corner, and Downtown Bay Shore, the Long Island Housing Partnership's, Cortland Square, are the opportunities that are needed to do this. We can build our downtowns, keep our young people here, keep our empty-nesters here, bring vitality and economic growth. Both of these developments are going to be built, one here by Summer Wind. I forget his name, Ray Dickhoff is the developer, but it's a beautiful development. It's all rentals. We need a lot of rentals on Long Island. The community is in support of this, the towns are in support of this, and we ask you also to support them. So, thank you for your time, and I was quick.

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

Thank you very much, Diana. Our next speaker is Scott Harris.

**MR. HARRIS:**

Presiding Officer, Honorable Members of the Suffolk County Legislature, my name is Scott Harris. I worked for this distinguished Legislature many years ago when I was a lot younger. I am in the Department of Consumer Affairs for 15 years. I am the Director of Complaint Investigations. I want to thank you for the time that you're honoring and giving me to speak before you this morning.

I'd like to draw to your attention I.R. 1712. It may be a CN. It came from the County Executive. The employees of the Department of Consumer Affairs have been unfairly targeted from participating in this year's early retirement. Our department is not aided by any outside government source, and it was incorrectly stated in a press release from the County Executive yesterday. They do not come up under the strict heading of public safety. The Department was included in the 2002 early retirement and the prior early retirements in 1986. Nothing has changed in that respect since then with our department. I'm asking you to, please, include into the incentive these longtime hardworking and dedicated employees that have been tirelessly serving the public. They should be afforded the same eligible legislation to retire as the other Suffolk County departments.

Thank you in advance for your anticipated cooperation in this matter. And, once again, thank you for the honor to speak before you today. It's not to be back in the horseshoe.

**P.O. LINDSAY:**

Thank you, Mr. Coleman. Tom Harrington.

**MR. HARRINGTON:**

Good morning. I'm here today to respond to the CJCC report on the American Red Cross Community Service Program. This report was a directive of County Resolution 940-2009, which directed the Council to investigate all events from the night of the crash that claimed my son's life through the failure of the Community Service Program. Unfortunately, this report only addressed the failure of the Community Service Program and nothing else. I am going to touch on a few items from the report that should bring question into the trustworthiness of this report and then speak of some things that should have been covered by it.

The first thing that struck me when I read this report was the name of those people assigned to the work group. This work group consisted of ten individuals. In this group, there were four people who, in my opinion, should have been part of the focus of the investigation of this report and not part of the investigating unit. Those people are Chief ADA John Buonora; the Executive Director of the Red Cross, Diana Amarosa; Director of the American Red Cross Pre-Plea Program, Marybeth Wilkinson, and the Director of the Red Cross Community Service Program, Hope Callazo. These people should have been questioned and asked for advisory information into this, but should not have been part of it. To me, this is akin to the fox guarding the henhouse.

There are documents mentioned in the report that were not included for review, the original referral form and the Memorandum of Understanding between the D.A. and the program. The memorandum I found very disturbing, since in a meeting my wife and I had with Legislator Eddington, he told us that the memorandum was being drawn up because it was covered that none existed. How can you review a document that did not exist?

There were also some statements made in the report. The following I believe indicates the casual manner in which this investigation was conducted. On April the 18th, the case was adjourned at the defendant's request to 4/24 of '07. This is incorrect. This was the first date of sentencing that the defendant refused to appear in court for. The judge then adjourned it until 4/24. The report then states that on May 3rd, a bench warrant had to be issued for Hebert -- a bench warrant issued for Hebert Guillaume was vacated after the defendant voluntarily returned to court. This is incorrect based on what we were told by the ADA that was responsible for handling this case that told us officers had to be dispatched to pick him up, bring him in in handcuffs to have bail set by a judge. This information should have been very easy for this work group to have investigated, and, yet, it was left to be this. If you'd like me to stop, I can.

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

Just wrap it up.

**MR. HARRINGTON:**

Okay. There are other issues that were not touched on. Legislator Lindsay presently has two constituent families in his district that on April the 10th began the journey down a road that my wife and I have been going down for three-and-a-half years. Two families lost their sons in a crash on Veterans Highway. The individual that caused this crash was driving on a suspended license. Several witnesses at the scene stated to officers that the person that crashed into them ran a red light, but he was not cited. An EMT responding to the scene, watching the way that this person was acting, whose name is {David Heiss}, said to the officer, "That person appears to be on something." No toxicology reports were done. This person has 19 prior convictions for drug abuse and, yet, nothing was done.

Okay. This report needs to be looked into more. I would like to ask for a Legislative hearing into this matter, which, personally, I find ridiculous that it even came to this. But the report, as it stands, is a joke and it smacks all of you and anyone that's been victimized by this in the face. Thank you.

**P.O. LINDSAY:**

I apologize. I skipped over Clifford Coleman.

**MR. COLEMAN:**

Thank you, Mr. Presiding Officer, and thank you for recognizing the fact, I appreciate it. I'm talking to you today in regards to Resolution 1712 in Consumer Affairs. And the purpose that I'm here is to see if the employees of that particular department will be eligible by the Legislative dictate to participate in the early retirement.

I know that there's a piece in today's paper in regards to income, so I just want to just briefly touch on consumer affairs and some of its issues.

Consumer Affairs Licensing Division brings in 3.1 million, the Weights and Measures brings in 1. -- I'm sorry, 1.3 million, the other brings in 3.1 million. The total revenue is 4.1. The annual budget cost for the entire department is 2.2 billion dollars -- I'm sorry, million dollars, meaning that there's an average of 2.2 million dollars extra. In that budget cost, there are 41 positions that are budgeted. Only 34 are filled at this time, and it has been that way for a considerable period of time. If this department was allowed to participate in that particular early retirement incentive, the County would have the ability to put seven people back in, and if they went by Mr. Levy's proposal where he's indicating the fact that 20% would be refilled, there would actually be eight people. My point is, is that these people that are there that want to retire are people that have worked for the County for a long time and they deserve this particular issue.

One of the individuals is a 73-year-old widow. She takes care of her grandchildren, no fault of her own, the fact that her daughter is a single parent. What we're doing here is that we're preventing her from going out and being able to take care of her family. I have another person who's downstairs who is that close, very, very close to being able to retire, but they're losing their vision. They're not going to be able to see perhaps in six months or so. What we're doing is we're taking away, by this department not being allowed to do this, by being exempt from it, is taking away some of these people's ability to function as a family, and that's not right, in my mind.

I feel that both Consumer Affairs and the J.J. Foley Infirmary should be part of the early retirement incentive for various reasons. I think that the people that we have that work for us are being shortchanged, and I'd appreciate if the Legislature would correct this problem. Thank you applause.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you Mr. Coleman. Kevin O'Hare.

**MR. O'HARE:**

Good morning. My name is Kevin O'Hare, I'm a resident of Kings Park. I've had a lot of dealings with a number of your Legislators regarding anti-drugs programs and, of course, veterans and homeless veterans. And along the same line, I want to thank Legislator Kennedy and Nowick for helping me put together a presentation for Fox-5. I met with the Executives yesterday. They're going to have the show on heroin addiction, so thank you for your help there.

Regarding 1371, I'm currently the President of the Suffolk County Civilian Police Academy alumni, and also am --

*(\*Time Clock Sounded\*)*

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

Sorry. Sorry, Kevin.

**MR. O'HARE:**

It's okay.

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

I'm trying to reset it.

**LEG. ROMAINE:**

Sounds like The Gong Show.

*(\*Laughter\*)*

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

Sorry. Kevin, just ignore it.

**MR. O'HARE:**

I'll ignore it.

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

There we go.

**MR. O'HARE:**

Okay. Thanks very much. And I'm addressing the fact of Richard Dormer being removed as the Police Commissioner. He has been there for me for the Citizens Police Academy, which many of you know is going to be discontinued, three times. When I sat down with him, he listened to me and he has kept the program intact. And, in fact, we have Legislator Vivian Fisher who graduated from the class. DuWayne Gregory has been in the class, and Angie Carpenter, and a number of others, but it's very important. We are the silent voice for the Police Department. I have no gripe against the PBA. Nobody has asked me to come here to speak, I'm speaking on my own, because I'm doing the same thing with the other non-profit organizations I'm in. And, also, we also had a problem one time with the beach programs for the last two years, and the Commissioner was there for me then so we could provide the police officers for a place to have a safe environment for our children.

As you know, this summer, the heroin addiction is going to explode, and the best thing to do is have the kids in a safe environment. And I want to thank all of you for listening to me today, and I thank you for everything you've done for the veterans, and I just ask you to vote no for 1371. Thank you very much.

**P.O. LINDSAY:**

Thank you, Kevin. Marry Fredette.

**MS. FREDETTE:**

Good morning, Legislators. My name is Mary Fredette. I appreciate you listening to me this morning. I've long been a nurse at John J. Foley for over 20 years, and I just want to share my heartfelt concern about the sale of the facility, because it has really set the standards for nursing care. It has accepted residents unconditionally, whereas other facilities have cherry-picked residents.

The staff I worked with for so many years are family to me. And I'm nervous, so just, please, be patient with me. You know, I've worked with these people for years and I've seen -- you know, they've really endured a lot of -- the residents endured a lot, and the other staff workers I work with are very giving, and caring, and compassionate, and professional. The administrator -- the whole administrators on the first floor, they have really shown a lot of -- worked very hard to set the standards in nursing care, and they have really been incredible. Everybody's really stuck together, and I'm just really concerned and upset for the -- that the -- it's going to be sold. And I just really hope that something could stop it, because we have taken so many residents that had no other place to go. They were -- like homeless, people who were off the streets, and really have turned their lives around.

And I have actually a neighbor who actually I -- my next door neighbor who had phlebitis, who actually -- she -- I'm going to name her Teresa, she couldn't walk. She had phlebitis all her childhood and early adulthood life, and they have actually in the rehab center provided prosthetic legs and she is walking today.

And I have another resident, a family member who -- he has a family member at the facility and he was a resident himself. He says that John J. Foley provides better rehab than Saint Charles, you know, and I just really think that we really need to be -- I'm very concerned, because, from what I heard from this buyer, that they have a huge turnover, I heard from reliable sources, that they have a huge turnover of staffing and they don't provide the care that we have long provided for in Suffolk County. Not only do we provide great care for the residents, but we also provide great employment for the families of Suffolk County. Okay? We have many -- I myself, I'm a single -- I'm a single

parent. I was able to provide for my family of four and actually give them a nice lifestyle.

**P.O. LINDSAY:**

Mary, could you wrap up, please?

**MS. FREDETTE:**

Okay.

**P.O. LINDSAY:**

You're out of time.

**MS. FREDETTE:**

Okay. I just really want to thank you, and I just really -- I am nervous, I'm not used to speaking out in public, but I just hope that you really look deeply into this, and, please, stop the sale. That's all I ask. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thomas Ferris.

**MR. FERRIS:**

Good morning. My name is Tom Ferris. I live at 68 Timothy Lane, Jamesport, New York. I am a Council Representative for Carpenters Local 7 here on Long Island. I support the Summer Wind Square project. This project will help with the affordable housing issues facing our young adults today. Many want to stay here on Long Island after they finish their education. I have three children. One's still in college and two have recently graduated and ready to start their careers. Both made good career choices, Physical Therapy, and the other, Child Psychology. They want to live here where they grew up with family and friends, but affordable housing is hard to come by. With this project at one end of town and the hotel going up at the other end of town, this can only help in the efforts to revitalize Downtown Riverhead. Money, jobs, talent, let's keep it here on Long Island. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Lynda Moran.

**MS. MORAN:**

Good morning Presiding Officer, Legislator Lindsay, and Deputy Supervisor -- Deputy Presiding Officer. I'm here today to request the Legislature to approve Resolution 1677, to advance funding for the Long Island Philharmonic Summer Concert in Heckscher State Park. The Islip Arts Council has presented this annual free concert in the park for 32 years, except for last year, when we had to cancel, due to lack of funding. The Suffolk County Legislature approved earlier this year of \$75,000 from the Hotel-Motel Tax and has put that money in the budget. We cannot have the concert unless we get the advanced funding without submitting our payment of cancelled checks, because we don't have the money to pay for the event. So, I'm asking that when you have the time this afternoon to vote on this, that you vote yes in favor of the resolution, so that the concert in the park can go on. Thank you very much.

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

Thank you.

**P.O. LINDSAY:**

Thank you, Lynda. Cheryl Felice.

**MS. FELICE:**

Good morning. Thank you very much. My name is Cheryl Felice. I'm President of the Suffolk County Association of Municipal Employees and the proud -- of the proud members of the White and Blue Collar Units, almost 7,000 strong. I'm here today just to talk to you about a number of things, and also thank you for your due diligence in all the matters that are presented before you on behalf of the employees, who many of you, or, in fact, all of you believe, I know believe in the heart of hearts, are the backbone of this County and the services that are delivered and delivered so well.

There are three items that I need to bring to your attention. One is the I.R. 288 of 2009, the agreement between the College and the County, which has created -- in creating the College autonomy, has irreparably harmed AME members. As a result of the -- of the College obtaining their own employer I.D. number, the Department of Civil Service has ruled that College workers who are AME workers are denied from participating in the contractually agreed-to deferred compensation plan, and also Civil Service is denying County employees from promoting into or out of the College.

I have met with a number of you, including the Chair of the Higher Education Committee, Mr. Horsley, and Presiding Officer Lindsay, who have agreed to look into the matter, and all of you who I've spoke to did not believe that this kind of an action would take place against the employees. So I appreciate your due diligence with looking into this matter.

Secondly, the issue, and probably most prevalent as to why we're still talking about it, is the issue of selling J.J. Foley, and the public hearings that are due to be set. And I just want to remind the Legislature that due to the Mary Hibberd Law, the public hearings that are scheduled to be set don't comply with the law as it's written. The Suffolk County Executive needs full approval from the Department of Health on the New York State level before -- prior to these hearings being set, and that approval is not and has not been obtained as of yet. So you would be within your right not to schedule those hearings as a result.

As you've heard today from a number of the employees, and you'll continue to hear, the residents there are not residents, they -- the patients there are not residents -- are not patients, they are the residents, and our members deliver service that's second to none. And I believe we're here today still talking about Foley because you know in your heart of hearts that the services are best delivered by the County employees, as they have done so for so many years.

Third, the early retirement incentive, and the early retirement incentive that is on -- that is due to be before you, restricting so many people from obtaining the early retirement incentive provisions. And I think the issues that were raised by some of the members of the Department of Consumer Affairs is something that AME has pointed to in our budget review a number of times. I'll wrap up.

The Department of Consumer Affairs is the smallest department in the County, and, yet, it has the highest vacancy rate. And I think the early retirement incentive also punitively harms the members who are doing more with less at the request of the County and being denied from this service, especially those at J.J. Foley, who are being restricted from this service when they're being demoralized, facing possible termination, possible privatization, and now some of those long-term people, having the opportunity to take an early retirement incentive, are also being denied that as well.

Thank you very much for the opportunity to speak before you, and I know you'll make the decision that's in the best interest of the employees and the taxpayers of Suffolk. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Dot Kerrigan.

**MS. KERRIGAN:**

Good morning, Honorable Presiding Officer, Honorable Legislators. Thank you for having us here today. I'm Dorothy Kerrigan, Vice President of Suffolk County Association of Municipal Employees. The Suffolk County Association of Municipal Employees remains opposed to the sale or lease of the John J. Foley Skilled Nursing and Rehabilitation Center. It is our belief that given the proper management, as reflected in our many discussions and documents provided to this body, both on and off the record, the John J. Foley Skilled Nursing and Rehabilitation Facility could be self-sustaining and would become the jewel in the crown of Suffolk County, and not as it stands today, as an element of political divisiveness and outright derision, spearheaded by a County Executive with nowhere to go. Thank you.

*(\*Applause\*)*

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

Thank you, Dot. Mario Mattera.

**MR. MATTERA:**

Good morning.

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

Good morning.

**MR. MATTERA:**

Thank you very much, Presiding -- Deputy Presiding Officer Fisher and all Legislators. Thank you very much for letting me speak on two very important resolutions, 1665 and 1666, that, please, we need to be passed today.

My name is Mario Mattera. I'm the Business Agent with Plumbers Local 200 here on Long Island. I represent approximately twelve hundred members and families, 80% of them which live in Suffolk County, and so do I and I'm proud of it, and Local 25 Electrical workers also.

I'd just like to thank the Committee for passing, the Labor, Workforce and Affordable Housing Committee last Tuesday, for passing these two important projects. The first project, 1665, Summer Wind Square, which is Downtown Riverhead, which needs it desperately, not just for the project to jump start that area, but for the residents, so they can finally budget themselves with affordable housing in these hard economic times right knew. Everybody knows, with budgeting yourself today is very, very difficult.

And if management -- would Ray and Marty, owner-operators that are building the project, I got to say one thing, open dialogue. They have an absolutely gorgeous project right now that they want to get the shovel in the ground tomorrow. We, please, need this desperately passed. I had numerous meetings with them, and I got to say one thing, they are definitely top-shelf. And I just want to thank them very much for letting us have the opportunity to bid on this project with my contractors. You know, one thing I have to say is, when I was telling the committee, our contractors pay full boat, all the workmen's comp, all the insurances, all the proper licensing, full boat. And everybody says that, in other words, we're too high. I've got a residential agreement that we could do this project and be competitive.

Second project, 1666, Cortland Square, this is another one, open dialogue. And we got a chance to bid on this project. We're competitive and we are going to be on this project building it. It's another Datre General Contracting; open dialogue with them. They gave us a chance. I had four of my contractors, and one of my contractors did win the project.

But, please, we need 1665 and 1666 now, we need this passed. No tabling, please, we need it desperately. Thank you very much for your time, as always.

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

Thanks, Mario.

*(\*Applause\*)*

Our next speaker is Chris Kempner.

**MS. KEMPNER:**

Thank you very much, Presiding Officer Lindsay, Deputy Presiding Officer Fisher, and Members of the Suffolk County Legislature. My name is Chris Kempner. I'm Director of Town of Riverhead Community Development Agency, and I'm here to speak in support of Resolution 1665, for funding toward Summer Wind Square.

Riverhead Town enthusiastically supports the Summer Wind as a model of great public/private partnership that will provide quality affordable next-generation apartments, located in a prime area along the Peconic River, with direct access to Grangebel Park in the heart of Downtown Riverhead. Summer Wind will provide much needed affordable life-style options for our young people and local professionals. Area employees who work at the Suffolk County Center, Peconic Bay Medical Center, teachers and school administrators, town, fire and Police Department employees. To date, the County has been instrumental in partnering with Riverhead's emerging downtown revitalization, and this project has generated several million dollars in additional investment in private funding for revitalization projects in the area. In fact, on Friday, this project received Vision Long Island's Smart Growth Award, and we're very proud of that.

The County has funded, and expanded and renovated the Supreme Court building in the area. The New York State DOT has funded a million-and-a-half dollars worth of renovations to Grangebel Park. We have the Atlantis Aquarium building, a 24 million dollar Hyatt Place Hotel at the other end of Main Street, and we have extensive building renovations. This high visibility project has, without doubt, encouraged private investment and made the banks comfortable with financing in our downtown area. With these next 52 units, we feel this will be the tipping point for our downtown revitalization.

So, on behalf of Supervisor Walter, the Town Board and the community, we all enthusiastically support this project and appreciate the continued support of Suffolk County to join our revitalization efforts. Thank you for your favorable review of this project.

*(\*Applause\*)*

**P.O. LINDSAY:**

Rick Dickhoff.

**MR. DICKHOFF:**

Good afternoon, Presiding Officer Lindsay, and Members of the Suffolk County Legislature. My name is Ray Dickhoff. My partner, Martin Sendlewski, and I would like to thank you for allowing us to speak here today about Resolution 1665, Summer Wind Square. Summer Wind Square is a very special project, as it shows how private business and government can work together. This project would not be possible without the enormous support from both the Suffolk County Executive and the Suffolk County Legislature.

Summer Wind Square is being built by Eastern Property Investor Consultants, working together with the Suffolk County Department of Economic Development and Workforce Housing, and the Long Island Housing Partnership. We hope to be a positive start to the economic recovery and revitalization of Downtown Riverhead. This site is currently three separate properties, dormant and decaying buildings will be razed in order to erect an urban style living space with a view of the Peconic River and Grangebel Park. The space will consist of over 8,000 square foot of retail space and three floors of rental apartments, for a total of 52 units. The living units will be a mix of studio

apartments, one-bedroom and two-bedroom units. The living units will bring much needed foot traffic to the downtown business area. Our goal is to help revitalize Main Street by offering affordable living space, thereby ensuring the survival of existing business, while encouraging new business ventures to open.

We will be working with the Long Island Housing Partnership to populate the units. We are relying on their expertise in marketing and qualifying the tenants that will benefit from the Suffolk County Workforce Housing Program.

Thank you again for giving me the opportunity to speak here today.

*(\*Applause\*)*

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

Thank you.

**P.O. LINDSAY:**

Dominick Ogno.

**MR. OGNO:**

Good morning. Hello. My name is Dominick Ogno and I've been a County worker for over four years and a volunteer for over 15. I'm not here to argue the reason why County Executive Steve Levy wants to close John J. Foley Skilled Nursing Facility, which is over money. No, I'm here today to remind you to think consciously, like your predecessors did before you, about the sale of the state-of-the-art facility. Do you think 36 million is enough, because I sure don't.

Like my fellow coworker, Tom Dean, said this is a diamond in the rough, there is no doubt about it. Come see the barbecues that we put on for our residents, the out-trips in which our residents go on, the one-on-one patient care that all of our residents receive, all the activities in which their -- which our residents participate in, to the decorations that we put up during the different holiday seasons, and this list goes on and on. Will our residents still have this treatment? I'm not denying the fact that Mr. Rozenberg wouldn't be able to take care of our patients, but no one takes better care of our residents than we do at John J. Foley, because I can't stress the fact enough that this is not like a family environment, it is a family environment, and you will be selling off my family. And what am I supposed to do, sit back and watch the die being rolled? Well, I stand before you today saying we will not go gentle into that goodnight. But if you do decide to sell Foley, you'll be selling off your public's wealth, and that is a crime. You might as well sell off the County parks and all the land in which the County owns, and the equipment that they use, so that our County and my faith in government would be the same, which is worthless.

*(\*Applause\*)*

**P.O. LINDSAY:**

Linda Ogno.

**MS. OGNO:**

Good morning. My name is Linda Ogno. I'm a longtime employee for John J. Foley. I was reading on last night newsday.com and how Mr. Levy is going to stop the nursing home employees from taking this early retirement. I see somewhat of a pattern here with him. First, he started with the police. He'd let you have the police if you sell the nursing home. Then he said, "Well, if you sell the nursing home, you don't sell it, then I'm going to have to do all these layoffs." Now he's not going to let the people of Foley retire? It only makes sense, whether you sell it or not, to let the longtime employees go and bring in new employees that make a lot less money.

I find something terribly wrong with Mr. Levy. In his heart and in his soul, there is a problem. And I have been a longtime resident of this County and I love this County. I've raised my family here. My father has raised us before him. And I -- it's just unconscionable that he would think that we would let this facility go without a fight.

And this is to Mr. Barraga. Nothing in this life is inevitable, as you brought up in the Health Committee. The only thing that's inevitable in this life is death. It used to be death and taxes, but rich people and lawyers have taken care of the other part. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Nancy Dallaire.

**MS. DALLAIRE:**

Good morning. Thank you for this opportunity. My name is Nancy Dallaire. I have had the pleasure of serving the residents at John J. Foley Skilled Nursing Facility for almost four years. I work for this County, which does hold higher standards, and we do our best to set them and keep them. I do not know what went on in the past, but I do know this facility has been sorely neglected and poorly operated. Since I began at John J. Foley, the day care program doubled. Well, at least that was before that licensing mixup that has hurt enrollment. The rehabilitation and occupational therapy has just been discovered. Sadly, I did not even -- wasn't even aware this rehabilitation center was there when I first began. It has just started to spring to life. We must at least give John J. Foley time to operate with a full day care, and the chance for rehabilitation growth before making any decision. We, the people, must bear the economic burden of that correctional facility in Yaphank? It would only be fair to see what type of burden this facility would be operating as it should.

Grants have begun to improve the facility and more are in store. Just when we're beginning to see fruits, we're selling off the rewards? This does not make sense to me. If we would show John J. Foley the same enthusiastic initiative that's sweeping across our roadways and highways, or put the same aggressive expansion that's taking place at that jail, who knows what we could do. We should certainly be able to continue supporting our citizens who have been calling John J. Foley home for decades. They have been in the care of this County for years and I do not understand how we're allowed to sell that off.

The President has made health care his number one priority, but our Governor and County Executive continue to cut these vital resources. It cannot always be about cost, it must be about the quality of care. With the health care reform and the Affordable Care Act, along with the American Recovery and Reinvestment Act of 2009, it should only get better for John J. Foley and our County to operate.

I have left -- oh, I have some information that I have given to the Health Committee and I'd like to leave it with you. I investigated some facilities in our area, if you could just take a look at their occupancy levels. There is a need for these services in our community. Thank you.

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

Thank you, Nancy.

*(\*Applause\*)*

I need a motion to extend the public hearing. Motion by Legislator Barraga, seconded by Legislator Cilmi. All in favor? Opposed? Public portion is extended.

**MR. LAUBE:**

Seventeen. (Vote amended to 15 - Not Present: P.O. Lindsay & Legislator Losquadro - Absent: Legislator Cooper).

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

Our next speaker is Alexander Strauss.

**MR. STRAUSS:**

Good morning. My name is Alex Strauss, I live in Miller Place, and I'm a resident of Suffolk County. I'd like to talk today about the veto the County Executive has of the -- of the capital -- some of the capital plans and projects that he vetoed. Now is the time for us to go ahead with these plans, because now is the time that bonding is the lowest level it's been in ages. Most of these projects have matching funds from the State, and if we don't do that now, we might lose those matching funds. It's always -- always got to me that people always complain about paying taxes, everybody complains about paying taxes. Now we have an opportunity to get some of our own tax money back from the State, and what do we do? We say, "No, we don't want it, give it to somebody else, they're more deserving." We should go through with these plans now, because it's eventually going to save us money in the long run. So, I'd like you to please veto -- override this veto. Thank you very much.

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

Thank you, Alex.

*(\*Applause\*)*

Our next speaker is Noel DiGerolamo.

**MR. DIGEROLAMO:**

Good morning. I'm Noel DiGerolamo, Suffolk County PBA. I just wanted to point out a few things that I've noticed here; two, actually. Number one is Resolution 1668, that's calling for an amendment of the Suffolk County Classification and Salary chart in connection with hiring a Spanish-speaking officer, just when that comes up, if we could get a detailed explanation of exactly what that resolution is looking to accomplish, because nobody can amend the salary structure of a collective bargaining agreement outside of negotiations.

And secondly, I would hope that somebody's looked into giving a Spanish proficiency exam within the department to see what resources we currently have that can accomplish that goal. And then you could just add someone to the academy class to take that spot if it's just a budget line. So, I don't see why we would be implementing a new exam and charging people \$100 apiece to take it when we have, I would believe, hundreds of officers who currently speak Spanish fluently that can fill that spot.

The other issue I wanted to speak of was Presiding Officer Lindsay's bill regarding the utilization of light-duty officers. One of the spots that the County Executive is looking to civilianize is the Range Instructor. People may not realize it, but the range assignment is a dangerous one, ongoing training there all year long, as was evidenced by a -- you know, an accident that happened this week. Taking away experienced officers who are providing the training would only add to that liability at the range, and we have officers who are permanently light duty. We do have officers who are, again, permanently light duty who can fill that position who have years of experience at the range, and you wouldn't have to add to the existing budget by hiring a new civilian with salaries, pension contributions and health insurance. So, before we go out to add to our liabilities, why don't we utilize the resources we currently have?

That was it. I look forward to the explanation on the other bill later on. Thank you.

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

Thanks, Noel.

**P.O. LINDSAY:**

Michael Kasten.

**MR. KASTEN:**

I would like to thank all of you for letting me speak on behalf of the John J. Foley Skilled Nursing Facility. I'm not going to stand here and speak how many acres the building is on, how many square footage it is, or even how much money a vital nursing home is worth in dollars. I would only like to take this opportunity to put a face with the decision you will be making if you allow the sale of John J. Foley Skilled Nursing Facility.

My name is Michael Kasten, I'm 33 years old, born and bred in Suffolk County. When I got married in 2002, my wife and I decided to stay here in Suffolk when other couples decided to move away to areas that are least expensive cost of living. We chose to stay. We purchased our house, even though the prices were higher and the taxes were more. We're raising our two and five-year-old daughters here in Suffolk, and if we don't stay, who will?

My dream of working for the County I love came true six years ago, a chance for me to make a difference for the County. I have given all that I am to bring excellent nursing care to the residents who need the nursing home. I did this when other nurses took jobs that paid more and had less hours. The County needed me to provide excellent nursing care and now I need you to vote no to the sale of John J. Foley Skilled Nursing Facility so I can continue to do my job. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you very much. I don't have anymore cards. Is there anyone else in the audience that that would like to address us? Seeing none, I'll accept a motion to close the public portion. Motion by Legislator Barraga, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? We have -- I have ten after --

**MR. LAUBE:**

Sixteen (Not Present: Legislator Muratore - Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. I'm sorry. I have ten after eleven. At 11:30, we have Mr. Rozenberg coming in to give us a presentation about his proposed purchase of the nursing home. So, we can get into a little bit into the agenda, and let me start out with the Consent Calendar. Do I have a motion --

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

Motion.

**P.O. LINDSAY:**

-- on the Consent -- motion by Legislator Vilorio-Fisher.

**LEG. ROMAINE:**

Second.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Losquadro on the Consent Calendar. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

Okay.

**MR. LAUBE:**

Sixteen (Not Present: Legislator Muratore - Absent: Legislator Cooper).

**P.O. LINDSAY:**

All right. What I would like to do, I would like to take up the Capital Budget vetoes first, so I am going to make a motion to take out of order the capital vetoes.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay. The capital veto budgets -- vetoes are before us, and I'm going to ask Ms. Vizzini to go through them.

**MS. VIZZINI:**

Thank you, Mr. Presiding Officer. The vetoes came in three documents. Document No. 1 is basically items that reduce the Capital Program with which the County Executive agreed. Document No. 2 are items, which although he did not concur, he did not veto. They were limited to a few items. All of the vetoes are enumerated for you. They are portions of the capital omnibus. They're all included in Document No. 3. You have this spreadsheet that looks like this before you. The items that were vetoed include the traffic and public safety and public health project, the advancing of funds for the College, the restoration of the gymnasium at the Eastern Campus, and the deletion of certain initiatives and infrastructure improvements for workforce housing, incubators for business in distressed areas and downtown beautification.

**P.O. LINDSAY:**

Are you done, Ms. Vizzini?

**MS. VIZZINI:**

Yes, I am, unless you have questions.

**P.O. LINDSAY:**

I'm going to make a motion to override the vetoes in Document 3 all inclusive.

**LEG. LOSQUADRO:**

Mr. Chairman.

**P.O. LINDSAY:**

Let me get a second first.

**LEG. ROMAINE:**

(Raised hand).

**P.O. LINDSAY:**

Second by Legislator Romaine.

**LEG. LOSQUADRO:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I would disagree with doing it en masse for a reason I wanted to speak to Ms. Vizzini about. Project 2149, which is infrastructure for the College, had a number of conversations regarding this yesterday. And while it is listed as 50% State Aidable, this project, in fact, has not received State approval. It is not on the State's plan of work, and the Community College is only planning to file four projects, which may be enumerated in this. I spoke with representatives from the College yesterday and found out, in fact, that these are not approved projects. So I think it would be prudent for us for leave the money in subsequent years, allow the College to apply for these monies, and be able to take a couple of other projects that we would have liked to have seen move forward as far as our economic development initiatives, and reprogram those into our budget, while still maintaining an overall reduction in spending for the year. So, I would like to see them done individually for that reason.

**P.O. LINDSAY:**

I will take a procedural vote on whether we'll take them as a block or individually. But just a comment on your remarks.

The Working Group, when we did the Capital Budget, was aware that they are not yet on the list, but the recommendation of repairs all come from the State. They did an assessment of our 800 million dollars worth of infrastructure in the College, and they came up with this laundry list, it wasn't generated by us. The College is quite confident that they will make the list, and the understanding is if it wasn't to make the list, we couldn't go forward with the work.

**LEG. LOSQUADRO:**

Correct. But, if we still have it in our overall plan of spending, given the nature that we do not want to increase our spending significantly, that precludes us from doing other projects. And in conversations again with the College and with the State, given the State's fiscal situation, it seems very unlikely that we are going to -- even though the State was the one that helped generate this, it seems very unlikely that we are going to be receiving additional monies for the College, since we're already programming in well over \$30 million for the College for next year.

The prospects of getting additional monies out of the State for these repairs is very unlikely in the short term. And I believe that allowing the College to apply for this, having it in subsequent years, as we have preserved that ability to apply for the 50% State Aid in the past, seeing the projects that we now have before us finally coming to fruition because of our willingness to keep those projects active, I think a similar course of action this year would be prudent.

**P.O. LINDSAY:**

I don't mean to get into a dialogue of disagreement, but I had a discussion with President McKay last night around 7 o'clock and he seemed very confident that he they would get this in the plan. And the Working Group, when we went through the potpourri of projects that we address every year, the ones that were deleted we felt were very small projects and community-based projects, and we felt very strongly that with the unemployment situation in Suffolk County, especially in the building trades, to put people back to work to get this economy turned around, that we leaned more towards more substantial projects, and that's why we went the way we did. Is there anyone else that would like to comment? Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I also had an opportunity to speak with Dean McKay last night. And I know we just had some dialogue here about this being matched, but I guess I want to ask Budget Review, because I'm a little confused procedurally. We heard from the College that there are a number of -- a number of problems that they have, particularly in some of the buildings that are older buildings. I know on the Western Campus, the administration building goes back to the old Pilgrim State

Hospital days. It's probably a building of 70 years or so, and, internally, it's just sustaining significant deterioration. There's waste issue lines, there's heating issue lines, the heating plants themselves are compromised. All of those things, I think, are I believe what the College was looking at in order to go ahead and utilize some of this funding. Did they bring any of this forward for Budget Review? When Budget Review did their look at the Capital Program coming forward, do we have sense from the College?

**MS. VIZZINI:**

Yes. There's an extensive report that was prepared through this study, done in concert with SUNY, specific to Suffolk Community College. Our analysts had the opportunity to review some of that. We were given access to the appropriate web page and it was based on that, that it was our recommendation that we move ahead to preserve the infrastructure.

Procedurally, as you know, including the sponsor's support, which would be half of the 10.3 million in each year of the Capital Program, is one of the first necessary steps to getting the State aid. Also, procedurally, as you know, this will come before you again in the form of a resolution. It is unlikely that the resolution would be presented to you unless we did get the State matching share. So you would not be incurring any indebtedness unless the situation got extreme, unless you got the aid. Unless you show your support, you will not get the influx of State Aid.

**LEG. KENNEDY:**

Gail, the Presiding Officer talked about a very important theme, and I think every one of us around the horseshoe knows this, about the desperate employment situation that we see with our building trades and some of the industries that rely on building trades' payrolls. Assuming that we were to go forward with this and the College was able to obtain the match, realistically, how soon could we see some of these projects actually being let and having some of this deterioration being addressed? And then, also, a second question. In that exhaustive analysis or inventory, was there a priority of projects that needed to be addressed first?

**P.O. LINDSAY:**

I think I could answer that. Roofs is the priority.

**LEG. KENNEDY:**

I'm sorry?

**P.O. LINDSAY:**

In our presentation by Dr. McKay, the first things that they would go after is to repair the roofs. We have a number of buildings with leaking roofs, and as you -- I'm sure you know from your construction background, if the roof is leaking, the damage is just going to increase --

**LEG. KENNEDY:**

Exponentially.

**P.O. LINDSAY:**

Yeah.

**LEG. KENNEDY:**

Okay.

**MS. VIZZINI:**

In response to your two questions, the work is in priority order, so it's the most critical maintenance concerns that, if left undone, would more than likely lead to a more expensive repair work. Secondly, in terms of when the work would begin, based on the College's request for the money in 2011, there's the potential for the end of 2011 or the beginning of 2012. You would need the money in 2011.

**LEG. KENNEDY:**

All right. Thank you, Mr. Chair.

**P.O. LINDSAY:**

Anybody else that wants to talk? Did you want to say something again, Dan? Go ahead.

**LEG. LOSQUADRO:**

Thank you. I just wanted to reiterate, I mean, to the best of my knowledge, actually, the project was submitted to the State. I don't know if we have anyone who could comment to that. I know that approvals have not yet been received, but, you know, we're talking about a plan of work, which is what this Capital Budget plan is, and we're saying we won't expend the money unless we get the aid, which we think is rather unlikely in the short term, given the situation the State is in. And we're talking about the need for economic development and growth. So, we have 23.2 million dollars we added into this budget in our plan of spending, which is speculative, but we have 8 1/2 million dollars, which we know will go directly into our communities, so that's a savings of 14.7 million dollars out of our plan of spending, or do we say we leave the 23.2 in there as speculative funds, which we may or may not get? I think we leave the 7.7 in there, let them apply. If we get the approval, we can always revisit this next year, and we get the money into our downtowns, into our transit centers, into the areas where we know it's going to make an immediate impact.

We had people here speaking today about excellent projects that are going on in the Riverhead area. We've had wonderful things going on in the Wyandanch area. We have a number of projects where the County has been a partner in reinvesting in these communities. I think that's where we should focus our efforts at this point, instead of hoping that the State is going to do something for us when it's closing in on the end of June and we still don't have a State budget. So, I don't have a lot of faith that additional monies are going to be forthcoming from the State. I think we should take 14.7 out of our plan of spending for this overall budget and reinvest the funds where we know we're going to see an immediate impact from them. That's my position. We're investing a lot of money into the Community College. I'm really happy, again, to see those projects, which we've long been pushing for coming into fruition. It's going to put a lot of people in the building trades to work, it's to give much needed resources to our Community College, but I think we should be doing what -- where we know we're going to get the best bang from our buck this year.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Thank you, Mr. Chair. Each time we look at the Community College Capital Program, the folks from the College make it very clear to us that although there may be a plan that has been presented to the State, until there is demonstrated support on the part of the Legislature, it isn't considered by the State as something to be approved or reimbursed. So, although the program is out there, the plan is out there, we need to support it here at this horseshoe. And, as Budget Review said, we will be revisiting each and every one of these projects as they come to us based on their priority of needs. So, I believe we should go forward and override the veto on the College Capital Program.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Very quickly, and I apologize if this has been asked and answered, but to BRO, if we sustain this veto and keep the funding in subsequent years, does it impede the College's ability to proceed with the application to the State?

**MR. REINHEIMER:**

It just shows that local support would be in later years. The College is concerned that there's a finite amount of money for this type of project because it is a statewide assessment. They want to

be kind of the first ones in the pool. So, showing the funds in subsequent years shows that we're supporting it, but we're not looking for funds sooner.

**LEG. D'AMARO:**

So, that could be a factor in the decision-making at the State level.

**MR. REINHEIMER:**

It could be. The other part I just want to bring out, this is a planning document. It -- you know, we're showing our intent to make these changes. It's not an appropriation, it's a plan. The way the budget's constructed now, if the College were to get the funds and could get them in 2011 and the project wasn't in there, you have limited offsets, you might not be able to appropriate the funds. So, it is a plan the -- this is really for the critical projects. This keeps the College even with maintenance projects that have actually exceeded or have approached their useful life.

**LEG. D'AMARO:**

All right. Thank you.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I don't know if BRO can answer this. If not, I thought I saw folks from the County Executive's Budget Office in the back. What just occurred to me was, with the State's budget cycle, did this miss the State's budget cycle? Could the State not take this up until next year anyway? Could maybe Ms. Corso answer that, if BRO doesn't know the answer, or if someone from the --

**P.O. LINDSAY:**

Connie.

**LEG. LOSQUADRO:**

Through the Chair.

**P.O. LINDSAY:**

One of you folks want to say something?

**MS. CORSO:**

No, it did not make this cycle. So, really the earliest you could even appropriate it would be 2012. Also, if the State did in the interim approve it, you wouldn't need an offset because it's over 50% aid.

**LEG. LOSQUADRO:**

BRO, do you assess --

**MR. REINHEIMER:**

That's correct.

**LEG. LOSQUADRO:**

Do you agree with that assessment?

**MR. REINHEIMER:**

That's correct.

**P.O. LINDSAY:**

But you would be adding another 5 million dollars.

**LEG. LOSQUADRO:**

If we were to receive the approval, but, if we're looking at this not until 2012, when we do next year's Capital Budget, we could put it into next year's plan of work.

**P.O. LINDSAY:**

Yeah, but I don't -- I don't see what the harm is if we add it and the approvals aren't there in time and we don't spend our portion of the money.

**LEG. LOSQUADRO:**

Because, as I said, I think we could -- if we're reducing our overall plan of spending while still -- if we're looking to actually make investments right now, we're not -- I certainly wouldn't want to add 8.5 million dollars to our overall plan of spending here. But, if this is an area where we can back some out that we know we're not going to spend it and be able to reprogram some money back into this year's budget that we know is going to have an economic impact, especially on our downtowns and our transit hubs, why not do that?

**P.O. LINDSAY:**

Again, all I can State is the feeling of the Committee, is the Committee has had problems with some of those downtown funds on the types of projects they've been spending the money on. It's great feel-good projects when everything's booming, but in this time, we were looking for more substantial bang for the buck.

**LEG. LOSQUADRO:**

I think that's something that the Legislature might want to have some additional input on, and, you know, maybe to look to put some restrictions in place on the minimum size that these projects can take on.

**P.O. LINDSAY:**

That's one of the problems with that program, because, at one time, it was a Legislative program and we don't have much input into those projects anymore at all.

**LEG. LOSQUADRO:**

Well, I think, through Counsel, I think we could assert some influence over that project.

**P.O. LINDSAY:**

You could assert it by sustaining the veto.

**LEG. LOSQUADRO:**

Well, I'm looking at ways that we can have money and have an economic impact this year. I think this is the way to do it, and I don't see the sense, given everything we've just heard, of increasing that line by 23.2 million dollars this year for no good cause.

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

**P.O. LINDSAY:**

We have Mr. Rozenberg in the audience. So what I'm going to do, I'll allow one quick question and then I'm going to postpone this debate until after we come back. All right. Go ahead.

**LEG. HORSLEY:**

Dan, I just want to do -- to query with you. What did you have in mind? Did you have particular projects in mind? Could you name one to -- that you feel would be a better alternative?

**LEG. LOSQUADRO:**

As an alternative to what?

**LEG. HORSLEY:**

Downtown -- if we were to spend the money so the downtown approach rather than to the college.

**LEG. LOSQUADRO:**

No, I mean the downtown revitalization efforts I think have been successful. We've seen --

**LEG. HORSLEY:**

So you just want to throw it into the downtown monies -- additional monies into the downtown.

**LEG. LOSQUADRO:**

We had two projects; one for \$4 million, one for four and-a-half million dollars, which we as the Legislature took out because we wanted to put money -- we want to prioritize money into other areas.

**LEG. HORSLEY:**

So you'd go back to that list.

**LEG. LOSQUADRO:**

I think we go back to that. We reprogram eight and-a-half million dollars back into those programs where we know it's going to go back into downtowns, it's going to happen this year. You know, you've seen projects move forward, you know, towards these ends or our transit oriented development and the like. We know that's going to have an impact this year instead of adding \$23.2 million to a project that doesn't have state approval, didn't get in on the window and that we can take back up in next year's plan of work and is still in subsequent years, which allows the community college to still apply for the funding.

**LEG. HORSLEY:**

Do you have a specific project that you have in mind?

**LEG. LOSQUADRO:**

No, I do not.

**LEG. HORSLEY:**

Okay.

*(\*The following testimony was taken by Alison Mahoney &  
Transcribed by Lucia Braaten - Court Reporters\*)*

**P.O. LINDSAY:**

Okay. I'm going to cut off the debate at this point to bring up Mr. Rozenberg. We told him that we would entertain his comments at 11:30 and I'm only a few minutes late. Ladies, if you could vacate some chairs and let Mr. Rozenberg have a seat. Thank you very much. Do we need another chair? Gail, maybe you could shift or --

**MS. VIZZINI:**

She's just moving down.

**P.O. LINDSAY:**

Okay. Gentlemen, thank you for being here today. If you could introduce yourself for the record and make any statement that you'd like to make, or any presentation you'd like to make, and then there might be a few questions from the -- from the body. Go right ahead.

**MR. ROZENBERG:**

Thank you. My name is Kenneth Rozenberg, and to my right is Jeffrey Sicklick, and we would like to thank Presiding Officer Lindsay and the entire Legislature for allowing us to discuss the potential acquisition of the John J. Foley Nursing Home and to answer any questions that you may have.

As a way of introduction and background, Jeff and I are both graduates of Columbia University, where we received our Masters of Public Health, and have both been involved in long-term care for almost twenty years. We have both worked in the nonprofit sector, as well as the proprietary sector. Jeff actually served as the Administrator at Gouverneur, a Government-sponsored nursing home in New York city. Currently, our group owns ten nursing home -- ten nursing facilities in New York State, three in the Bronx, one in Queens, two in Brooklyn, two in Syracuse, one in Pawling, and one here in Patchogue. We are very proud of our record of high quality patient care, as well as high staff morale. We consider ourselves on the cutting edge of providing for our residents. We look at the needs of the community, speak to the surrounding hospitals, and develop a plan of success for each facility. No two facilities are the same, and, therefore, no two facilities are treated the same.

For example, the highest concentration of kidney disease, with a co-morbidity of diabetes, is in the Bronx. We saw an unmet need for in-patient dialysis, and we have worked for years to open up a twenty-station dialysis unit in the nursing home. We are going to have our grand opening in about six to eight weeks. You are all invited. The amount of aggravation that the resident will be spared in not having to be transported to dialysis treatment center is immeasurable, not to mention the savings in taxpayer dollars.

As an example, my understanding is that the John J. Foley has a portion of beds dedicated to serving the AIDS infected population. I have heard concerns that people feel that we would look to discharge those residents. As I mentioned before, we are here to service the community, not to dictate to the community. If the community has an AIDS population that needs to be serviced, you will find that we will be in the forefront of providing that care. Who knows what else we can do for the community at large. Should the Legislature grant us the opportunity to move forward with this transaction, I trust you will find that we will be a great partner in your health care delivery team in Suffolk County.

The one other point I would like to discuss prior to addressing any questions you may have is the issue of staffing. We firmly believe that a happy staff makes happy residents. Management and labor are a team. The days of militancy on the part of both management and labor is so 1980s, it does not work. We have worked with the union in the most difficult of situations, and found that if we reach out to the staff and their union in a nonconfrontational manner with a promise that they will try to understand our position and we theirs, the resolution of any issue is sure to be quick and fair. Note that I did not say painless, but I did say fair, fair to both sides.

Myself, Jeff, and our entire team are prepared to continue the mission of providing the highest quality care to all the residents of John J. Foley, should we have that opportunity. Thank you very much. Any questions?

**P.O. LINDSAY:**

Thank you very much. I know Legislator Eddington and Nowick --

**LEG. EDDINGTON:**

Yes. I just have some information here, something from Antonia Novello from the Commissioner of Health in the State of New York who had an action taken against Kenneth Rozenberg. That's you, I believe. And it says that in July 31st, 2002, there was a finding, including allegations of violating Public Health Law, and it says the respondent admitted to the violation and had to pay a penalty, and that was in 2004. Now, I know you've been highly recommended by our County Executive. And so I question that.

I read an article here from Daily News in October 1st, 2008. *"Layoffs Create Care Woes, Says East New York Nursing Facility Residents"*. So I'm seeing here that, *"East New York nursing home slashed staff by nearly 20% this summer, and residents charge quality of care has dramatically deteriorated. The home was taken over by Kenneth Rozenberg, who owns a nursing home facility in the Bronx and in Rockland County, who operates for profit and could not be reached for comment."* Well, I'm not feeling really good about that when you just said that you work with the staff. And if

you have a business model, the business model is profit, and it sounds like your history is lay off 20% and make some money. How do you respond to that?

**MR. ROZENBERG:**

Certainly, I appreciate the concerns that you have. I'm certainly willing to speak just in terms of the -- we'll start with the Daily News article. I'm happy to have a discussion with the Health Department, with the staff. I'm not obligated to speak to the Daily News. The Daily News is not the Department of Health, and the Health Department has consistently found that particular facility in compliance. We have over -- and to speak to the 2002 fine, we have been surveyed by the Health Department in all our facilities in the last 13 years, probably between 50 and 100 times. I would say that if we have 2% on average problem, two out of 100, or three or four out of 100, I'm pretty proud of that, considering that, unfortunately, The Daily News nor the Health Department give you a pat on the back when you do a good job, and, essentially, we do a good job. Sometimes we have a problem. It happens to be that that 2002 deficiency was when a patient was able to scale an eight-foot fence and, you know, climb the -- climb and, you know, run away from the facility. We did get him back, he was okay, but they did fine us, that's true. That was in 2002. And things happen on occasion, happens with every kind of business, but it's how we react to the deficiency and to the problem that separates us from the rest. Thank you.

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

Any other questions? Legislator Nowick.

**LEG. NOWICK:**

Good morning, and thank you for coming before us. I'm sure everybody is anxious to ask questions. My first question is how does a nursing home patient scale an eight-foot fence? I can't do that, but that's -- I can't even picture that in my mind.

**MR. ROZENBERG:**

Maybe they shouldn't have been a nursing home patient.

**LEG. NOWICK:**

Maybe not. Mr. Rozenberg, just questions with simple answers. I actually do know that your reputation does precede you. I have it on -- I know people that work with you, and I do know that you run a fine nursing home. And I also know that the State -- many times the State comes to nursing homes several times a year. My question to you is, the employees that are there right now -- and I think these are kind of the important questions. Let's start with the employees. How many employees do you think that a nursing home needs per patient? So, in other words, if there's 220 patients, is there some type of a scale on that or --

**MR. ROZENBERG:**

It's a difficult question to answer. I'll do the best I can. Since every nursing home is different and provides different levels of care, so, therefore, the care is what dictates the staffing levels. So we have a facility in Queens that has a tremendously high acuity, and that acuity is objective and measured by numbers that we report to the Health Department semiannually, it's called Casemix, and that runs anywhere from a .79 to a 2, pretty much. So the higher the number, the more staff you need, because you're telling the Health Department that you have high acuity. You need to provide a lot of care for the residents that you have, so -- but a general rule of thumb --

**LEG. NOWICK:**

Well, generally, for a nursing home such as the Foley Nursing Home.

**MR. ROZENBERG:**

General rule of thumb is, you know, including all your ancillaries, meaning your finance office and all that kind of stuff, generally, it's about one staff member to one bed, and then you have to, you know, include all your finance people and all your administration and all that. So a 200-bed home generally has a little bit less than 200 staff members; that's generally the going methodology.

**LEG. NOWICK:**

Now, would it be your intention -- and I think everybody is interested in knowing this because we all care about the staff there and the employees and I'm going to just come out and be honest with the question. Would it be your intention to keep most of the staff or do you bring your own nurses and staffing; what would be your plan? And I know you can't give me a definite, but can you give us an idea?

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

**MR. ROZENBERG:**

I've always found -- you know, people think, "Oh, do you have people lined up when you take over a facility to get rid of, you know, all the people," including management, and the answer is no, we do not. Generally what we do is, you know, we have an administrator, because we always feel that the administrator is -- really sets the agenda. We have nobody in mind for any position at all. We always come in, 30 to 60 days, evaluate and see, you know, these people are excellent. We find that most of the staff really do a good job and they care, and there's no reason to want to have to change that. Why would we want to cause an upheaval in a situation that doesn't need an upheaval?

**LEG. NOWICK:**

Well, it would be my opinion that they do have institutional knowledge and that they probably could help, but I just want to know how you feel about that.

**MR. ROZENBERG:**

I feel the same way, absolutely.

**LEG. NOWICK:**

You do.

**MR. ROZENBERG:**

Absolutely.

**LEG. NOWICK:**

The patients that are in the nursing home, are these patients that you feel that you can keep there or do you see a certain population of the nursing home that would have to be moved away from Yaphank into other facilities? I assume you're keeping the AIDS center in the nursing home? Can you just address that, please?

**MR. ROZENBERG:**

Sure. In fact, I kind of -- it addresses, I think, Legislator Eddington who had mentioned before about it being a business. Taking away the human factor, what would be the point of running a nursing home without patients, because then we have no revenue. We very much feel that as long as we can take care of those residents, then there's no reason -- why would anyone even think that we would discharge those patients? What kind of patients would even enter into your mind that we would discharge?

**LEG. NOWICK:**

Well, none entering into my mind particularly, but I just want the question on the record because as Legislators we've heard pros and cons to this, as you well know, and I think all of us are a little confused. So from what I'm understanding, whether it's an AIDS patient or whether it's dementia or young patients or older patients, these are patients that all could stay at the Foley Nursing Home, they wouldn't have to be moved out?

**MR. ROZENBERG:**

I --

**LEG. NOWICK:**

Or I guess maybe you can't promise entirely, but give me an idea, please.

**MR. ROZENBERG:**

If there's a patient who is violent, if there's a patient who is a sexual abuser, if there's a patient that is a drug abuser, that kind of patient, which I don't think you have any there, so then those are the patients that will -- those are the patients that we're uncomfortable with and would look at on a case-by-case basis. However, we have a facility in the Bronx that handles only patients with dementia and we have a facility in the Bronx that has young patients, 25, 35-years old, and we have patients that handle -- we also have other AIDS scattered-bed sites besides the John J. Foley, there's a lot of people that take care of AIDS patients. So the answer to your question is we have no intentions of discharging anybody unless they present or pose a danger to themselves or to their neighbors.

**LEG. NOWICK:**

So what I'm hearing from you is that -- and one of the comments I think from one of the speakers today was that the best people that could serve in the nursing home are the County people and the County workers that are there right now. So what I'm hearing from you is that it would be your intention to keep those employees, if at all possible, and also you see no reason to move patients from one facility to another; this would be a good fit for your nursing home?

**MR. ROZENBERG:**

I think that if a patient -- if we assess a patient who really -- again, this goes back to the patient who climbed an eight-foot fence. You know, after we rehabilitated them, they're able to climb an eight-foot fence, chances are they shouldn't be a patient there.

Now, we may come in to the John J. Foley, if this transaction is completed, and see that maybe 10% of the patients or even 1% of the patients really benefit from a lower level of care. Not that they should be, you know, on the street, but they don't need to be in a nursing home. The State is paying a lot of money for these kinds of patients.

**LEG. NOWICK:**

Well, where would they go then?

**MR. ROZENBERG:**

So that's why we have social workers and discharge planners who feel maybe other appropriate housing, if it's available. If it's not -- no discharge is ever done if it's not a safe discharge, that's the law. So we would never discharge anybody if it wasn't appropriate or safe, so that's why we get paid to determine this patient who is now succeeded in their care and the State has paid a lot of money now could benefit a lower level of care, adult home, things like that, supportive housing. There's so many options out there that we know in the industry that are out there that would love to have some of these residents. They want to be independent, they don't want to have to sign in and out every time they go, so they want to go to a restaurant for a meal. And then we make a bed available for people who really need it, because sometimes there's long waiting lists at the hospital and they don't know what to do with those patients.

So, I mean, that's what we do on a day-to-day basis. It has nothing to do with the fact that we're taking over a new facility and that there's patients that we would look to discharge, because the answer generally is no, we would not.

**LEG. NOWICK:**

And if you were going to discharge a patient because of that, would you consult with the family? And if the family said to you, "We really feel this patient should be here" -- I assume nobody would ever be put out on the street.

**MR. ROZENBERG:**

It's illegal, of course we wouldn't do that. There's care plan meetings that are mandated by the State. We always -- I mean, that's the way it works, you're not allowed to do it any other way.

**LEG. NOWICK:**

Okay. I think those --

**MR. ROZENBERG:**

We would never put anybody on the street, that's the answer to -- that you're are looking for, absolutely. We have never done that in 13 years, the Health Department knows that we don't do things like that.

**LEG. NOWICK:**

And just so you know, our concerns are basically with our -- with the residents of the nursing home and of course the employees, and that's why I thought these questions were important. Thank you very much.

**MR. ROZENBERG:**

You're welcome.

**P.O. LINDSAY:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. Thank you for coming here today and enabling us to -- giving us the opportunity to ask you some questions. Excuse me if I -- if you already answered this question, I was in the back so I missed some of your testimony. I guess the basic question would be why John J. Foley? Why would you seek to take over the facility? What benefit do you think that you can bring to the facility? You know, you're a for-profit, I presume, right?

**MR. ROZENBERG:**

Yes, sir.

**LEG. GREGORY:**

So you want to make money. How do you see yourself operating the facility different than -- differently than it is being operated now and for-profit?

**MR. ROZENBERG:**

The question wasn't asked yet, but I'm going to answer it. We are a for-profit, that's our business. We're not in widgets, we happen to be in long-term care, that's all we do. And, you know, in the morning when I get up and I look in the mirror and I say, "What are we doing today?", that's the board meeting and we're finished, or maybe I'll sit with Jeff and say, "What are we doing," in our board meeting. We can turn on a dime with anything.

Non-profits, government facilities, it's hard for them to adapt as quickly as a proprietary because there's levels of -- levels and structures that they have to go through to get permission to do anything. So when we know that the Health Department tells us that they're going to a new reimbursement methodology that has the potential to slash millions of dollars from one nursing home, so by the following week we have a plan in place, and whether we have to hire a consultant or hire a new staff member who's an expert on reimbursement or whatever we have to do to get ready for that, we'll be ready and we'll be ready early.

The non-profits, which is a lot of what we're looking at now and government facilities, it's hard for them to turn on a dime. There's just too much for them to get done, so they're unable to do that. So when this -- when those shackles are taken off and we're able to run it as a proprietary, we can maximize what's there for us to maximize, it's just that we're able to do it in a much more efficient

manner.

**LEG. GREGORY:**

Okay. I don't think you --

**MR. ROZENBERG:**

Did I answer --

**LEG. GREGORY:**

Not really.

**MR. ROZENBERG:**

I'm sorry. So ask me again.

**LEG. GREGORY:**

I get it that as a business, as a for-profit business you think that you can do things differently. I'm not -- I guess I'm looking more at specifics and what you can do differently and how you think that would benefit here.

**MR. ROZENBERG:**

At John J. Foley? Sure. So let's just take reimbursement because there's two ways to manage a facility, one is on the expense side and one is on the income side. So on the income side, I mean, just to speak specifically about your facility, so that your average index -- which, again, it's not a concept that you're familiar with, but it's tied directly to your reimbursement -- the last one was a .91; you should be at a 120. So the patients are there. The assessment and how you take those patients and treat them and look at what needs to be done with them is where we think we could do a little bit of a better job. Not that you're not doing a good job, you're doing a good job; I think we can do it better.

**LEG. GREGORY:**

Now, this index that you referred to, is that the acuity that you're talking about?

**MR. ROZENBERG:**

Yes, that's the acuity.

**LEG. GREGORY:**

Which basically correlates to the difficult -- I won't say -- some may say the difficulty of the patient or the condition of the patient, right?

**MR. ROZENBERG:**

Right, that's correct.

**LEG. GREGORY:**

Now, you said that you had -- so I'm somewhat familiar with it. So you have ten nursing homes now?

**MR. ROZENBERG:**

Yes.

**LEG. GREGORY:**

And what would you say or what is the average index for the nursing homes that you have now?

**MR. ROZENBERG:**

We're -- no one is less than a 120 and no one is higher than a 131.

**LEG. GREGORY:**

And the max is, what, two something you said?

**MR. ROZENBERG:**

Most people are in that -- most people are between 110 and 120, 125. The most I've seen is like a 147. That's probably the range, you know, unless you have a hundred percent ventilator, you know, people on ventilators, you know, they score at the top, but that's not applicable to us. The other side -- that's the Medicaid side. On the Medicare side, the average Medicare which pays you significantly more than Medicaid, you're at 2.3% utilization; you should be no less than 10%, and we've seen facilities up to 45%.

**LEG. GREGORY:**

Okay. One of the other concerns that's been raised throughout this whole process is the age, the average age of the residents at the John J. Foley. Because they're a younger population, generally, than most nursing homes, other nursing homes I don't want to say will not take them, but that has been said, but it's difficult -- there's difficulty in placing them in other places. What is the average age of your patients or your residents at your nursing homes?

**MR. ROZENBERG:**

So one facility -- again, one facility that has dementia, the average age is about 87. Our facility in the Bronx that has a younger population, probably in the 50's, maybe pushing 60. I mean, it varies. We never turn someone away because of age. Age doesn't drive anything other than age. If the person is, you know, okay to be in that facility, as long as their behaviors -- it's really -- we're most concerned with the patient's behavior. And I don't mean a dementia behavior, dementia we're used to, I'm talking about violence. And again, drug abuse, sex abuse and violence is what we care about, and if those patients aren't appropriate for any facility, there are government facilities that are set up, psychiatric hospitals, locked units; John J. Foley is not a locked unit, there is one in the Bronx. So that's what scares us. The age of the patient doesn't scare us at all; the younger they are the more conversation you can have with them.

**LEG. GREGORY:**

But isn't age somehow tied -- generally the younger residents, they have lower reimbursement rates, or is that afoul?

**MR. ROZENBERG:**

That's a fallacy, absolutely not. If a young patient -- I have a patient in the Bronx unfortunately who was in a car accident and he's a quadriplegic; he's 30, he's the highest reimbursement you can have. I have another one who had a tumor in his spine, another one had a double amputation. These are unfortunate things, but we take care of these residents; they're not -- it's a fallacy.

**LEG. GREGORY:**

Okay. Now, transfer of patients, that's called a PRI or some form or something like that?

**MR. ROZENBERG:**

That's the form that we use from the hospital whether to review a patient.

**LEG. GREGORY:**

Okay. Now, can you explain that process to me just a little bit, how that's done?

**MR. ROZENBERG:**

Sure.

**LEG. GREGORY:**

I think I have an understanding. Well, actually, let me explain it the way I think it is. If I want to -- me as the proprietor of a nursing home, I want to transfer a patient to another facility, do I send out a PRI kind of scoping the land, if you will, and whoever says, "Okay, we'll take that patient," they

take them; right, is that how it works?

**MR. ROZENBERG:**

You have it right on the money.

**LEG. GREGORY:**

Okay. I'm smarter than I thought, okay. So and there is an average to that? I mean, there are some -- you know, again, through this whole process, you know, there's 44 nursing homes I guess in Suffolk County? A lot of the residents who try to transfer, for whatever reason, they'll go through all 44 nursing homes without not one picking them up because of this acuity index, if you will. Do you have similar situations like that in your existing structure?

**MR. ROZENBERG:**

We'll receive -- we could receive at one facility ten PRI's a day and we'll say, "We'll take that one." You know, we can't take them all, we don't have enough beds to take them all. You want to take what your facility is set up for. So we have a facility in Queens that's set up 100% for subacute rehab; you're talking about a patient who's fairly young, who's had a double knee replacement, double hip replacement, that kind of stuff, they come in for two to four weeks and they go home. That's -- you know, we have the Wall Street Journal for them, we have happy hour, everybody gets free TV, free Internet, all that kind of stuff; it's set up for that population, that's what they want.

In the Bronx, we have a different kind of population where they have other ethnic needs and we provide them what they would like, whether it's a cuisine that's meant for them or whatever it is. So if John J. Foley -- and again, I'm not there, but if John J. Foley has a specific picture of the kind of resident that they want and the PRI comes in with that resident, you know, the PRI is four pages; name, address, main information and how sick they are, what their diagnosis is, what diseases they have, can they transfer to the bed by themselves, can they toilet themselves, and a facility needs to say, "I can handle this patient," or, "No, I can't take care of this patient," and that's how we decide whether or not we can take it.

**LEG. GREGORY:**

Generally what would be a reason -- other than, I guess, the patient being violent -- to transfer a patient or a resident to another facility?

**MR. ROZENBERG:**

Why would somebody want to --

**LEG. GREGORY:**

In general, why would you want to transfer a patient other than that patient being, you know, violent? You had mentioned Alzheimer's, you know, transferred to a lock-down unit or something like that somewhere else.

**MR. ROZENBERG:**

Only -- either that, or the other extreme where they're basically just using it as a hotel; that's not fair. You know, there are hotels out there and there's adult housing and there's other options than a nursing home as being a shelter. Now, you know, that's essentially it.

**LEG. GREGORY:**

Now to the employees. I'm sure you're aware of -- you've been made aware of the retirement incentive that's looming and that the employees at the nursing facility are not able -- it hasn't been presented to us yet, but the talks are that they won't be -- that the early retirement won't be available to the nursing -- to the employees at the John J. Foley. If the retirement incentive were available to employees at the facility, would you see a problem with that, would that affect your interest at all?

**MR. ROZENBERG:**

Our job is to staff the facility according to what needs to be staffed. If there's a group of people that are no longer there, then we'll just find a group of people to replace them, if that happen. I'm not familiar a hundred percent, I just heard some talk about it, but we'll make sure that it's staffed appropriately to provide the care, that's our job.

**LEG. GREGORY:**

Okay.

**MR. ROZENBERG:**

Anything more than that I think is really the County's headache.

**LEG. GREGORY:**

But I guess I'm just trying to gauge your interest. I'm not a businessman, but I would think if I'm looking to purchase something, lease something and now that roughly 220 employees, or roughly thereabout, 80 of them can leave within the next six weeks, I think that might cue my interest a little bit. So I just wanted to kind of get your thoughts on that.

**MR. ROZENBERG:**

I'm going to keep my ear to the grindstone and follow this, you know, follow the discussion. At the end of the day, if we feel that there's a certain number of employees that are needed and then -- and because of the retirement, those numbers are what it ends up to be, yeah, that would be a good thing; and if not, so we'll have to deal with that.

**LEG. GREGORY:**

Okay. Now, your employees now at your existing facility, I assume they're unionized employees?

**MR. ROZENBERG:**

Yes.

**LEG. GREGORY:**

Are they with 1199?

**MR. ROZENBERG:**

Yes.

**LEG. GREGORY:**

Okay. So they're lower salary-based or the benefit package is less than those of the employees at John J. Foley?

**MR. ROZENBERG:**

John J. Foley has the most expensive benefit package and salary structure in the State, so the answer is yes.

**LEG. GREGORY:**

Okay. So you -- and correct me if I'm --

**MR. ROZENBERG:**

Maybe in the country as well. No, I'm not joking, really, maybe in the country as well.

**LEG. GREGORY:**

Okay. So you -- and correct me if I'm wrong, I don't want to put words in your mouth. So what you possibly could do to help turn around the center, the facility, is maximizing the reimbursements and those types of things, assuring that the acuity index is higher than what it is now, and also savings through a new contract or employee bargaining agreement; is that your two main areas

**MR. ROZENBERG:**

Yes. It sounds like you want to take my job. You've got the whole thing down.

*(\*Laughter\*)*

**LEG. GREGORY:**

No, I'm happy where I am. But no, I just have some questions.

**MR. ROZENBERG:**

Yes, the answer is that the average nursing home in New York -- let's say in New York City, five boroughs, Westchester, Long Island, runs with that, with the contract that you were referring to before. You know, it's a nice benefit package, it's a nice rate of pay and it's what's been negotiated throughout the years with the union and management together.

**LEG. GREGORY:**

Now, looking at the level of employees, the number of employees, is that a sufficient number; do you feel you need more, you need less? And if so, if you have too many, are you willing to offer some type of incentive yourself for those employees? Because it's going to be -- I mean, the media reports have reported anywhere between ten or \$15,000 difference in benefits or salary; you can imagine that's difficult. I'm not familiar with the salary structures of nursing homes, but I spoke to -- I went to the facility a couple of months ago, I spoke to a Supervisor who's been there 20 years and she's making \$40,000; I don't think that's an extreme salary, I was kind surprised by that. So to cut her salary, I'm not sure if her salary will be cut 10,000, but I would think, you know, as a supervisor you make a little bit more than that, I don't know.

So how would you be able to deal with that, or do you have any plans to deal with those people? I mean, they're going to be affected. You know, their salaries and benefits are going to go down. What type of program in place are you planning to propose.

**MR. ROZENBERG:**

I think that my understanding is that the County's office has been dealing with some of the people in -- with the labor people in order to determine what the appropriate compensation is for them, if any one of them are, you know, not employed there anymore. There are employees that are making a tremendous amount more than \$40,000; I'm not saying they don't deserve it, I'm just saying that 40,000 seems like a reasonable number for a supervisor. I have no -- I'm not there, I've only took one quick tour. But, you know, there may have to be -- some changes will probably have to be made. There are some places we come in and the people are underpaid and so they were embarrassed to ask who they worked for for a raise, we do the right thing and give them a raise. An employee is very important to the facility. Without the employees there's nothing, and they should be paid appropriately and we do that, we think we pay them appropriately.

**LEG. GREGORY:**

Okay, thank you. Thank you, Mr. Presiding Officer.

**P.O. LINDSAY:**

Legislator Montano?

**LEG. MONTANO:**

Actually, Legislator Gregory covered most of what I wanted to say, so I'll pass.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Good morning, Mr. Rozenberg. Let me ask you just a few questions, if I may.

Most of your other facilities, I take it in the main they are Medicaid residents, Medicaid patients? Because it's been my experience that there are very few private-pays in nursing homes and in New York State we still have the concept of spousal refusal. So in the main they are Medicaid patients in your other facilities?

**MR. ROZENBERG:**

I would say, for the most part, most of the facilities, not just mine but in New York State, are 80% Medicaid, 15 to 18% Medicare, and two to 3% private and HMO's.

**LEG. BARRAGA:**

So at Foley, for example, they're predominantly Medicaid patients.

**MR. ROZENBERG:**

Yes, sir.

**LEG. BARRAGA:**

So the idea of transferring a patient out for another patient coming in, you're just swapping Medicaid for Medicaid, that's why it doesn't really make a lot of sense. You might as well keep the same patients there or the same residents there, because in essence they're all Medicaid.

**MR. ROZENBERG:**

From a business point of view you're asking? Yes, that's correct.

**LEG. BARRAGA:**

Okay. Because I think there is a concern, you know, on the part of some about somehow the residents would be transferred out for whatever reason. In my experience, in my former life I spent ten years with Pfizer Incorporated and spent three years as a special psychotropic rep, I spent day-in and day-out going into psychiatric institutions and nursing homes; maybe that explains how I vote.

*(\*Laughter\*)*

**LEG. KENNEDY:**

We're sitting next to each other, Tom.

**LEG. BARRAGA:**

I still have the twitch.

**MR. ROZENBERG:**

Can I say something, just to address that? I understand from all the Legislators that are asking about this transfer out of patients, you know, in a normal nursing home, which John J. Foley is no different than anyone else, you know, there's a tremendous amount of turnover naturally with the residents. They don't -- most patient are not there forever, so.

**LEG. BARRAGA:**

Well, I mean, I know as well as you that the average female is about four years and the male is about two-and-a-half years. I'm just concerned about getting a commitment from you that the residents that are there now basically would stay there once you close, unless an unusual circumstance develops, someone has a heart attack or a hemorrhage, they have to go to another facility, a hospital, but eventually if they can they will come back to John J. Foley.

**MR. ROZENBERG:**

You have my commitment.

**LEG. BARRAGA:**

Okay. Let's talk about the employees. Right now the County's looking at transitional types of payments, five different categories. And one of those areas has to do with the County picking up the difference between what 1199 would pay, what you would pay and what they're currently making right now for a period of one year. So for example, if I was working at Foley and I was making 40,000 and my job category, based on the union contract and the administration, your administration, calls for 35,000, the County would pick up that \$5,000 for the year. So that's a plus for the employees. My question is knowing that -- if we go down this route, knowing if that were to be implemented and taking into consideration an evaluation you do on employees every 60 or 90 days, would you consider keeping the existing employees because the County's picking up the transitional for one year? It's not costing you anything. All you -- well, your current -- the current salary situation would be based on what you would have to pay normally through the contract, but the County would pick up the difference, but the employees would know at least for a year that they would be on board.

**MR. ROZENBERG:**

Are you asking us that if we feel that the number of employees should be X, you want us to over staff just to keep them for that year?

**LEG. BARRAGA:**

Well, I wouldn't put it in that terminology. All I'm saying is that if you had the County picking up the supplemental, would you be willing to keep the existing employees for one year to give them some reassurance of at least a 12-month longevity?

**MR. ROZENBERG:**

I'm just -- no, I'm not a hundred percent sure on the question. If we need the employees and they're getting that anyway, so they're there and they're getting it --

**LEG. BARRAGA:**

No, no. Let's say you have 200 employees, okay? I want you to keep 200 employees because the County is going to pick up the differential. It's not costing you anything.

**MR. ROZENBERG:**

But I only need 180?

**LEG. BARRAGA:**

Yeah, so for the first 12 months you have an extra 20 on board, as part of the condition of purchasing John J. Foley.

**MR. ROZENBERG:**

I don't think I can commit to that. That's not a way to run a nursing home. You're over staffing, it's not good for patient care. It's just not good for patient care.

**LEG. BARRAGA:**

Then what you're telling me, there's probably a pretty good probability that you're going to reduce the staff.

**MR. ROZENBERG:**

I'm not saying that. I'm saying that I'm going to have -- whatever the facility needs -- I'm being honest with you and telling you that if the facility needs 200 or 220 or 270, then that's what we're going to give.

**LEG. BARRAGA:**

So what you're saying is that for 20 or 25 employees, you just can't see yourself clearly keeping those employees on for 12 months, because you would feel that you have to get rid of the 20 or 25.

**MR. ROZENBERG:**

First of all, there's transition, we have no idea who's there. So for a few months certainly they're there because we don't know who's needed and what's the appropriate staff there. It could very well be that as we bring up the acuity we're going to need all of them anyway. But you're asking me to commit to something now --

**LEG. BARRAGA:**

I'm asking you to commit just for 12 months, just for 12 months, Mr. Rozenberg. You're a young fellow, you'll be around a long time.

*(\*Laughter\*)*

**MR. MARCHESE:**

We would have to negotiate that in the contract.

**LEG. BARRAGA:**

I mean, how -- you know, how many employees are you talking about in terms of --

**MR. MARCHESE:**

That option is not on the table.

**MR. ROZENBERG:**

This is the first that it's ever been brought up and there's been a lot that has been brought up over the last few months. This is one thing --

**LEG. BARRAGA:**

Yeah, but this is the first time you've appeared before the Legislature.

**MR. ROZENBERG:**

And it's an honor.

*(\*Laughter\*)*

It is, absolutely.

**LEG. BARRAGA:**

I hope you feel the same way by the time you leave.

**MR. ROZENBERG:**

Well, I'm going to come back if you need me.

**LEG. BARRAGA:**

Because I think that's an extremely important issue. If you have 200 employees and you're going to take a look at possibly getting rid of 20 or 30 or 40, for a period of one year, if the County picks up the differential, you keep the 40 on board. At least those people, then, those employees know for the next 12 months they have a job at Foley.

**LEG. NOWICK:**

Tom, would you suffer an interruption? No, forget it.

**MR. ROZENBERG:**

I'm going to -- we're going to have to hit the negotiating table with the County and take your suggestions into account.

**LEG. BARRAGA:**

Yeah, because I think it's a very important issue from an employee perspective, gentlemen, okay?

**MR. ROZENBERG:**

One hundred percent, we feel -- we're sitting here at this table, you're talking about employees coming and going; don't misunderstand for one second. You're asking me a specific question about levels and all that, but our heart goes out to all the employees that may not end up staying at John J. Foley. That's number one, you know, that's a priority. We're just trying to turn this facility around.

**LEG. BARRAGA:**

It could be other reasons why people will leave. I mean, this is just one of five elements, this variance, and you have early retirement, if they're granted that. So I don't think we're really -- I'm really asking that much, because more than likely if you have 200, in the normal course of events it might slip to 190, 180, 170, but at least give them the guarantee that no matter who's there now they're going to be there for the next twelve months.

**MR. ROZENBERG:**

Okay. I'm going to renegotiate that out with the County.

**LEG. BARRAGA:**

Thank you.

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

Legislator Browning.

**LEG. BROWNING:**

Okay, I think a lot of the questions that were asked were asked already. However, what's the longest period of time that you've had residents in your nursing homes?

**MR. ROZENBERG:**

Thirty years.

**LEG. BROWNING:**

Okay, thank you. And, you know, I'm listening to Tom ask you some questions and I think there was a few questions asked of you and you kept looking over to Connie for the answers, and it doesn't make me real comfortable that, you know, she's kind of giving you your answers. So I think I would like to know that you're going back more. You said you went to the John J. Foley facility once, briefly.

**MR. ROZENBERG:**

Uh-huh

**LEG. BROWNING:**

I think you have to do more than one brief visit to be sure that this is a place that you want to purchase.

Also, there were some options in the RFP process and you chose to purchase the John J. Foley with 14 acres. Do you have intentions to build an assisted living facility by the John J. Foley with that extra acreage?

**MR. ROZENBERG:**

I don't think that there is --

**MR. MARCHESI:**

There is no acreage.

**MR. ROZENBERG:**

I think that the 14 acres includes a lot of parking and I don't think that there is room for any other construction there.

**LEG. BROWNING:**

Would you consider that at some point? I mean, is that something that you would be considering negotiating with the County?

**MR. ROZENBERG:**

If the County and the Legislature would like me to embark on that project, we would absolutely entertain it.

**LEG. BROWNING:**

Okay. And to get to the union contracts, you do represent -- 1199 is in all ten facilities that you have, or is there any of them that are non-union?

**MR. ROZENBERG:**

There's one that we're negotiating on.

**LEG. BROWNING:**

Okay. And, you know, I know that many of the John J. Foley employees, while there are benefits to health care and they have the pension, you know, the RN's and the LPN's I don't believe make as much as what they do in the private sector. So, you know, I'm curious, I would like to see what the difference is between what an 1199 employee is that you have versus at John J. Foley, what the overall cost is. Do you offer a pension plan to all of your employees and would you do that with John J. Foley?

**MR. ROZENBERG:**

We participate in the 1199 Benefit Fund. It's full comprehensive benefits; health, pension, welfare, job training, job security and a whole host of other funds that I don't even know what they do with it, but we pay into it.

**LEG. BROWNING:**

Okay. However, John J. Foley is currently AME and I believe that AME does have the ability to continue to represent them. So would you work out a pension with AME?

**MR. ROZENBERG:**

Again, we have to negotiate with AME in terms of their pension welfare expenses and, you know, I think that we haven't had an opportunity to do that yet with AME.

**LEG. BROWNING:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator Stern?

**LEG. STERN:**

Thank you. Most of my questions were asked and answered, but I do want to follow-up on something that Legislator Barraga had brought up and that is this idea of transfer. First of all, of course, you're absolutely right, there are Federal laws, there are New York State Laws and regulations that govern transfer and discharge. I also agree that the overwhelming majority of residents at any nursing home within our geographic area are Medicaid residents and so it is unlikely that a business model discharges Medicaid recipients in favor of private-pay recipients. It is rare that you have any family that can afford to pay private-pay rates for a long period of time, it's not something that any facility can count on.

But I am concerned with the idea of a transfer of any of the current residents at the Foley facility for any reason. Because I'm sure all of my colleagues would agree that those that reside at the Foley facility are those residents that are currently within our care, and we are concerned about all of them. And so as a part -- if you decide to go forward, if we decide to go forward, it would be

important for me and I'm sure my colleagues would want to know as well that if there is a suggestion of a transfer, particularly involuntary transfers that might be defined under New York State regulations, that we know about it. Because I hear what you're saying and your response to Legislator Barraga was, "Look, that's not our business model, basically trust us," but I'm sure we would all be more comfortable with a trust and verify method going forward.

And so I would personally like to see that if we decide to go forward that anybody who currently resides at the Foley facility, if they are going to be considered for discharge or transfer -- voluntary or involuntary, but certainly involuntary -- of course they already have the right to an administrative hearing, etcetera, etcetera, but I would be more comfortable if there would be someone who could be designated, as you go through the contract process, on the part of the County that would receive notice of that as well.

**MR. MARCHESE:**

We can do that.

**LEG. STERN:**

And I understand there might be HIPAA concerns, I understand that there are confidentiality concerns, but if those concerns are assumed or waived on the part of the resident or family members, that I would like to see that as a part of any agreement going forward.

**MR. ROZENBERG:**

You know, John J. Foley has not -- has had their share, if I may, of difficult times with the Health Department over the last few years, quite difficult. One of those patients was one that set himself on fire, so am I to understand that if we were to send that person to the hospital and not take him back because he might burn the building down, is that something that you would -- is that what you're talking about? Because that would be an involuntary transfer and we'd be afraid to have to -- you know, then we would have to wait and ask permission not just from the Health Department but from the County as well to transfer these kind of residents that are a danger to themselves and to others.

**LEG. STERN:**

I'm not suggesting that the County have any more or less say in giving approval for that type of transfer, simply that we are entitled to notice of that type of a proceeding.

**MR. ROZENBERG:**

I guess we can discuss that with the County in the negotiation process as well.

**LEG. STERN:**

Thank you.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Thank you, Mr. Chair. Most of my questions have been answered. Thank you for coming before us today. But that's a segue, Legislator Stern's question was a segue to the question that I had which is, I guess, a broader look at the residents. Because you have made a commitment regarding the current residents, but many of the people who have come to speak with us, many of the employees who have come to speak before the Legislature, have indicated to us that it's not so much a commitment that the particular residents who are there now remain at Suffolk, but that the class of residents remain there.

It has -- there has been testimony that there are people who are residents at Foley who would not be permitted at most other nursing homes, nursing facilities, and that there -- this is their last opportunity or their only opportunity to be in a nursing facility, John J. Foley. So what I'm asking is

not the particular residents, but is there a class of residents who are there now? I know that you referred to people who might be violent to themselves or others, but we have heard stories from the staff at Foley that they do have difficult residents and that they find a way, with behavior modification and other means, to deal with these difficult patients.

So how broad is your definition of violent or violent to themselves or others? Is there a class of patient that you would not permit? Because then we would be concerned as to where and what recourse those people would have.

**MR. ROZENBERG:**

I wish -- I'm sensitive to what you're saying, because my answer to you before was, you know, I guess ambiguous because I don't really have specific information. I wish you would be able to share with me specific kinds of patients, class that you felt are under -- are not served appropriately in the County other than at John J. Foley, then at least I could answer a little bit better. But certainly, again, if the patient is able to stay in the facility and we're able to treat, take care of them, then we will. I don't know what other kind of commitment you would like me to make.

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

What I will do, Mr. Rozenberg, since you've asked, is I will go to the professionals at John J. Foley and ask them to give me clearer descriptions of the class of patients that they believe would have no other alternative and then I'll bring that to you through the Health Department, you know, I'll present that to people who are representing the County and they will discuss that with you or I will ask you directly.

**MR. ROZENBERG:**

Maybe I'll suggest -- I haven't discussed this with anybody, but maybe myself and Jeff and my team that handles these kinds of things could walk around the facility this time with representatives who are concerned about this and point out, you know, "These are the kinds of residents that no one else wants, do you have a problem with them," and we could -- you know, we would love to see that.

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

That's a very good idea. I would love to see you do that, so that we can feel that the people of Suffolk County will continue to be served the way they have been served at John J. Foley.

**MR. ROZENBERG:**

I think that the concerns are -- I understand your concerns, I think at the end you'll find that they're not really -- they're non-concerns because we're human beings, like everybody else, and we understand that these residents need to be taken care of. I don't want to commit to something that, you know, is a danger for us, it's a problem with the Health Department. But if we can walk around and just say, "These, these," and I say, "Yeah, we do this all the time, it's no big deal." So we'll set that up with the County.

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

What's concerning me about that is that these are residents who require very intense care and supervision. And that the County, because we're a not-for-profit or government agency, we're an arm of the government, that we absorb those costs, whereas a for-profit entity would not be willing to absorb those additional costs in staffing with difficult patients. And so there is clearly a fear that because of cost savings, those patients' needs won't be addressed. So I think we need to look at this very carefully.

**MR. ROZENBERG:**

No problem.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Thank you for being here. I want to talk a little bit about your business model, sir. You have how many facilities now?

**MR. ROZENBERG:**

Ten.

**LEG. KENNEDY:**

Okay. And you've operated nursing homes for how long?

**MR. ROZENBERG:**

1996.

**LEG. KENNEDY:**

Okay. And your business model, when it comes to your facilities, there's certain economies of scale that any entity can acquire, whether it's government, business or what have you. You do bulk purchase, do you do bulk procurement; how about your dietary, how about your human resources, how about your payroll, how about all those functions?

**MR. ROZENBERG:**

Yes.

**LEG. KENNEDY:**

Okay. So what would we expect with John J. Foley, then, were you to succeed in acquiring; would you include that as an eleventh in your concentrated support services?

**MR. ROZENBERG:**

Yes.

**LEG. KENNEDY:**

Okay.

**MR. ROZENBERG:**

For support services, yes. We manage the home individually from a care and regulatory perspective, we have a team here; but in terms of the finance, office, purchasing, payroll, that's done central.

**LEG. KENNEDY:**

Okay. So it's reasonable to expect, we wouldn't see any of those functions, they're located in John J now. If they're going on there now, it's reasonable to expect, upon closing, those functions at the facility are going to cease.

**MR. ROZENBERG:**

Yes.

**LEG. KENNEDY:**

Okay. How about when it comes to your dietary types of things, laundry, some of the other types; do you centralize them also?

**MR. ROZENBERG:**

No. We centralize -- in other words, if John J. Foley, in particular they have a need for -- they like, you know, cajun chicken cutlets but in the Bronx they don't, so we'll order chicken cutlets from our central office but it's all -- there is no commissary, we don't have any of that, and the laundry service is local.

**LEG. KENNEDY:**

So but you contract with some type of an agency. You don't have employees of your facilities that are actually performing a laundry function on-site, do you?

**MR. ROZENBERG:**

Sometimes yes, sometimes not, it depends; it depends on what we inherit, it depends on the situation.

**LEG. KENNEDY:**

It depends on your business model, okay.

Let's talk a little bit about the facility itself. In the ten years that you've -- I'm sorry, 15 years, I guess, that you've been in the business of operating nursing home facilities, have you ever built a nursing home facility from scratch or have you acquired existing facilities?

**MR. ROZENBERG:**

I've only acquired existing facilities. We're in the middle of building a facility now in Brooklyn, rebuilding a facility that's old.

**LEG. KENNEDY:**

Okay, taking an existing facility and rehabbing it. Were you to be considering building a facility such as John J. Foley, what would you as a businessman expect that that would cost?

**MR. ROZENBERG:**

I don't know. I'm thinking the Health Department has certain parameters of what it costs to build a facility, it's per bed, so it's probably in the area of about 300,000, \$350,000 per bed, about \$60 million.

**LEG. KENNEDY:**

About 60 million? Okay. So the price, generally at this point, is 36 million for a going existing facility, plus or minus adjustments. I've read the contract, I see that there's credits to you, some credits to us, it seems more credits to you, as matter of fact, particularly for some of the collections and the other functions that are going on. So all things being equal, from a businessman's perspective, it's not a bad deal. You get a building that's basically only ten years old, 12 years old, from a useful life for a facility it's reasonable to expect another 20, 30 years; from your business model, this makes some sense?

**MR. ROZENBERG:**

I hope it turns out to be a good deal. Before we -- we never know until we're in there if our projections and our expectations, you know, we're on target. I hope so. But I'll say this, that this has definitely been one of the more expensive deals that we've ever done.

**LEG. KENNEDY:**

Again, you can appreciate that you're meeting, I guess, a different perspective and a different responsibility. You as a businessman who's in the business of providing care to people, I appreciate it. But as you said, when you get up in the morning you view your board of directors in the mirror. You are, I would assume -- I see that it's Foley LLC, Land Corps and Foley Operating LLC, that's how you've elected to conduct business for this. Your overall business entity is a corporation, an {ESCorps}, something like that?

**MR. ROZENBERG:**

They're all LLC's.

**LEG. KENNEDY:**

So you operate eleven separate LLC's.

**MR. ROZENBERG:**

Yes.

**LEG. KENNEDY:**

Okay. Let me go back to, if I can, some of your comments earlier on, because I found them particularly intriguing. When you spoke about your experience with the revenue -- I'm not using the term properly. You talked about patients that may be throwing a two or a three rate that could actually go as high as a seven or an eight rate for reimbursement? You know, my first perspective would be we probably should have just tried to engage you as a consultant to operate our facility. I mean, it's no surprise if you've read the papers or you've spoken to any of the people on either side of you, you know I'm no fan of this sale. But nevertheless, I respect you as a successful businessman and also somebody who appears to have provided care but also become extremely knowledgeable in the rate of municipal reimbursement returns. How does that go, how does that occur when you talk about an eight or a ten on a particular patient?

**MR. ROZENBERG:**

I guess it gets into -- if you want, I'll discuss the minutia of assessing a resident, just in a minute or two, if you permit me, just so that I can clarify it.

**LEG. KENNEDY:**

Sure.

**MR. ROZENBERG:**

If a patient comes in with -- let's just say that person had a pneumonia and they can't really walk for a few weeks and then they have a little skin break down from the hospital and they need IV antibiotics; every patient needs to have a 55-page form filled out on them every three months. Now, the trick is knowing how to fill that out within the parameters of the law. It doesn't just come, you know, in one sleeve, the information comes in. There's a tremendous amount of training and retraining and being on the cutting edge of what qualifies someone for rehab, how many minutes of rehab, does the IV in the hospital count, how many days did they have the IV; all these things go into assessing a patient. And unless you're a cracker jack -- I'm not the cracker Jack, but we hire people that are -- if you're not a cracker jack at it, you're going to lose. The Health Department has the money available to reimburse you for this expensive care, you just need to know how to ask for it.

**LEG. KENNEDY:**

All right. I suspected that you were very good at that, as a matter of fact, and that you provide good care. And like my colleague, I have heard from operators in my district that you actually have a very good reputation by and large. I know Legislator Eddington spoke about some articles and there may be incidents that do occur. As you pointed out, we ourselves have had incidents at John J. Foley where patients have had unfortunately untoward events.

I will say to you that I do believe that John J. Foley serves a patient population that is somewhat unique here in Suffolk County. I'm very familiar with the Dementia Unit or the Alzheimer's Unit, as you know, that is a particularly challenging population to care for. I spent ten years working for the Office of Mental Health, so like my colleague to the next of me, I have some ticks, too.

**P.O. LINDSAY:**

John, a question because I still have two more speakers and it's 12:30 now.

**LEG. KENNEDY:**

Okay, I just want to sum up. I appreciate you coming here. There will probably be some more dialogue that I may bring forward, but I appreciate you being here. Thank you.

**P.O. LINDSAY:**

Legislator Horsley.

**LEG. HORSLEY:**

Yes, hi. Good afternoon; it is afternoon now. Just a couple of quick ones. The first one I would have, the naming of the facility of Mr. Foley, would you be retaining that name?

**MR. ROZENBERG:**

Would you like us to?

*(\*Laughter From Audience\*)*

Because if you would, we would definitely entertain that. We wouldn't call it the John J. Nursing Facility, most likely we'll call it the Foley Center for Rehabilitation and Health Care, because that's how we brand all our facilities, but we'll start with the name Foley.

**P.O. LINDSAY:**

If I may, let me answer that. John J. Foley was a Legislator in this body for many, many years and fought for that facility. I, for one -- I don't know how I'm going to vote on this whole issue, but I, for one, would like to see that name retained.

**MR. ROZENBERG:**

Well, then we will commit to you then that should this go forward, we will name it the Foley Center for Rehabilitation and Health Care.

**LEG. HORSLEY:**

Okay, that sounds like a good thing. Secondly, your long-term business model, are you looking to grow the facility, are you looking to put more beds in, are you looking to expand the different operations that are in the facility? What are we going to be looking for in the future? What types of new clientele will you be looking for so we have an idea of what's going to be on? As you know, it abuts a lot of County operations and the like. What are your plans?

**MR. ROZENBERG:**

Okay. If you -- I'm sure that you have your finger on the pulse of the politics up in Albany. The Health Department is looking to take away beds from the nursing home system, 6,000 beds, they've gotten a few of them already. So in terms of expansion, I don't see that in the cards; not just because I don't want it, just because I don't think it's going to happen.

In terms of the actual services that we provide, that's something that I mentioned in my opening remarks, that if there's something that the community needs, like let's say it's dialysis or to expand the AIDS program or to have some -- you know, do a special program for knee recovery or stroke recovery or anything like that; once we get there --

**LEG. HORSLEY:**

Head trauma, things like that.

**MR. ROZENBERG:**

TBI, even dementia might be something. I know you have a dementia unit, I know the Health Department recently added some reimbursement for dementia; we would look at that. It's hard for us to do that even on one or two tours. We need to live the facility in order to understand what the needs are. We need to reach out to the hospitals. I'm sure that the County will help us, introduce us to the right people, and we'll make those decisions then. But certainly whatever will help the facility we'll do, it's just common sense.

**LEG. HORSLEY:**

Okay. So that's all for future determination if this moves forward.

**MR. ROZENBERG:**

Right. We, just as a quick -- I know the time is late. A facility in Brooklyn, we decided that also we're building a dialysis center in Brooklyn. If I felt when we looked at the numbers that dialysis was a good opportunity in Suffolk -- I don't think it is, I don't think you have enough of a demand -- then we would do it here. But we'll find something else to do here, rest assured.

**LEG. HORSLEY:**

Thank you.

**P.O. LINDSAY:**

Legislator Gregory.

**LEG. GREGORY:**

No, he answered it.

**P.O. LINDSAY:**

He answered, okay. Gentlemen, I thank you for coming out and for your presentation and answering the extensive amount of questions that were placed before you today. I just appreciate you coming and in a public setting making all those answers available to everybody who has an interest.

**MR. ROZENBERG:**

I thank you very much for your time, Presiding Officer and the rest of the Legislature. If you would like me to come back again, I'd be happy to do that, just give me enough notice and we'll be here again. Thank you.

**P.O. LINDSAY:**

Thank you very much. With that, I'll entertain a motion to recess until 2:30 --

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

-- by Legislator Losquadro, second by Legislator Romaine. All in favor? Opposed? Abstentions? We stand recessed.

*(\*The meeting was recessed at 12:38 PM\*)*

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

**Public Hearings:**

**P.O. LINDSAY:**

Okay. Could I call our afternoon session to order. Mr. Clerk, would you call the roll please.

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. LOSQUADRO:**

Present.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Present.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Yes, here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

Yep.

**LEG. D'AMARO:**

(Not present).

**LEG. COOPER:**

(Absent).

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

Here.

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

Fifteen (Not Present: Legislators Kennedy & D'Amaro - Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. We're ready to proceed with the public hearings for today. First up is the 2010/2011 Suffolk County Community College budget. I have no cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, I'll make a motion to close. Do I have a second?

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fifteen (Not Present: Legislators Kennedy & D'Amaro - Absent: Legislator Cooper).

**P.O. LINDSAY:**

***IR 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, I will make a motion to recess.

**LEG. BROWNING:**

Second.

**LEG. STERN:**

Mr. Presiding Officer, I'll second the motion to recess on request of the sponsor.

**P.O. LINDSAY:**

Thank you very much. We have a motion and a second to recess. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen (Not Present: Legislators Kennedy & D'Amaro - Absent: Legislator Cooper).

**P.O. LINDSAY:**

***IR 1174, A Local Law amending Chapter 8 of the Suffolk County Code. (County Executive),*** and I have a couple of cards. First up is Richard Amper.

**MR. AMPER:**

My name is Richard Amper, I'm Executive Director --

**LEG. LOSQUADRO:**

I don't think the mike is on.

**MR. AMPER:**

Got it. That's maybe the first time that anybody has been unable to hear me.

***(\*Laughter\*)***

And it was particularly kind of you to actually tell me to turn the microphone on.

***(\*Laughter\*)***

I am Richard Amper and I'm the Executive Director of Long Island Pine Barrens Society. Despite repeated promises, the Levy administration has failed to amend Article 8 Chapter to limit the construction on farmland from which the County of Suffolk has purchased the development rights. We've been through this with you before. Section 8.10, Structures and Law Coverage, provides maximum lot coverage of ten to 15% depending on parcel size. I have no problem with that. It then grants an exception to permit lot coverage without limitation by waiver of the farmland committee itself. This would permit the owner of farmland from which the development rights have been purchased to develop the land anyway merely by claiming that such development constitutes agriculture.

While New York is indeed a right to farm state, it is not a right to develop on land from which the development rights have been stripped state. It is neither sensible nor legal for Suffolk County to give taxpayer money to owners of farmland in order to prevent its development only to permit development as though the development rights have never been purchased in the first place. We

understand that regulatory statutes require an appeal process, which allow waivers of statutory restriction, but surely the granting of exemption from the lot coverage restriction cannot be placed in the hands of the industry which both benefits from the purchase of the development rights and from the right to develop the property nonetheless. That would be sort of like BP Oil writing the regulations concerning offshore drilling. And how's that working out for us?

We suggest two things and we think those two things will not be any strenuous objection from the Farm Bureau or the larger industry. First, that the granting of waivers expected to occur very rarely anyway be the responsibility of this Legislature and not the farmland committee.

Second, we believe that the criteria for the granting of such a waiver be strictly limited in such cases where the landowner would otherwise have no beneficial use of his property in the absence of such a waiver. And, the granting of additional lot coverage must be the only remedy to the alleged hardship. If we can -- I have finally agreed that 15% is all right with the industry and they don't contemplate any greater need for that and the other stakeholders have agreed to this, why should we be able to get the Legislature to do this for us? We have not been able to get the administration to do this and we have been here on five separate occasions making it, I think, a common sensible request.

And moreover, I've never heard any Legislators suggest that it's all right for a landowner to sell the rights to develop his farmland to Suffolk County and then proceed to strip the land of its topsoil and construct wall to wall permanent concrete and glass greenhouses for the for the purpose of engaging in industrial agriculture.

So, it falls to this Legislature to close the loophole by amending Section 8.10 of the proposed Chapter 8. I am tired of repeatedly making this request without a fact and so I must state my organization's commitment to challenging Suffolk County's Farmland Purchase of Development Rights Program in court under statutes prohibiting the gifting of public wealth to private persons without public benefit and other tax fraud prohibitions. Anyone knows our organization knows that we do not make promises that we fail to keep. This action will be commenced on September 1st, 2010 without my returning to this body should the Legislature fail to effectively control development on PDR farmland before that date.

We believe this testimony constitutes exhaustion of our administrative remedies in this endlessly delayed matter. I have, in fact, every confidence that the Legislature will finally resolve this problem before the public abandons its faith and enthusiasm for the importance of the program both to farmers and to the larger Suffolk County community. I have every confidence that you can fix this for us.

**P.O. LINDSAY:**

Mr. Amper, Legislator Viloría-Fisher has a question and then Legislator Romaine.

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

Thank you for coming down today. I have -- I just need to turn the clock off so it doesn't start beeping. You began your statement with the comment that there hasn't been any work done. And my understanding --

**MR. AMPER:**

There's been extensive work done. It just hasn't remedied this problem.

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

Okay. But it has remedied other issues that you had brought up at a previous hearing; unless I'm mistaken. I just -- let me just ask the question.

**MR. AMPER:**

Sure.

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

Okay. When we had our hearings when this legislation was initially introduced, one of the problems that you -- underscored and we agreed was that although the -- there was an agreement that the acreage covered by greenhouses should be restricted, that that was kind of advisory it wasn't written into the Code. And I thought that was a major objection. And it is my understanding that there has been agreement on -- as far as putting that into the Code itself. Is that correct?

**MR. AMPER:**

Yes, section 8.10 provides that 10% coverage is permitted on land of -- a parcel of more than 50 acres, 12.5% on 25 to 50 acres and even on the smallest parcel, zero to 25, 15%.

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

Okay. So there's been agreement on some of the issues. What you're saying is that you haven't reached agreement on all of the issues.

**MR. AMPER:**

Well, it's just that the very next paragraph says that a waiver that would permit coverage without limitation may be granted by the farmland committee. So I'm not sure what the meaning or the function is of saying it's restricted to ten to 15% if the committee that is always saying and making these judgments can make it a 100%. I mean --

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

And it doesn't come to the Legislature at all?

**MR. AMPER:**

No, and we think it should. We don't think it's going to happen very often. And, by the way, the industry does say that this is a rare occurrence. It really scared the heck out of us when we saw these permanent buildings going up and farmland being turned into what looked like industrial sites. But it doesn't happen very often. And Joe Gergela has assured me that it probably won't; that this will provide enough coverage for legitimate farmers that are engaged in legitimate agricultural activity to continue to do that without harm to the industry.

So, I guess that's my point, if all of the stakeholders seem to have found a meeting of minds, can we just get it encoded in statute.

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

Okay, thank you.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes. Fortunately, Legislator Viloría-Fisher asked many of the questions, but let me just go over this again. Right now there is a percentage of lot coverage that would be allowed for greenhouses. Is that something that the Pine Barrens Society is okay with?

**MR. AMPER:**

We are.

**LEG. ROMAINE:**

Okay.

**MR. AMPER:**

And I'll explain why.

**LEG. ROMAINE:**

No, no, no, I understand why. I understand why.

**MR. AMPER:**

It's we don't want the public to think that they have protected themselves and spent their good money to control development on property only to come back the next summer and find that all of what they thought was saved is gone.

**LEG. ROMAINE:**

Let me ask you this; you've had some discussions, I would say probably extensive discussions regarding this law with Joe Gergela who is the Executive Director of the Long Island Farm Bureau. Is that correct?

**MR. AMPER:**

We have.

**LEG. ROMAINE:**

He has no problem with this law.

**MR. AMPER:**

I'm not going to speak for him. He has told me he has no problem with the law.

**LEG. ROMAINE:**

Okay, that's what you've heard. He's not here because he's in Washington today, otherwise he would be here.

**MR. AMPER:**

But I talked to him yesterday and he said he would take this matter up one more time with --

**LEG. ROMAINE:**

Right, right.

**MR. AMPER:**

But that these were the numbers that we had agreed to the last time we were here.

**LEG. ROMAINE:**

And he did agree with this. And he -- let me ask you this, did you ask him if he had requested this exemption be put in so that the farmland committee would have the authority to override these percentages?

**MR. AMPER:**

I did. And his response was this was not a request that was made by the farm industry, it was made by the Governor.

**LEG. ROMAINE:**

Okay. So you didn't request this change, this exception. The Farm Bureau didn't request this exemption. This was something written by Mr. Isles, Carrie Meek-Gallagher. Are these the people involved in the drafting of this legislation?

**MR. AMPER:**

I cannot answer the question. I don't know who put it in there. The Farm Bureau says that they did not. And I have been told that where government puts restrictions on land use, there must be legally must be a waiver provision so that exceptional cases can be addressed. If that is so, we ought to define them as we do, for example, in the Pine Barrens Act where it's very explicit the conditions that have to be met and if we don't like the finding we can go back and say, but they didn't meet the requirements.

And secondly, it ought not be the industry that makes the determination, I shouldn't think.

**LEG. ROMAINE:**

So, you don't have a problem with an exception clause, but you want two things. You want standards for that exception and you feel that that power should not be vested in the farmland committee, you feel that power should be vested in elected officials; namely the County Legislature.

**MR. AMPER:**

An expression of unusual confidence in public officials, which I rarely --

*(\*Laughter\*)*

**LEG. ROMAINE:**

Don't be so sure you won't live to regret that.

*(\*Laughter\*)*

But thank you and obviously that's something that I'm going to take under consideration because on the face of it I think this legislation is generally very good legislation. I'm concerned about the objection you raised. I think there's answers to the objection because your request is, in my view, somewhat reasonable in the sense that you don't -- you don't have a problem with exceptions as long as there's some standard for that and as long as the Legislature is involved in granting that.

**MR. AMPER:**

And we didn't come in here just to say no. We brought the conditions that we thought would fix it and I think it should be fairly easy for the Legislature just to amend this before it's adopted. That's all.

**LEG. ROMAINE:**

Thank you very much.

**P.O. LINDSAY:**

Thank you. Mr. Amper, wait a minute. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I'm curious, Mr. Amper, in terms of preexisting, let's say we're looking at a farm and it's already 30% covered with greenhouses but the community would very much like to see it remain in agriculture and not turn into a housing development. Are we not able then to move forward with preserving a piece like that?

And also, if you could also throw into that, does this law effect -- does it go into effect prospectively or also retrospectively? In other words, lands that we've already purchased the development rights, are they affected by that provision? And some of them may already be above those 10 or 15% limits.

**MR. AMPER:**

I'm going to ask for a repetition of the first half of the question in a minute. The second one is, we don't know the answer as to whether this can be retrospective and that is a matter that I'm sure the attorney for the Legislature and we can look at down the road. But we certainly have to, at the very least, close the door before --

**LEG. SCHNEIDERMAN:**

Okay. The first question had to do with new farmland that may already be above those percentages.

**LEG. ROMAINE:**

In private ownership.

**LEG. SCHNEIDERMAN:**

Maybe there's a greenhouse for ornamental plants, somebody who, you know, specializes in subtropical types of species. It might be a very good land to preserve and preserve the agriculture, but they're over those limits. Does that -- are they no longer -- can we no longer move forward with a property like that because they're over that 10% or 15% limit?

**MR. AMPER:**

Again, I think that you should consult with Counsel on that. I would argue that the committee could still recommend to the Legislature based on the priorities and values of the property something on which something had occurred prior to the enactment of this piece. But it might well be the case of the Legislature might say if there has been excessive development on the land, it should not qualify for the purchase of development rights because it doesn't bring the public the benefits that they expect.

**LEG. SCHNEIDERMAN:**

I know for some of the towns that have put limits on house size, they often have -- you start from a certain point and you can no -- expand it no more than 25% or 50% of what you had. That might be a good way of looking at something. That's not what this law does. It puts strict limits. But, you know, maybe adding language like that might make sense if it is something that's preexisting have a limit 10% expansion or something like that.

**MR. AMPER:**

The farmers who are really a credit to the industry are concerned themselves about this, I should point out. And that is, they know that the purchase of their development rights will only be approved and will continue to be blessed by the population, if there is not abuses. They bring to my attention not in these public bodies but in other places the notion that if we preserved, for example, a piece of farmland that is used for grape growing and winery's and there is a tasting room followed by a catering hall, followed by accessory cottages on the property, is that consistent with the intention of this Legislature or the public that put the money up to do that? And I think that's what we're really concerned about.

**LEG. SCHNEIDERMAN:**

Right. So the only objection you're voicing at this point is that the waiver process only going to the committee rather than going to the Legislature. Is that correct?

**MR. AMPER:**

The protections included in the size of the parcel and the percentage of land that can be covered are not effective at all if they can be abrogated by the committee, by the farmland committee, without limitation. There's no reason to write the limitations in if the same committee that didn't want any restriction some time ago is able to relieve -- lift that restriction without limitation and without consultation of this Legislature.

**LEG. SCHNEIDERMAN:**

Understood.

**MR. AMPER:**

Thank you very much.

**P.O. LINDSAY:**

Thank you, Mr. Amper. Tom Isles.

**DIRECTOR ISLES:**

Good afternoon. My name is Tom Isles, I'm the Director of Planning for Suffolk County. I thank you for the time today.

We are making -- we are handing out two documents for your review to aid in this presentation today. One is a green sheet that summarizes the process we used that began in January 2008 and the second is a summary of the changes we made, which reflect 118 changes during this process. We've already begun the hearing with the comments regarding the variance procedure. But what I'd like to begin with is just an overview.

This began when it became apparent that there were a number of problems with our Code. This County enacted this program 30 years ago. Interestingly, I was an unpaid intern in the County Planning Department, this was the first project I worked on. We had zero acres of preserved farmland in Suffolk County. You should be very proud of the fact that you've now preserved over 9,800 acres of farmland in Suffolk County and you did that based on your original legislation of the Legislature in place at that time plus current legislation for the purpose of preserving viable farmland for commercial agricultural production. This is authorized under General Municipal Law that preserving farmland is a viable purpose not only for economic purposes, for the historical aspects of Suffolk County, but also for tourism and so forth.

So the purpose of your acquisition of development rights was to preserve farming, to preserve agriculture in Suffolk County and indeed you have been very successful in that effort in my opinion. So when we talk about the County's Purchase of Development Rights Program; what the purchase means is that the right to build houses or non-agricultural facilities and structures has been terminated. That the citizens of Suffolk County now own that right. What remains then is the right to use it for farming only.

So the issues that we began facing a couple of years ago and I think were referenced by Mr. Amper in terms of some -- a particular greenhouse application we had, then caused us to look more closely at the Code. And we saw that the Code had a number of deficiencies with it. For example, the process for buying development rights referred to a process that was since changed by the Legislature under the ETRB process so was outdated.

It also had a lack of definitions of things that current agriculture includes so the farmland committee would have to interpret. We didn't think that was a good way. We think the Legislature should define agriculture.

And then lastly, there is nothing -- there is nothing in the current Code about enforcement so we hear the term about stripping topsoil and so forth, there's nothing there that talks about that. The new Code then sought to address all of those issues.

We began the process with a lot of internal work with both the Department of Environment and Energy, with Commissioner Gallagher, the Planning Department and the Department of Law and then we reached out extensively to the three East End towns that have the most farmland. We contacted as well as the other farmland towns in Suffolk County. We met with their agricultural or preservation committees. We met with Peconic Land Trust and Farm Bureau and the Farmland Committee and so forth. We then began a process that resulted in 69 changes to the draft; over about a year and-a-half process that culminated in the presentation to you on March 2nd of this year. And we did hear you that day, we did hear the public comments that I think most people felt that this was a good thing to do, but you know what, we hadn't quite nailed it.

From that point we went back and opened up our -- we went back to do our homework again and I'm happy to report to you today, and here again just briefly, we've made major changes to this to the tune of an additional 49 changes to the draft that's before you today including beginning with lot coverage, we've commenced the discussion on that. But with the issue of lot coverage, as indicated, right now the farmland committee can approve whatever town zoning allows. They could approve a

100% if the town allowed it; there's no constraint. They haven't done that. I think they've shown restraint. The one application that started all of this, the committee -- ultimately it was withdrawn and a substitute application came in. Here again, it caused a -- rightfully it caused a review of the regulations and right now there's basically just simply the discretion of the farmland committee. Here again, I don't think there's evidence that they've abused that discretion, but I think it did point to a need for some stronger oversight by this body.

So first off, going from a 100% potential lot coverage down to ten to 15% as we described. And an important point is that this is not limited to permanent greenhouses. We felt if we're going to be limiting and regulating development on County PDR, purchase of development rights land, it has to include all other permanent structures; barns, tool equipment sheds and so forth. Because if they're impacting the soil and so forth they impact it regardless of whether it's a greenhouse or not. So this applies to all buildings that are built on County PDR.

We've heard today about the issue of the variance procedure and it's an important, very important issue. Just so you know in terms of making an informed decision on this, for the first time this sets up a public hearing process that is required. So if someone comes in for relief, let's say they have a -- they're limited to 10%, they need to go to something above that, they would have to come in for a public hearing to the farmland committee, there would have to be a notification to all property owners within 500 feet of the overall farm parcel. There would have to be direct notification to the municipality, to the Suffolk County Legislature and also published publication of that notice. There are criteria in the Code. There are standards that are enumerated for the committee to consider.

So the process has been put in with a high bar to it. There's a point made today that perhaps the Legislature should do that and that's for you to decide. I will make the point to you having spent 32 years of my life in zoning issues, in every zoning code in New York State has a relief mechanism through a board of appeals. In that instance it's an appointed body, it's usually not the town board, the elected body doing it, here again, it's your judgment. But the board often sets those standards. And, here again, we've done that in this case.

So I think one point with that is, the example that I was thinking of recently and, I think, perhaps in reference to Legislator Schneiderman's question, this law would apply to all farms in the County's program. Anything that they have presently could continue to exist. So let's say we have a farm that has a 12% building coverage presently; there's a lot of effort now on food safety, a lot of new laws coming in at federal level. What if they had a situation where they had to put in a washroom for their produce of let's say 20 by 20 square feet. If we had no variance procedure, what are they supposed to do in that case? So we're trying to help the business in terms of having viable farming not just fallow farm fields. So that's an accommodation where I think that might be a variance worthy case. Here again, with all the notice notification to you and other interested parties and so forth.

So that's, here again, something that we think is important. Obviously we do think that the method would be adequate. We don't feel the farmland committee is reckless in anything that I've seen. And in fact, the law before you would actually diversify the farmland committee even further by a number of matters including reference to having a greater participation from the town appointees of persons with environmental natural resource as well as agricultural backgrounds.

Just quickly running through a couple of the other changes. We talked about the annual review last time. The intent of that was to try to better plan the program. What we have done with that is eliminated the term "extenuating circumstances". What this relates to is that what we're suggesting to you is that rather than kind of a haphazard or random process whereby anyone could apply at any time to the farmland committee; we think the farmland committee and indeed the County should move to a structure that allows a better overall planning of the program. The comment was made last time that it may be too strict. That if someone is in a circumstance where they're not fitting into that schedule, it may harm the program by making it difficult to apply to get into the program. And that was a valid point.

So we have done with the changes before you is to, here again, eliminate the term "extenuating circumstances". We've broadened out the criteria for exception. Previously, the legislation said that upon petition or request by a municipality or by a land conservation organization such as Peconic Land Trust or the South Forth Land Trust or for example, they could come before the farmland committee with the farm. We've added to that the Suffolk County Legislature, which is, of course, logical. So we've opened that up. We've tied it to planning efforts within the community at the County level.

And then lastly we, no second to last, we -- original language had it tied to funding so the farmland committee could make the determination of whether to consider it based upon the availability of funding. We did take that out of there. That's a Legislative or the County Exec decision. So that's no longer in there.

Lastly, we have also included the review of pending sites that the committee would look at the whole ball of wax.

And just quickly to wrap up because I know you've got a big agenda today; we have put in language about preexisting properties, that I explained previously, that anything that lawfully exists at time of enactment can stay. If a farmer comes in subsequently and says I want to put up a greenhouse, well, they'd have to comply with new requirements at that point. But anything they have could stay.

The rest of the code changes since the March 2nd public hearing deal with such things as we had suggestions from various towns and so forth on some housekeeping things such as meeting requirements, farm requirements, other public comments we received in terms of allowing ordinary maintenance of structures. Of course we want to make that clear that somebody has to replace a window or paint a barn, of course they can do that. And then we did some clarification of the application administration.

So in summary, since our last hearing 118 changes in total have been made from the first draft, 49 from the last draft. We do feel that the changes are needed and I think we do hear that today that there's general support for that. I think -- there are numerous deficiencies in the current code that need to be addressed. I think the approach that we've taken has been comprehensive. I think there's been a consensus building effort. I understand it's not perfect in terms of probably every person who has an input into this thing. But I think we've tried to mold this into something that makes the most sense overall.

And, I guess, lastly we thank you for your time. It's been a hard process. We think in the larger consideration of the County's program this is important. Since we began this process in January of 2008 we had a total of, I think, 14 or 15 applications for structures come before the farmland committee. Eleven were buildings of some type barns or so forth and we've had zero permanent greenhouses and we've had four temporary greenhouses, the plastic hoop houses. We have had a number enforcement issues ongoing. So we do feel it's important one way or another, up or down, to act on this that we'd like to get it enacted so we can then actually use it as a tool within the program. I respect the comment made today, but I just wanted to give you the breadth of the background that's gone into this and the purpose for the additional changes and the recommendations before you. I thank you.

**P.O. LINDSAY:**

Mr. Isles, Legislator Viloría-Fisher has a question.

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

Tom, thank you for the work and the time that you've spent on this. I know it's been really quite a big project and you have looked at all of the comments and that's why I asked Mr. Amper when he said that you haven't done anything; I know that you've been working on this and I've been seeing the changes. So I appreciate that.

**DIRECTOR ISLES:**

Thank you.

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

And I know the Legislature appreciates that.

But when it comes to the variances, would it be a heavy lift if the Farm Bureau were to make its recommendations the way we do with CEQ, for example, where we have the experts in CEQ who know SEQRA better than most of us here, around the horseshoe know SEQRA, make a recommendation and then it comes here and we yay or nay. Do you think that that would add, I mean, is there an objection to doing it that way because it would add too much time? Is there a problem with that?

**DIRECTOR ISLES:**

Speaking from my planning experience, number one, I think we'd have to evaluate it because I just heard about it yesterday. Number two, you know, generally speaking and I think the reason why state law is set up is that there's a board of appeals and not having town board hearing variances, is to have a certain separation of that.

And so I think offhand, I mean, I'm not going to say that I oppose it. I think it's certainly worthy consideration and so forth. My instinct is having some concern with bringing it into a public process -- not even a public process, a process that may be a more political process, quite honestly, and I'm not saying that in negative way, but I'm being candid in terms of having it considered on the merits. I certainly understand the point that well, what if this farmland committee really went out of control and is approving these gigantic structures and so forth, you know, I guess that's a possibility and that is a fear. As I think about the day-to-day administration of this, I think we all agree we're probably not going to see a lot of applications. Obviously one bad application could hurt all of us, I know that. But, here again, in the traditional process in terms of this separation and so forth, a board of appeals process typically is a pretty healthy way of doing that.

So, I would just be -- I certainly can't say that I would, you know, stand up here and tell you that Planning Department supports the legislative review of that. We certainly want to weigh that and give you our best advice on that. We're comfortable with this despite, here again, the concern. We do note that there's direct notification to the Legislature so you would be aware if things go astray. And, here again, we'll be happy to weigh it further if that's what you wish us to do.

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

Just another brief question because as you know I sit on Soil and Water and we have grants coming in for farmers to put mixing pads on their property. And when I've gone to look at them, they're a lot bigger than I had thought that they would be. Let's say someone has reached the number of acres or percentage of greenhouses on their property and then they get an application for a, you know, they get a grant for a mixing pad, then that would have to go for a variance?

**DIRECTOR ISLES:**

A mixing pad if it's just a concrete slab.

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

Slab. But then there's a shower involved in it, you know, it's a little bit bigger than just the pad.

**DIRECTOR ISLES:**

Okay. Any structure which includes a concrete pad is subject to review by the County farmland committee as a minimum. That's number one. Any building, which includes barns, permanent greenhouses and so forth would be, if this code is passed, subject to the percentage limitations. So in the question of the mixing pad if it was just simply the pad and nothing else then that would be subject to a permit requirement through the farmland committee. If it's a structure that starts to have an enclosure to it that then constitutes a building and it's subject to the percentage cap.

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

Thank you, Tom.

**DIRECTOR ISLES:**

You're welcome.

**P.O. LINDSAY:**

Tom, before you sit down. Do you -- oh, I'm sorry, Legislator Romaine and Schneiderman. I'm sorry.

**LEG. ROMAINE:**

Quick question. Actually two quick questions. One dealt with enforcement. Who currently will enforce this law if it's adopted and how will it be enforced? Is there staffing? Is there a budget? How is enforcement handled? Maybe you could address those questions.

**DIRECTOR ISLES:**

Certainly. The County Planning Department administers the Farmland Program. We do work with the Department of Environment and Energy. They certainly administer the acquisition process and the issue of complaints or possible violations of the County's Code. The procedure is that they are referred to County Planning Department and there's two staff members who are with me today and that will then prompt an investigation and a site inspection if that's warranted. And we coordinate that with other departments as well as with if we need to get expertise from the farm community through the farmland committee we'll do that.

**LEG. ROMAINE:**

And if someone is found in violation of these, what are the remedies? What are your powers? What is your authorization under this law?

**DIRECTOR ISLES:**

Well, that's a very good point because right now there is zero enforcement language in the current law. Under the proposed law there's an extensive section that deals strictly with enforcement and it talks about the series of steps that the County can take including beginning with the cease and desist order. Also talking about violations, temporary restraining orders and injunctions, restoration of the property, removal of violations if that's the case. Civil penalties. And I'll defer to the County Attorney on specifications of that, but that is an important component. So, here again, it's initiated at the Planning Department and then if there's a confirmation of a violation, there's notice. If there's not compliance and then it would move to the County Attorney's Office and we would request their assistance. We've in fact done this in several cases over the past couple of years. This would provide the basis for that.

**LEG. ROMAINE:**

The County Attorney would then providing -- let's say you sent some people out there, they said, "yeah, it's a violation, we spoke to the farmer." Whoever owned the property --

**DIRECTOR ISLES:**

Right.

**LEG. ROMAINE:**

-- blew you off. You did a cease and desist order, blah, blah, blah. You have the qualifications of people on staff to adjudicate whether a complaint is valid or not so that the County Attorney can proceed. You have those qualifications?

**DIRECTOR ISLES:**

We do have staff to conduct the leg work on this. We will, here again, work with the County Attorney's Office and certainly before we take action we do do research. And, here again, in combination with the two departments, the Department of Planning, sometimes supported by the

Department of Energy and Environment on Real Estate side of it if we need to research deeds and contracts and so forth. And then, here again, working through the County Attorney's Office.

**LEG. ROMAINE:**

Let me just go back to the second question dealt with the issue raised by Mr. Amper. You've had discussions about this issue with the Farm Bureau. Is that correct?

**DIRECTOR ISLES:**

That is correct. Mr. Gergela --

**LEG. ROMAINE:**

And with Mr. Amper, with other farmers, etcetera. Is the consensus of the 15% or less depending on the size of the lot something that's acceptable to all parties based on your discussions?

**DIRECTOR ISLES:**

My understanding it is.

**LEG. ROMAINE:**

Right, based on your discussions. Right. So that is there. I understand the need for any rule to have some type of exemption. But I think Mr. Amper was making the point right now it seems almost like a blanket one without any criteria under how that -- those exceptions should be considered. And I think his second point was should it be in the farmland committee or should it be something the Legislature should adjudicate? Did he bring these to your attention prior to today?

**DIRECTOR ISLES:**

I heard about them yesterday. And, here again, out of fairness to Mr. Amper, I have not been in direct communication with him on this.

**LEG. ROMAINE:**

Okay.

**DIRECTOR ISLES:**

And so I became aware of them yesterday.

The only point I wanted to make, sir, in terms of your comment just that there are standards that are in the proposed code. In terms of the --

**LEG. ROMAINE:**

What section are they in?

**DIRECTOR ISLES:**

Sure. In terms of the point of whether it should be the farmland committee or the Legislature, you know, I'll defer to the policymakers on that. The section is Section 8-10D.

**LEG. ROMAINE:**

Okay.

**DIRECTOR ISLES:**

Which is on page 17.

**LEG. ROMAINE:**

Okay.

**DIRECTOR ISLES:**

Just as a reference.

**LEG. ROMAINE:**

Thank you.

**DIRECTOR ISLES:**

You're welcome.

**LEG. ROMAINE:**

And he had -- I think he had made this complaint several times or at least raise his issue several times, but you say yesterday was the first time you found it verbalized in front of you?

**DIRECTOR ISLES:**

On the question -- we've been dealing with the issue of lot occupancy --

**LEG. ROMAINE:**

Yes, that's correct.

**DIRECTOR ISLES:**

-- since the last hearing.

**LEG. ROMAINE:**

Right.

**DIRECTOR ISLES:**

No question about that.

**LEG. ROMAINE:**

Uh huh.

**DIRECTOR ISLES:**

So there's been a lot of work on that and obviously it's proposed to be codified here today.

In terms of the issue of the variances being an objection, here again, I have not had personally conversations with Mr. Amper on this topic.

**LEG. ROMAINE:**

Okay.

**DIRECTOR ISLES:**

So I certainly can't represent I have. I did hear about it yesterday from someone else.

**LEG. ROMAINE:**

Okay.

**DIRECTOR ISLES:**

So that's what I know.

**LEG. ROMAINE:**

Okay. The only reason I raised that question is because the impression I got listening to his testimony in front of this body was that; one, the farmers agreed with this limit. And, two, he agreed with this limit and the blanket exception without limit he thought did not come from either himself or the farmers --

**DIRECTOR ISLES:**

Right.

**LEG. ROMAINE:**

-- but came from you and Carrie Meek-Gallagher who's our Commissioner of Energy Environment and --

**DIRECTOR ISLES:**

Right.

**LEG. ROMAINE:**

Right. So I mean --

**DIRECTOR ISLES:**

I'm not disputing that.

**LEG. ROMAINE:**

Okay.

**DIRECTOR ISLES:**

We certainly did when we got into the lot coverage question that was raised at the last hearing. We spent a lot of time examining how we felt as a department as the Executive Branch how that should go. We did feel in that examination, you know what, we're essentially creating a zoning code for this. And, here again, in our experience, you know, having some sort of relief valve, you know, projecting in all such circumstances of our 9,800 acres; there may be a time occasionally where some sort of relief is necessary, as you pointed out earlier.

**LEG. ROMAINE:**

Right, I don't disagree with that.

**DIRECTOR ISLES:**

Okay.

**LEG. ROMAINE:**

I think it's the fact that he felt that there wasn't enough standards in there and he felt it was in front of the wrong body.

**DIRECTOR ISLES:**

Okay.

**LEG. ROMAINE:**

All right.

**DIRECTOR ISLES:**

We respectfully disagree.

**LEG. ROMAINE:**

But thank you very much for your testimony.

**DIRECTOR ISLES:**

Sure. You're welcome.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Director Isles, first let me thank you for the work you did in conjunction with this. I know it took a long time.

**DIRECTOR ISLES:**

Thanks.

**LEG. SCHNEIDERMAN:**

I know you work with many groups. And I've met with you at least one occasion, or several, I think several occasions actually in conjunction with this. And I know that you've closed a lot of the loopholes that I was concerned about in terms of the conversion of farm fields into private lawns and things like that or at least attempted to make sure that this program comported with the intention of it, you know, there are taxpayer funds involved.

I want to get to the issue, though, of the prospective versus retrospective use in -- and it's certainly somebody who's selling their land or development rights to the County today would understand the rules that are in place, would make a financial decision saying, "okay, look, I could develop my property for houses or I could sell the development rights and farm and these are my options. I can make a kind of financial decision what makes sense knowing what uses I'll be allowed to do." The people who've sold in the past, sold under a different set of rules. And may have made a decision based on that set of rules and now suddenly it might -- they might have made a different decision. Would they -- did they know at the time they sold that the rules were subject to change? Maybe that will be my first question.

**DIRECTOR ISLES:**

I can't answer the question of whether a particular farmer or property owner --

**LEG. SCHNEIDERMAN:**

Was that kind of constructive notice that you are selling your development rights pursuant to the rules established by the Legislature in terms of what you can do or what you can't do on your farmland.

**DIRECTOR ISLES:**

Well, what I do believe is true is that the -- it's customary for the County to include a copy of Chapter 8 with the contract purchase of the development rights as well as other documents and so forth. So I think they would certainly be on notice that there's a local code adopted by Suffolk County on this; number one.

And number two, here again, I can't say whether they would understand that that's subject to change over time. Indeed, the Legislature has on occasion amended Chapter 8, for example, in the early 90's you permitted farmstands, they weren't expressly dealt with before that. So there was an amendment to do that. So it's hard for me to -- it's impossible for me to speculate whether somebody figured, well, this may change over time. We're certainly sensitive to that issue. The intent here is not to pull the rug out from people, to shock somebody who's trying to conduct a business in a viable way; the good farmers who have testified before.

But the way we're suggesting, and this is new language that came out of our discussion last time, is that the agricultural landowner or the lessee shall not be required to obtain a permit for an activity or structure that is existing and in compliance with the provisions of this Chapter, the contract of sale and the deeded development rights on the effective date of these amendments. Any modification to the preexisting conforming activity or structure shall be subject to permit requirements specified in this Chapter.

So we're making it very clear that anything that's there can stay, anything going forward be subject to compliance with the amendments in the Chapter. There has been a lot of discussion obviously is we've heard about the farm industry being a participant in these discussions so we've tried to get the word out that this is being contemplated, that's why we spent two-and-a-half years in part doing this effort.

But, getting to the point of your question, did they know it at the time, I can't directly answer that.

**LEG. SCHNEIDERMAN:**

And the decision was made to not grandfather those in terms of the old rules. Yes, grandfather them if they're over those percentage limitations they can -- they don't have to go and remove sections of greenhouses. But we're not going to have two sets of rules. Those who bought -- those who sold the development rights before our point.

Just a thought in terms of some of the concerns that were brought up by Mr. Amper, and I understand the feeling, you know, maybe this farm committee, you know, without limitations, maybe there is a way that could have been structured. Certainly in the example that you brought up if you're complying with a code, whether it's a food, you know, food safety type of code, it seems like you ought to be able to make those changes to comply with various boards. But maybe, you know, a percentage cap like a -- maybe that committee would be able to go to a 50% cap or put some limits or whatever that percentage is and beyond that you'd have to come to the Legislature if you went beyond a certain limit. It's a thought. Basically a two-tiered level of variance so the committee would have the ability to expand within maybe 25% and then if a larger expanse in -- because I frankly don't want to have to review everything that happens. You know, we have -- that's too much of an issue for this, you know, we're a busy Legislature. But maybe if somebody really wanted to do something substantial that would be seen as more egregious than, yes, we should be the body that made that decision.

**P.O. LINDSAY:**

Thank you, Mr. Isles.

**DIRECTOR ISLES:**

Thank you.

**P.O. LINDSAY:**

Appreciate it.

Our next is Robert Andrews. Robert Andrews, yes, sir. Robert Andrews, Junior.

**MR. ANDREWS SR:**

And Senior.

**P.O. LINDSAY:**

Okay, you go first, Senior. Senior should always go in front of Junior, anyway.

**MR. ANDREWS SR:**

Oh, okay. Okay, ladies and gentlemen. My name is Bob Andrews. I'm a farmer over in Wading River on the corner of Hulse Landing Road and Sound Avenue. And I'm here because of the proposed amendments. And I find most of them; especially permits and the public hearings, which should have been done before this.

The amendments needed to be tightened up especially since the taxpayer money is being used to purchase the rights. One amendment does bother me and more studies should go into which -- of it -- which is on farmstands it's 811, item two, page 18 of 22, which states that 40% of total footage of the greenhouse would be produce that was not grown on the premises. Well, you know what? You don't know how much stuff I could stack into 40% of the greenhouse. The old rule was 20% of what you sold. So 40% is not a good idea, 20% was fine. Okay.

Now, Mr. Romaine already went through this about how do they intend to enforce these laws. Well, I have a problem that's why I'm here because these amendments are very important to us. I purchased -- I didn't purchase I sold property to development rights this year, which was okay, it was the end of last year. I have across the street from me purchased the same time, signed the

same contract as I signed, but he could do anything he wants and I don't want to do anything. I read the thing over. I understood it, I wouldn't have did it if I didn't want to do it and I did do it. But anyway, I have a problem that's across the street from me and I'll go into it.

I wanted to get it settled internally, but it seems I will have to get an attorney to go there and go over each rule step by step and we'll have to present our case. I know this meeting is about passing your amendments and I just have maybe about five minutes and I'd like permission if I can go ahead and you will understand what I got to say, what it's about.

Some of the concerns that I have: for one thing we run a good place. We run a successful business. We give over \$400,000 into the economy of Riverhead. We send thousands of dollars of tax money, sales tax through the County, okay. So now here we have a nice place. We have somebody across the street that has bent almost every rule that you can think of on this plan. So where does that leave us? You want to kill a successful business? They said there was no impact on anybody. Well, believe me, there's impact on this. For one thing, there was a stand put up. It was supposed to be 500 square feet. It's bigger than 500 square feet. All the work on that stand and everything that they did in there was done on a Saturday and a Sunday and nights. And if that doesn't ring a bell in your head, let me tell you, let's see what does.

Then dumping. There was all kinds of dumping on the property. Landscaper was going off, whatever he did cleaned up somebody's yards, dumped concrete, whatever was dumped on the property, okay. Mr. Isles and his board we presented to him. He did go after him and they started to clean it up, but he worked about two days and that was the end of it. He figures he's going the get away with that too.

So, all I wanted to say is that there's any number of things that's happened here and somebody should go out and take a look at this situation. I'm not lying to you. If I had to take a lie detector test I'd take it because I'm not lying to you about this situation. So, that's it and I thank you very much. If you have any questions, tell me.

**P.O. LINDSAY:**

Yes, Mr. Andrews, Legislator Romaine has a question for you.

**LEG. ROMAINE:**

Yes, essentially your complaint is that the current regulations, forget the new amendments we want, but the current regulations are not being enforced equally. Is that correct?

**MR. ANDREWS SR:**

That's right. The new regulations are better.

**LEG. ROMAINE:**

Right, they're better.

**MR. ANDREWS SR:**

Right.

**LEG. ROMAINE:**

But the olds ones, even though these are better, even under the old ones they're not being enforced. Is that correct?

**MR. ANDREWS SR:**

That's correct.

**LEG. ROMAINE:**

I assume you're a constituent of -- that lives in my district. If you give me a call about that I would be happy to follow-up with you on that and check into it.

**MR. ANDREWS SR:**

Right.

**LEG. ROMAINE:**

That's what I'm there for.

**MR. ANDREWS SR:**

I just want to get it settled because I don't think it's right.

**LEG. ROMAINE:**

Right. I understand your sense of fairness.

One last question, you indicated that the new regulations require that 40% of the produce sold at a farmstand must come from the farm and you thought the old was rule of 20% was good enough.

**MR. ANDREWS SR:**

No. If everything should come from the farm --

**LEG. ROMAINE:**

Right.

**MR. ANDREWS SR:**

-- is supposed to be grown on the premises.

**LEG. ROMAINE:**

Right.

**MR. ANDREWS SR:**

But then they put in a new rule here that 40% can be bought off of premises.

**LEG. ROMAINE:**

Okay.

**MR. ANDREWS SR:**

Forty percent of the stand.

**LEG. ROMAINE:**

Oh.

**MR. ANDREWS SR:**

Not 40% of what you sell.

**LEG. ROMAINE:**

Oh, okay.

**MR. ANDREWS SR:**

Okay?

**LEG. ROMAINE:**

I got you.

**MR. ANDREWS SR:**

So what I'm saying is if you take 40% of your stand --

**LEG. ROMAINE:**

Right.

**MR. ANDREWS SR:**

-- you could stack that stand in there, you would have so much stuff you wouldn't believe what you could put in there. That's what I'm saying. I said 20% was better.

**LEG. ROMAINE:**

Right. That's another thing when we speak about enforcement where we would go over that and specifically address that issue as well.

**MR. ANDREWS SR:**

Right.

**LEG. ROMAINE:**

Thank you so much for appearing.

**MR. ANDREWS SR:**

Okay. I don't know if my son wants to talk, he's got the same thing. Okay. Thank you very much.

**P.O. LINDSAY:**

I'm obligated to call the son anyway. So, if you want to come and talk you filled out a card.

**MR. ANDREWS JR:**

I'm Robert J. Andrews, Jr.. I operate a farm in Wading River -- Andrew's and Son Farms. I'm here today to discuss the same situation my father was talking about.

We operate a retail farm stand, greenhouse operation and we also raise produce on the farm. There's 30 acres altogether. Like my father said, this past year we sold 18 acres of development rights. We were totally aware of what we were doing. We knew there was restrictions on retail and we knew exactly what it said and this is why we didn't sell the acreage {through} the County where we have our retail operations because we were aware of this. There was no secrets. Absolutely none. The County was great. They let us take out a section of what we wanted to sell to them and they were wonderful through the whole process. Okay.

So now, like my father said, we have a situation across the street where almost the more that we have concerns to people; the bigger it gets everyday. I can't understand it, I really cannot understand it. I wish somebody could tell me, but no one wants to tell me. I think people run away from me now. It's alarming. I would like to see -- because every time I say -- people tell me it's legal, I go back and I read the rules and I say, no, it's not legal. So, it's just very discrediting, that's all. We run a great operation. And we're more than welcome to a good operation across the street. Listen, it's there, but they have to follow the rules and it seems to me that the rules aren't being followed. And I don't think they have enough people doing the, you know, for the rules. I think that you go and make a complaint to the board and they go by inspections made six months ago; and they say it's okay. I think someone -- you should be able to get on premises almost right away. That's pretty much what I have to say.

And as for the -- I do have one more thing, the same section in here, 811D, number 2, about the 40% in the farmstand. Okay, like you said, but what happened, that's inside the 500 foot structure. What happens underneath the tents and the canopy's, that must be a free-for-all then. Right? We can put anything in there. I don't think the taxpayers want to support a retail operation to that magnitude. Okay. There is absolutely -- there's little to none agricultural anything happening on this property. There's a landscaper that's been operating out of there for two years and it seems he never goes. I say it, I say it, I say it and he remains.

I could go on and on, you guys. I probably used my time up, too.

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

**LEG. ROMAINE:**

First of all, it's good to see you again. I notice the County Executive, when they acquired the 18 acres, I saw all the deer fencing, he had his press conference there on your property. I'm familiar with your farm, I'm familiar with the area. I'm going to invite you, as I did your father, to stay in touch with me, and we'll proceed on this. Probably -- I have discussed this with Legislator Fisher. We will probably move to recess this Public Hearing today to take a look at that and see if there's other things that address Mr. Amper's concerns, some of the issues that you've raised, some of the other issues that are out there, and see what can be done over the next month to further clarify this, to get the -- you know, the best possible document we can.

Obviously, enforcement is something that I am going to take a careful look at to make sure that it's even handed, and that it's done professionally, because, if you're going to have rules and you don't enforce them, what's the point? But you may -- thank you very much for your testimony.

**MR. ANDREWS:**

Thank you for your time.

**P.O. LINDSAY:**

Okay. Steven Searl.

**MR. SEARL:**

Hi. Good afternoon. Steven Searl, Peconic -- Peconic Land Trust, Project Manager with Peconic Land Trust.

I just wanted to congratulate the County, and particularly Tom Isles, Carrie Gallagher, all of their staff for all of the work that they've done on this legislation. They've spent I believe it's now two-and-a-half years on this. It's a remarkable piece. I think it does take into account a lot of the concerns that we've all had, whether it be structures, whether it's the enforcement, whether it be definitions. It is, in our opinion and the opinion of the Peconic Land Trust, it is a good step forward. We are happy with the way -- we're certainly satisfied with the way that it's written now, even since the last hearing. We've gone back and forth with the County and I think that they've addressed to the best of their ability everything, all of our concerns, and I think, as well, we've worked closely with the Long Island Farm Bureau to see that their concerns have also been met. So I do -- I do applaud the work that they've done here. I think -- you know, I do know that we need to bring this to a closure, and I think that we should. It's always -- it -- I do think that it represents what the farmers need in terms of flexibility. I think it does allay some of the -- some of the other concerns, including structures including enforcement. Thank you very much.

**P.O. LINDSAY:**

Thank you, sir. Is there anyone else that would like to speak to us on this subject? Seeing none, Mr. Isles, you want -- what do you want to do with this?

**MR. ISLES:**

You know, from our perspective, closing the hearing is fine and then we could convene at EPA. If you feel that further work should be done on the issue of the variance question, then we would ask that the --

**P.O. LINDSAY:**

Okay.

**MR. ISLES:**

-- hearing be recessed.

**P.O. LINDSAY:**

Okay. I'll leave it up to the body. Do I have a motion?

**LEG. ROMAINE:**

I'll make a motion to recess for one -- until our next meeting, just to see -- to take a look at the enforcement issue and to work with my colleagues.

**P.O. LINDSAY:**

Do I have a second?

**LEG. MURATORE:**

(Raised hand).

**P.O. LINDSAY:**

Second by Legislator Muratore. Any comment on it?

**LEG. SCHNEIDERMAN:**

Just a question.

**P.O. LINDSAY:**

Yes.

**LEG. SCHNEIDERMAN:**

If we closed it and we decided we wanted to make some changes, would that necessitate coming back to Public Hearing?

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

We would, Counsel?

**MR. NOLAN:**

It depends on the changes.

**LEG. SCHNEIDERMAN:**

Depends on the -- all right. Okay.

**P.O. LINDSAY:**

Go ahead, Legislator Viloría-Fisher.

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

Legislator Schneiderman, since the issue that we're discussing has to do with the waivers, which I think is a pretty substantive change, and I think that's probably what you're thinking about.

**LEG. SCHNEIDERMAN:**

Yes.

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

I think -- if Counsel agrees, I think that that would certainly make us come pack to a Public Hearing.

**MR. NOLAN:**

If the change was to do that, to have variances come before this body, yeah, I think that would warrant another public hearing.

**LEG. SCHNEIDERMAN:**

Or something in between that, certain variances come before the body.

**LEG. ROMAINE:**

Right.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen (Not Present: Legislators Browning, Losquadro & Kennedy - Absent: Legislator Cooper).

**P.O. LINDSAY:**

Next up is **1176 - A Charter Law to repeal the Suffolk County Energy Tax via public referendum (Romaine)**. And I don't have any cards on this subject. Is there anyone in the audience who would like to speak to us on this subject? Seeing none, Legislator Romaine?

**LEG. ROMAINE:**

Motion to recess.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen (Not Present: Legislators Browning, Losquadro & Kennedy - Absent: Legislator Cooper).

**P.O. LINDSAY:**

**I.R. 1474 - A Local Law authorizing the County Executive to execute agreements for the sale of the John J. Foley Skilled Nursing Facility (Co. Exec)**. And I have several cards. Gene McGowan. Gene McGowan? Gene isn't in the audience? Okay. Linda Ogno.

**MS. OGNO:**

Here. Hi. I'm Linda Ogno from John J. Foley. I just have a couple of questions, and maybe you could just think about it. I did quick math. If Mr. Rozenberg's figures are correct, we're talking about our facility being worth 70 to 92 million dollars. I think we're short a little bit if we're selling it for only 36 million. I think we should up the price a little bit there, maybe get some more money out of him.

I think that if Mr. Levy put as much time and energy into selling John J. Foley as he did a lot of other things, this County would be in much better shape than it is. I don't understand why he's so fixated on John J. Foley. If you figured the money that you're going to get out of it, if they're figuring 15 to 20 million dollars, which most of the times, once you get out these figures, there may be ten, may be five, that sure is a little bit of money that we're getting for a one-time fix, especially if you look in the Capital Budget, you have some of these things under here, we're giving 7 1/2 million dollars we're giving for a helicopter. We're taking care of a lot of people there.

I think Mr. Rozenberg should also be asked -- we asked about how long his residents stay there. We should also ask how long his employees stay with him, because I think that's an important thing to ask. And, also, about him turning on a dime. I really don't think that that is a good phrase, because when I've seen people turn on a dime, it's usually not a good thing, it's a bad thing.

So I'd just like you to take some of these things into consideration. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you, Linda. Next up is Pat Rollings.

**MS. ROLLINGS:**

Good afternoon. Once again, I'm here fighting for my life. I've been working there for 23 years, that's half my life. I've devoted myself to the residents there and I'm raising my family based on my job there. I live locally. I have a small home in Mastic Beach. I pay over \$5,000 a year in taxes.

There's a lot of talk about us making all this kind of money. Well, you know, I'm a Grade 9 there 23 years. What are people here that are Grade 12, 13 and 14 who work for the County make? I'd like to know, because they're making such a big deal of our pay scale. I have two young daughters I have in the back, Dana and Erica. I'm working very hard for them. Dana today made the honor role. This has been my life. I'm now spending most of my time fighting for my life when it comes to this job.

And, as far as Mr. Levy goes, like Linda said, he is very fixated. It's like a vendetta. Every time you turn around, it's something else. A couple of months ago in the paper, "If I sell the nursing home, I can make the streets safer. I can give more police." Now, this underhanded thing about the retirement and not letting people retire unless the nursing home's sold, not letting them take the incentive, why is he so fixated on us? It is like a vendetta and I'm starting to take it personally. And, absolutely, he should spend his time on other areas of business in the County.

I thank you very much, and please, please, think about keeping us Suffolk County owned and operated. Thank you.

**P.O. LINDSAY:**

Thank you, Ms. Rollings.

*(\*Applause\*)*

It looks like Gail Sander. Gail Sander.

**MS. SNYDER:**

Good afternoon. My name is Gail Snyder, and I'm --

**P.O. LINDSAY:**

Snyder. I'm sorry.

**MS. SNYDER:**

That's quite all right. And I'm from John J. Foley, and I thank you for the time that you're letting me, and the opportunity to speak --

**P.O. LINDSAY:**

Ms. Snyder, just lift the mic. There you go, great. Thank you.

**MS. SNYDER:**

I have worked for John J. Foley since 1983. My entire County career has been dedicated to John J. Foley. Though I've had my opportunities to leave the facility to go into other parts of the County, I believe strongly in what John J. Foley stood for. We stand for taking care of the sick, the patients that nobody else wants.

I questioned your thoughts on will these patients be kept if John J. Foley is sold. From a business standpoint, if you have a patient "A" that takes a half an hour of nursing time and you have the undesirable patient, or the noncost-effective patient, it takes you an hour to take care of, and that is the patients that John J. Foley has. We have the young patients, we have the HIV patients, we have the behavioral patients. They take -- they're very intricate in their care, it takes a long time. Will the cookie-cutter nursing home keep them? Without a doubt they will not.

I have spent 30 years in nursing homes. I have not just worked at John J. Foley, I came from Queens, I worked in your surrounding nursing homes as a part-timer. They will not keep these patients, they will get rid of them. And what will happen to them is they will end up 50 miles away from the nursing home that they came from, which will put my residents in the middle of Queens. So, my residents that are not the aesthetic, the easily cared for, the undesirable patient will be moved out of that nursing home because another nursing home will not take them.

It is only by the grace of God that you are not looking for a nursing home for your 50-year-old husband or your 20-year-old son who is the undesirable patient that takes a lot of time to care for, because the other nursing home do not find them cost effective. And it is a shame that we, as human beings, have come down to what is cost effective and what is not our child or what is not our spouse. We are now looking at what is a cost effective patient, and John J. Foley does not have the cost effective patient. We were never there to have the patient that is the cookie-cutter patient, that is the easy patient to take care of. We have always taken every patient that every other nursing home or every hospital has dumped. Those patients will end up in Queens.

I have a patient who is younger than I am who has dementia. Her twin sister visits her almost every day. She is poor. She goes by public transportation. She will not see her sister. She will not be able to take that ride to whatever nursing home that they place her in, because she is not the cost effective patient. And if you honestly believe in your heart of hearts that this new owner will keep these patients -- I tell you I have over 30 years of nursing home experience. I believe that makes me -- more knowledge of nursing homes than you have. He will not keep our patients. And he has already said, if the facility can handle them, they would take them back. I will be sure to tell you they will not take them back, because that patient will take you a half an hour to take care of while Mary Smith will take you 15 minutes to take care of, and she won't give you any hard time, or she doesn't have a host of medicine or a host of diagnoses that causes all this time to take care of. Do you honestly believe that that nursing home will keep her? They will not. They will dump her, because she is no longer a cost effective human being. And it is only by the grace of God that you are not looking for a nursing home for your mother or a nursing home for your brother, or even -- I have had people younger than me that have come into the nursing home as patients.

I want to -- before I end my speech, because I know my time is limited, I want to tell you a small story of why I am so proud to have served for John J. Foley for as long as you allow it to last. John J. Foley started taking AIDS patients. We have, as I'm sure that you know, dedicated HIV beds. There was a woman that came in who was HIV positive. Her ten-year-old son was HIV positive. Claire Bradley, as a Commissioner, went and fought to allow him to come to John J. Foley, even though he did not fit in the regulated age limit. He died with his mother in the same room. She got to hold her ten-year-old baby and let him die with her. Another nursing home will not do that, they won't go that extra mile. I have my own patients they don't even take care of because they're HIV positive.

And thank you very much for your time my time is over.

*(\*Applause\*)*

**P.O. LINDSAY:**

Hold on, Ms. Snyder. Legislator Viloria-Fisher has a question.

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

Thank you, Mr. Chair, and thank you, Ms. Snyder, for being here, because earlier we spoke with the prospective buyer of the nursing home, and I had asked if they had made a commitment that the patients who are currently in -- at John J. Foley would remain there. And I asked him about classes of patients that might not be able to get into Foley once it's privately owned. I would like you, if you could, and, of course, not to mention specific patients because --

**MS. SNYDER:**

Right.

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

Of their own privacy, but if you could provide for me or for this Legislature the type of class of patient that you have seen in your career who are not accepted by most nursing homes and that are accepted by Foley, so that I could ask Mr. Rozenberg specifically, "Do you keep this kind of patient in your nursing home." And not just -- and not just very broad things like -- what's the term that you're using, a -- not a cost effective patient. I want a more clinical description of the class of patient that in your experience has not been allowed to stay at most nursing homes.

**MR. SNYDER:**

In his statement of keeping his promise of keeping our population, he states that, "I will keep them as long as I can provide them care." So, what will happen to my noncost-effective patient that is, say, in their twenties who is a behavior problem, or their drugs are very expensive? What will happen, which I have seen it happen in my career, they will send him out to the hospital, and then, when it's time for him to come back, they'll say, "I'm sorry, we can't provide him care any longer." So he will wait in the hospital until a social worker will find him a bed. And I believe the law is that he could be moved up to 50 miles from where he's been. So, "Joe Taxpayer" for Suffolk County is not a cost-effective patient for you anymore, even though he -- the land that our building is built on was donated by the Glover Family, I don't believe that it was ever donated in the thought of Mr. Rozenberg's -- for him to reap the benefits, I think it was really donated in the hopes and the thought that the people that worked this land of Suffolk County pick the potatoes.

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

Okay. But did you understand my question, which is --

**MS. SNYDER:**

Yes, I understand exactly what you want from me.

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

-- at some time, get in touch with me --

**MS. SNYDER:**

Yes, I will.

*(\*Applause\*)*

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

-- and let me know more specifics about what those categories are, okay, so that I can ask the question more intelligently of Mr. Rozenberg.

**MS. SNYDER:**

Thank you for your time.

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

Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Michele Burstin.

**MS. BURSTIN:**

My name is Michele Burstin and I'm a social worker at the John J. Foley Skilled Nursing Facility, where I've worked for about 11 years; I've been with the County about 24.

Actually, Gail, I'm sorry, I had to correct you on the 50-mile radius. It's actually 75 to 90-mile radius, so these patients can go, actually, Connecticut, they can go to the City. A lot of them -- and what Mrs. Fisher was saying, something about the residents, Gail was saying about the cost effective. Let me tell you, we have a 19-year-old who is in a semi-vegetative state. All needs are anticipated by others, nobody else will take him. Twenty-four-year-old Multiple Sclerosis patient, behavior problem, PRI. They're accepted by other facilities, however, when they see behaviors, they want to see what he's on, Ativan, Xanax, Geadon, Seroquel, any kind of psychotropic medications. They don't want them. He's already been beaten almost to death by his stepfather. You know, he lost everything else. Now you're going to have him lose a home where he has semi a family? The 30 year old HIV patient won't take -- she's threatened to throw people out of roofs -- you know, off the roof. Nobody wants these patients, we're the only family. And, please, don't let Mr. Levy get rid of us.

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

Thank you.

**P.O. LINDSAY:**

Thank you, Ms. Burstin.

*(\*Applause\*)*

I don't have any other cards on this subject. Is there anyone in the audience that would like to address us on this subject? Please, come forward and identify yourself.

**MR. SHEEHAN:**

Excuse me. I did fill out a card, but I guess you didn't get it. My name's Michael Sheehan. And what I was going to say about John J. Foley, Mr. Rozenberg this morning said he knew how to ask for money better than what John J. Foley's doing. And I think it was Mr. Kennedy that wanted to hire him as a consultant instead of selling the building to him. Well, if he could do that and get that extra money, why can't -- I'm sure there's smart people in Suffolk County they could hire to do the same thing to get the money for John J. Foley instead of closing it. And I'm not a Math teacher, but he said it cost him maybe 60 million-plus to build it and they're selling it for 36. That sounds like it's illegal to do that to begin with. That's like them two, between Levy and him, they're legalizing stealing money from the County. And I'm just against selling it. And thank you for your time.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you, Mr. Sheehan. Anybody else? Come on forward, Ben. Dot?

**MS. KERRIGAN:**

Thank you, Ben. My name is Dorothy Kerrigan. I work at John J. Foley. I'm on full-time release as a Vice President for Suffolk County Association of Municipal Employees. And I was here this morning for Mr. Rozenberg's presentation. He had -- he presented him himself as an excellent businessman, and he had a lot to say, and what I believe, he probably is an excellent businessman and successful.

We have about three dozen or so nursing homes in Suffolk County that I'm sure are very much like Mr. Rozenberg will run as a businessman. We only have one nursing home that's like John J. Foley, and if we get rid of it now, we're not going to have another nursing home in our County that we could be proud of that we can send our families to, and we could take care of people that don't have resources. This is the -- this is -- and I don't care what the people say, this is my belief, that no matter what Mr. Rozenberg says, it is about the bottom line. It's about the acuity level, it's about the payer mix. Everything is about the money with the private nursing home and it has to be.

The nursing home that we have in Suffolk County right now, the John J. Foley, and it's proud to have that name, because it's named after a Legislator that believed in taking care of the residents of this County. Other counties do it, our next door neighbors do it, and they're doing it successfully. I don't believe there's any reason why this horseshoe, working with a consultant, if Mr. Rozenberg -- and I'm trying to take words that he said himself, so I'm not -- he said specifically that you need to know how to fill out the form. I'm sorry, I do have it here. There's 55 page -- I can't make the focus, I can't find it. But the trick is knowing how to fill out the 55-page form. So maybe what we need is maybe it's not a trick, maybe what need to know is how to access the money from the New York State Department of Health more efficiently so we can recoup that money for the taxpayers and still take care of the taxpayers. If Mr. Rozenberg can do it, then Suffolk County residents can do it and Suffolk County employees can do it. We need to know, we need to be taught.

We have an electronic medical record system that is not even up and running that will recapture money for the residents of Suffolk County, so we could provide for our people. And we already have private nursing homes, dozens of them that do that. Please, this is very important. It's the last -- we've been fighting this for a long time. If it loses now, we will never have another nursing home like it. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you, Dot. Come on, Ben.

**MR. ZWIRN:**

Thank you, Mr. Presiding Officer, and Members of the Legislature. What I'm going to speak to just briefly is with respect to the process.

As Dot Kerrigan said, this has been going for a long time. In good faith, sometime ago the County Executive withdrew his RFP for the sale of the nursing home to give the employees and the Legislature an opportunity to try to find ways to save money and to try to bring the costs for running the facility under control. When that ultimately wasn't successful, the County Executive did move forward, but he -- remember, the Legislature was on the RFP Committee? We went out for a bid and Mr. Rozenberg, who spoke here today, and I think comported himself by all accounts very well, was selected as the winning bidder.

The County Executive I think sent a memo out to all the Legislators about moving forward with the public hearings. Back in 2008, the Legislature passed a bill which allowed the Presiding Officer to schedule the hearings, and we would like them to move forward in a very quick manner at this time, because we felt, the County Executive has felt that they should have been held back in May, and here we are near the end of June. We would like to be able to take this up at the August 3rd meeting. It has gone on a long time. It is a torturous process. We would like to be able to get a resolution of this going forward so that when we do next year's budget, we know, with some certainty, where the revenues are going to come from or what expenses we're going to have to deal with. And if we have the hearings shortly, and then we can have a resolution or a vote up and down -- up or down, at least we will have it be a final resolution, we don't have to keep going on week after week, meeting after meeting.

So that, once again, on behalf of the County Executive, I prevail upon you, beseech you to try to get these hearings scheduled, so that we will be able to take a vote at the first August meeting. And, as I say, at least we'll have a resolution up or down, and the County Executive believes a sale makes sense.

Look, we hear all the people from Foley. I mean, they are dedicated workers. There's no question that they do a good job out there. But the question is with the County Executive, when he looks at all the taxpayers that he represents in this County. If we can provide a service in the private sector that will be as good as we'll provide in the public sector and still save the taxpayers money, it is

something that we have to all take very seriously and take a look at.

I think we have put forward a very good plan. The sale brings in revenue that helps balance the budget, and there's recurring savings year after year. The individual that has been selected has an excellent record, a better record, in fact, than the County itself has had at Foley. Please, beseech you one last time to try to schedule these hearings so that we can have a vote at the first meeting in August. Thank you very much.

**P.O. LINDSAY:**

Mr. Zwirn.

**MR. ZWIRN:**

Yes.

**P.O. LINDSAY:**

And I don't mean to be argumentative with you, you have your job to do. I don't know the term "good faith" is appropriate. Yeah, I'm the one that -- the County Executive wanted to close this facility, that's what he wanted to do, and we were able to raise -- come up with a compromise that he criticized me quite vociferously in my own district because I thought it was a fair deal. We intend to go forward with the hearings. We are -- have ordered a second appraisal, which I think is perfectly appropriate with the sale of this magnitude. And we are also waiting for the report from Budget Review on the sale document. And when we have those two documents in hand, we will go forward with the public hearings, which is mandated for us to do. And I believe there is a bill to schedule those hearings on the agenda today. But we're not going to be rushed into selling this facility until we do our due diligence. Thank you.

*(\*Applause\*)*

Okay. I'm going to make a motion to recess.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Eddington. Are there any other motions? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**LEG. ROMAINE:**

Would the Clerk, please, note my recusal?

**MR. LAUBE:**

Will do. Seventeen.

**P.O. LINDSAY:**

I.R. 1654 --

**MR. LAUBE:**

Sixteen (Recused: Legislator Romaine - Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. I'm sorry. *I.R. 1654 - A Local Law to ensure the safe transfer of fuel to boats and watercraft (Schneiderman)*. I don't have any cards on this subject. Is there anyone in the

audience who would like to speak to us on that 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:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

We have a CN before us, 1712, and we had posted the Public Hearing on the door. And I have one card, Jan Brenner.

**MS. BRENNER:**

Good afternoon, Presiding Officer Lindsay, Members of the Legislature, Ladies and Gentlemen. My name is Jan Brenner and I'm a Supervising Probation Officer, with over 36 years of service with the Suffolk County Probation Department. I found out about this resolution yesterday, along with the notice of the Certificate of Necessity, and have had a limited time to prepare some responsive remarks in regard to this issue.

I'm here to request that you pass a modified version of Resolution 1712, the proposed Retirement Incentive Program, that does not automatically exclude all peace officer titles within the Probation Department. This exclusion appears consistent with the strong successful advocacy efforts of both our Probation Officers Association leadership and our Department Administration to maintain the staff levels needed to ensure public safety. Thanks to their diligence in regard to personnel matters, the Probation Department has been able to continue to hire new Probation Officer trainees. There may, however, be a way, as there had been at the time of past incentives, to include either all or a limited percentage of eligible Probation peace officer staff in the Retirement Incentive Program and still minimize the public safety risk.

Probation had a large number of peace officer staff retire under the 2002 incentive bill without any serious negative impact to the public welfare. This was possible by leaving positions unfilled for a limited number of months, and then by appointing qualified candidates from the active promotional list to act in that position without promotional pay for approximately six months. Such practices help keep the career ladder open, improve motivation and morale among line staff, and save the County a significant amount of money. The Probation Department has been able to continue hiring probation officer trainees at the lowest pay scales to fill in at least some of the gaps that result from retirement and budget cutbacks during this time of fiscal constraint. It will make both common sense and dollars and cents to let those in the highest paying positions leave early, as public safety risks have been manageable under similar circumstances in 2002 and other previous incentive programs. Historically probation has been included in State incentive retirement programs with no negative impact in regard to community safety.

It is my understanding that a maximum of 77 Probation peace officer positions were identified as eligible under the New York State incentive bill. However, far fewer will actually want to retire now due to personal and economic circumstances. Approximately 15 of those positions are Tier I and Tier II employees, and all but three are in supervisory and administrative titles. If either some or all eligible Probation peace officer staff members are allowed to retire under a modified version of the proposed bill, the County will no longer have to pay the 12% contribution to the retirement system for them. Their vacation and leave, that is SCAT pay, will be capped at the accrued levels that they had at the end of August, and the positions can be left open for a limited time, providing significant savings. If at least some of the Tier I and Tier II personnel are motivated to retire under this incentive, the SCAT pay savings to the County will be considerable.

I respectfully request that you examine the points I have mentioned here and consider modifying this bill to include Probation peace officer staff before you vote. A modified version may offer win-win opportunities that are not apparent at the moment, but may become visible when given additional thought. Thank you again for your time and attention.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you. Is there anyone else that would like to speak on this subject? Seeing none, I'm just going to make a clarification before we make a motion on this bill. This is not -- as much as we would love to give our employees who work very hard an opportunity for an early retirement, that isn't what this is about. What this is about is part of the puzzle to solve our fiscal dilemma. We have a very, very difficult problem in front of us, and if we don't do things like this, we'll be facing the dilemma of laying off people, maybe as many as a thousand people and we don't want to get to that stage. So I know that this bill is exclusionary in a lot of forms, and I apologize for that.

The one thing that I don't think makes sense with this bill, and I voiced this opinion to the County Executive, was not to include the J.J. Foley people. And the reason I say that is I honestly don't know what the determination of J.J. Foley is going to be. I don't know whether we're going to sell it, I don't know whether we're going to keep it. But I think it would behoove us, whatever road we go down, to include them in the incentive program. It would -- certainly, if we did decide to sell it, it would certainly allow our senior members to retire with dignity. And if we decided to keep it, we would certainly be able to lower our operating costs for the facility. So, I am -- I am laying on the table later today a bill to include the J.J. Foley people, with a very short turnaround. We will schedule a hearing before the Labor Committee next week to address that bill, if you do not go along with the CN. Okay? Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I just want to speak to this resolution. And you mentioned the short turnaround time. I would encourage everyone to move this resolution today. And if we want to move forward to seek additional people to be included, we can do so. But I think giving the largest possible window for those that we know we are going to include in this process I think is a prudent course of action for us.

One of the discussions that we had with this bill, and I think you hit it right in the head, Mr. Presiding Officer, we are trying to make this as dignified as possible for everyone and not face a situation where we have to lay off large numbers of people. And one of the -- one of the rationales looking into who we would include and who we would exclude from this process was who would we have to replace, because, quite frankly, the incentive that the State has allowed us to opt into is costly. And if we are going to have to replace individuals one for one, and it's just simply providing additional money for people who want to retire, I don't mean to be callous, but that's not what we are here to do. We can't afford to do that. So, when we decide who we're going to include, who we're going to exclude from this process, I thought it was obviously difficult, but very pragmatic decision that we had to make as to how we were going to save money and how to preserve the most number of jobs for people who are going to want to continue to work for Suffolk County and not opt into this retirement plan. So, it is being done as a separate resolution, because, one is a Local Law, one is a resolution, but it's coming over right now from the County Attorney's Office.

There will be a second CN married to this one. I'm assuming most people know this already, but the County Executive has agreed to take an additional 10 million dollars out of the Tax Stabilization Reserve Fund to pay the separation pay associated with this bill. That is a very big deal for us in terms of cost savings. While other municipalities have -- had to look at this and decide how they're going to space this out over five years and bond out, we have the benefit of being in a financial situation where we have this cash on hand. And I have been a proponent of spending some of that cash to realize a significant upfront savings for ourselves with opting into this program. It is prudent, it is reasonable, because it is a one-time cost associated with a specific program. And I

think, given our economic situation, given the fact that we have this money on hand in our Tax Stabilization Reserve Fund, and many people have lamented the fact that we have not gone deeper into that fund, but the fact of the matter is that taking an additional 10 million dollars out to pay for this will draw that fund down to approximately 60 million dollars. When it was up around 130, the world looked like a great place. Now that you're down around 60 and the prospect that next year may or may not be much better than this year, 60 million dollars doesn't sound like a whole lot of money anymore. But I still am a strong proponent and I'm very happy that the County Executive did agree to take that additional 10 million dollars to pay that separation pay associated with this.

I think it is very important for us to move on this at this time, and then move forward if we -- if this Legislature is of a mind to add additional people into this, that's something we can have a further discussion on. But I think giving the largest possible window that we can for those people who we know we are going to include on this is something we should move forward with today and take advantage of the fact that we can pay that separation pay with that Tax Stabilization Reserve money.

**P.O. LINDSAY:**

Legislator Montano. I don't want to get into debating the bill, but I -- but it's a Public Hearing, so I think we could --

**LEG. MONTANO:**

Right.

**P.O. LINDSAY:**

-- put anything we want on the record, so --

**LEG. MONTANO:**

Yeah. No, I just wanted to ask a question, so that I understood fully Legislator Losquadro's position. Are you saying that you want us to pass this and then amend it or add to this list, because I don't understand the procedural mechanism that we would use to accomplish that. Once we pass this, County Executive signs it, and because it came in as a C of N, we really didn't get to study it all as much as I would like. But the bottom line is that, procedurally, I don't know that we can do what you say. Counsel, would you comment on that? Because once -- as I read the bill, once it's passed and signed and filed by -- with the Secretary of State, it becomes effective, so I don't think we can pass this and then go ahead and amend it at the next meeting.

**LEG. LOSQUADRO:**

Well, to Counsel, before you answer that, I believe we still have a window with which we can opt in. That window will not be closed, but if we don't do this now, that window shortens for those people who we know we want to include.

**LEG. MONTANO:**

Right, but I'm talking about those people that you want to add to this list. I don't know how we would add -- I don't know how we would add that. Is that what you were proposing, that we pass this and then add other employees subsequent?

**LEG. LOSQUADRO:**

If the Legislature was of a mind to do that.

**LEG. MONTANO:**

Right. Well, that's what I'm asking, is procedurally that a proper or an allowable mechanism?

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

Right, because it would be amending this, is what you're saying.

**LEG. MONTANO:**

I don't know what it would be doing to this. This would be passed and filed with the Secretary of State and we have another law that would -- I don't know if it would supersede it or it be -- it certainly would be in contradiction. So I'm asking, procedurally, whether or not we are even able to do what is being proposed, you know, in terms of we can do it in a separate bill, or my understanding would be, if the County Executive chose to agree to that, we could amend this C of N today before we vote on it and then vote on it with the amendments.

**P.O. LINDSAY:**

That would be the easiest way, but he doesn't agree with that.

**LEG. MONTANO:**

That would be the easiest way and I think the most proper. But I'm asking that, assuming that the County Executive were not willing to issue a C of N to go along with the inclusion that some of us would like to see in there, can we do what Legislator Losquadro proposed is my question?

**MR. NOLAN:**

I'm looking at the authorizing State legislation that talks about a Local Law. It doesn't really talk about can we pass multiple local laws to accomplish this. So, I don't know the answer to that question, to be honest with you. I don't know that we could pass multiple laws.

**P.O. LINDSAY:**

At any rate, we are going to get to this later on. And, you know, I don't have any problem with closing this Public Hearing, which is where we are right now. So I'll make a motion to close.

**LEG. MONTANO:**

On the motion.

**P.O. LINDSAY:**

On the motion.

**LEG. MONTANO:**

If we close the Public Hearing and then the County Executive were amenable to -- I don't know if you asked him to change it somehow. Would we have to reopen this -- the Public Hearing, and could we do that ahead today? I don't want to throw in procedural roadblocks, but I really want to know what we're doing.

**P.O. LINDSAY:**

Well --

**LEG. MONTANO:**

And because it's a C of N, you don't get the chance to fully digest it.

**LEG. LOSQUADRO:**

Well, to Counsel --

**P.O. LINDSAY:**

I believe that we've been -- the Foley people have been asked by multiple Legislators to put them in the legislation and the answer has been no.

**LEG. MONTANO:**

Okay. All right, I gotcha.

**LEG. LOSQUADRO:**

But to Counsel, though, the fundamental issue of whether or not to offer an Early Retirement Incentive Program I don't think would be substantively changed by inclusion or exclusions to the exhibition -- to the exhibit. So, to answer Legislator Montano's question, I don't think that would

necessitate a new Public Hearing. The fundamental issue --

**MR. NOLAN:**

You're asking if the County Executive decided to amend this bill --

**LEG. LOSQUADRO:**

Just the exhibit portion.

**MR. NOLAN:**

-- after we close the public hearing.

**LEG. LOSQUADRO:**

Just the exhibit portion.

**MR. NOLAN:**

I'd have to see what -- how much of a change there was to an exhibit. It has to be a substantial change. We have to wait and see.

**P.O. LINDSAY:**

There's another obstacle with this and that is I have a bill that I'm going to lay on the table later, with a Public Hearing scheduled for next week, that -- excuse me, July 7th -- that actually copies the County Executive's CN. The only difference is it includes the J.J. Foley people. And what we're looking for is to see if we backed up the date to opt in. The State legislation says the local Legislative body has to opt into this program by August 31st. That doesn't mean that the employees have to be off the payroll August 31st. So I think the Executive says that you have to be off the payroll August 31st. So, I would give people a little bit more time if you choose to use my version, or would like to.

**LEG. LOSQUADRO:**

Before we close, I just wanted to just point out that I just did receive a copy of the Certificate of Necessity on the -- taking the funds from the Tax Stabilization Reserve Fund to pay for the separation pay on this, so that will be distributed.

**P.O. LINDSAY:**

Just so -- and just to make it crystal clear, that pays for the separation pay, it doesn't pay for the increased pension costs.

**LEG. LOSQUADRO:**

No, but it's taking from one or the other.

**P.O. LINDSAY:**

Yeah, but --

**LEG. LOSQUADRO:**

If you save on ten -- you would have had to pay that 10 million in separation pay.

**P.O. LINDSAY:**

I know, I know, but I just want to clear up the notion out there that we're saving money in the long run; we're not. At best, this is going to cost us money. There's a short-term savings that will save us money next year. From '13 to '16, it's going to cost us more money in our pension costs.

**LEG. LOSQUADRO:**

Well, which was exactly my point as to why I didn't feel that those should be included or we would have to backfill.

**LEG. KENNEDY:**

Can we ask BRO a question on this in the Public Hearing?

**P.O. LINDSAY:**

Certainly, go ahead.

**LEG. KENNEDY:**

We've talked about the way this bill has been crafted, and I have a question for BRO. I know that they looked at the Chapter Law, the State Chapter Law 105, which only got adopted I think about ten days ago, and my recollection the last time I looked at it was it was a two-part bill. It had this piece, Part A, which adds a year, I think -- a month for each year of service, but there was also a Part A or a Part B, either one.

**MS. VIZZINI:**

Part B is not included.

**LEG. KENNEDY:**

There was no 25-55 that got adopted?

**MS. VIZZINI:**

It's very expensive. It is not included in either version.

**LEG. KENNEDY:**

And you looked at that and you saw that the numbers would not work out beneficially for us; is that correct?

**MS. VIZZINI:**

Generally speaking, yes.

**LEG. KENNEDY:**

I'm just asking why we don't have it before us.

**MS. VIZZINI:**

Correct.

**LEG. KENNEDY:**

Okay. So the only one that looks like it will make any sense is this part that we're looking at now?

**MS. VIZZINI:**

Yes.

**LEG. KENNEDY:**

Okay. Thank you.

**P.O. LINDSAY:**

Yes, Legislator Muratore.

**LEG. MURATORE:**

Just a question. This list, as Exhibit A or Exhibit 1, how did we come to these particular titles being eligible or not eligible, what criteria was used for that?

**P.O. LINDSAY:**

County Executive included them.

**MS. VIZZINI:**

I'm going to defer to the County Executive's Office.

**P.O. LINDSAY:**

Ms. Corso is going to be able to answer that question for you.

**MS. CORSO:**

Right. It was anybody, any elected official, anyone who is over 50% aided, anyone who is essential to health and public safety, and anyone who is in a high revenue-generating position.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Connie, over here. Again, we talked a little bit about this yesterday. With the assessment in Public Safety, obviously, we all know about the concerns we have with our Police Officers, and our Corrections Officers and our Probation Officers, but what about the civilians in each one of those departments? Those civilians at this point are excluded as well; correct?

**MS. CORSO:**

Right, because we have a civilianization effort and if -- what sense would it be to let the civilians go?

**LEG. KENNEDY:**

Well, I don't know that -- some of us have gotten calls in the office for career civil servants who happen to be now in one of those offices. As you well know, many of our civil servants have moved from various departments from time to time and may, over the course of 30 years, been through three, four, five different departments. By virtue of the fact that they're now in these three areas, in essence, they're almost being penalized. But that movement process and transfer process, or even testing process isn't going to stop after this.

**MS. CORSO:**

It was -- the only civilians that were excluded were in the Police Department, and we really feel that civilianization levels in the Police Department we already have a problem backfilling, and it just didn't make sense for us to let those very needed, valuable positions go. It's just the one department.

**LEG. KENNEDY:**

Well, I --

**MS. CORSO:**

I mean, we struggled with it, believe me, but there always is a critical issue in the Police Department with civilians.

**LEG. KENNEDY:**

I understand, but it's just, you know, the rationale is how do we explain it back to when our constituents contact us and --

**MS. CORSO:**

They are very needed and essential positions.

**LEG. KENNEDY:**

Okay. All right. Thank you.

**P.O. LINDSAY:**

Ms. Corso, one other thing. Legislator Viloría-Fisher.

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

Hi, Connie. Thanks for being here.

**MS. CORSO:**

Thank you very much.

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

Connie, I have a question about Probation, because I have gotten calls from senior people in Probation. Is it because they're public safety? Is it because of the cost of backfilling? Can you explain to me where Probation sits, because they're not uniformed sworn -- I'm not sure of their category here.

**MS. CORSO:**

Well, we felt that that was a very essential area where we did not -- you know, at first we looked at just including like the Sex Offender Unit. We cannot afford to have vacancies in that area, and we need the level of expertise that we have there, because, as you all know, those -- it's becoming increasingly difficult to deal with that population and many populations within Probation. And with the new Rockefeller drug laws, it's only going to -- the work there is only going to get more intense, so we felt it was prudent to exclude them. It was not easy.

**P.O. LINDSAY:**

Thank you. Thank you very much. Anybody else? Yes, Legislator Eddington.

**LEG. EDDINGTON:**

I just wanted to add to Legislator Vilorio-Fisher's question, that it angers me to a degree when I hear that Probation is not allowed because they haven't had 34 positions filled. So that now we're saying we can't afford to let anybody go, but we haven't filled positions and it's okay that we have somebody with 49 caseload. So, you know, in psychology, they call it blaming the victim. First you victimize them, and now you hit them again. I'm having real difficulty with that kind of stuff.

**P.O. LINDSAY:**

Anybody else? Mr. Clerk, I think we have a motion to close, right?

**MR. LAUBE:**

You have a motion, but I did not get a second.

**P.O. LINDSAY:**

Anyone --

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**LEG. ROMAINE:**

Please note my recusal on that.

**MR. LAUBE:**

Sixteen (Recused: Legislator Romaine - Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. 1712 is closed. Okay. We're going to -- all right. I want to make a motion to waive the rules and set the following -- and setting the date for the following public hearings of August 3rd, 2010, at 6:30 p.m., at the Rose Caracappa Auditorium, Hauppauge, New York:  
IR 1688 - A Local Law mandating compliance with financial disclosure requirements; IR 1709 - A

Charter Law to implement a one-year rolling debt policy under 5-25-5 law to mitigate budgetary shortfalls; and I.R. 1710 - A Charter Law to implement a one-year rolling debt in 2011 under the 5-25-5- Law to mitigate budgetary shortfalls. Do I have a motion?

**LEG. GREGORY:**

Motion.

**LEG. MURATORE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Gregory, seconded by Legislator Muratore. All in favor? Opposed? Abstentions? We stand --

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Those hearings are set. All right. I want to go back to the Capital Budget, and I have a delegation from the College here. If you folks could come forward and refresh my memory. Mr. Clerk, we have a motion to override and to include all of the vetoes in 3 in one vote, right?

**MR. LAUBE:**

You have a motion and a second to override the veto, but there's no motion and second to the procedural vote to take them all together yet.

**P.O. LINDSAY:**

Right. It's a motion to override and to take all the vetoes together in one vote. Okay? And we have a second to that, right?

**MR. LAUBE:**

Correct.

**P.O. LINDSAY:**

And we're in the midst of the debate.

**LEG. LOSQUADRO:**

I'm sorry. I think we have to take a vote to take them all together, and then we'll vote to override as -- then we vote to override; correct?

**P.O. LINDSAY:**

Well -- however you --

**LEG. LOSQUADRO:**

I think Counsel just --

**P.O. LINDSAY:**

Yeah, I know, but if you don't have a motion to override, why would you take them together or separate, or whatever? The motion to override --

**LEG. LOSQUADRO:**

That's the way we've always done it.

**P.O. LINDSAY:**

Okay. However you want to do it. The motion is quite clear --

**LEG. LOSQUADRO:**

It's not how I want to do it.

**P.O. LINDSAY:**

-- is I'm going to override.

**LEG. LOSQUADRO:**

Yes.

**P.O. LINDSAY:**

I'm making a motion to override, but to do it in one vote, then on separate votes.

**LEG. LOSQUADRO:**

Well, I just asked Counsel.

**P.O. LINDSAY:**

That's fine.

**LEG. LOSQUADRO:**

To my recollection, in the past six years, we've made a motion to take everything together, that passes, and then we vote to override.

**P.O. LINDSAY:**

Okay.

**LEG. LOSQUADRO:**

That's my recollection.

**P.O. LINDSAY:**

Okay. We have a motion to take them all together and a second. Is there anymore discussion on it?

**MR. LAUBE:**

No, I do not have a motion and a second for this. This is for the procedural vote?

**P.O. LINDSAY:**

This is a procedural vote to take all of the override -- all of the vetoes.

**MR. NOLAN:**

In Document No. 3.

**P.O. LINDSAY:**

In Document No. 3 --

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

I'll second the motion.

**P.O. LINDSAY:**

-- to do one vote. Okay?

**MR. LAUBE:**

Gotcha.

**P.O. LINDSAY:**

I made the motion, we have a second. Is there any debate on this issue? Any questions? I know some issues came up this morning, fellas, from Dr. McKay about our ability to get the infrastructure

for 2011 in the State program. Could you weigh in on that, please, because I was actually quoting you, but I'd rather have it come from you.

**DR. MC KAY:**

Thank you. And I believe we've addressed that several times when we appeared before this body. As you know, with Community College funding and the State funding, we have to get the County support first before we approach the State to get the State support. Currently, we will be one of the first community colleges that will be approaching the State to get the State support for that 30 million dollars that we got from the deferred maintenance programs. We must have the local sponsor 50%, and that happens with all community colleges across the state. We were honored that you had voted and had passed at the last meeting you've had in the subcommittee that these programs were needed.

Just this past -- this past week in the Library, we have a major water leak throughout three floors in that building. Last year, we spent over \$400,000 in emergency repairs. This is happening over and over. We've got buildings on the campuses that are over 60 years old. They're at the point where they need to be taken care of. We have currently about six million dollars ready to put into work to do paving, curbs, all those areas on the campuses. We've got roofs that are leaking and falling apart. We could take this to the County. I've spoken to the Chancellor, I've spoken to SUNY Trustees as well to get their support. It is important for us to get in early to the State before the other colleges, so we can then secure the 50% match on this program. So, it is important for this vote today to support overriding this bill.

**P.O. LINDSAY:**

If we didn't get the -- it included in the State, what would happen to the 10 million dollars?

**DR. MC KAY:**

Practically, we can't spend that down, because, again, we have to have the 50-50 match from the State.

**P.O. LINDSAY:**

Okay. Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. Those are all issues that we've become very conversant with. My question, and I think the question that really became pertinent to this discussion was, if you -- if it hasn't been presented to the State yet -- and what I was just discussing before we broke for lunch with -- you know, with some of your Budget people, I was confused as to how we can get the State to give us money for 2011 if we haven't presented them to it yet. Does the State have a contingency fund that they have that they are going -- it's going to be a first-come-first-serve situation? I'm just confused about how we're going to get money for 2011, and perhaps you can have your budget --

**DR. MC KAY:**

The time for submitting that has not passed, that's in September. So, it's important for us to get this vote passed today so we can submit by the September date with all the other community colleges.

**LEG. LOSQUADRO:**

I understand that, but, again, just fundamentally, I know how our budget works. If it's not a project the State already has in their budget that they are going to be passing if they pass it -- if we present it to them in September, does the State have a fund that we're going to be able to draw from? And that's what I'd like you to answer. Thank you.

**MR. DEMAIO:**

Jon DeMaio with the Community College. What President said, President McKay said is correct. The typical process at SUNY is in roughly around September, the Vice Chancellor puts out a call letter to

all community colleges in the system where it says, "If you have an additional project for which you have obtained local sponsor support that you want to add to your current five-year plan, please submit now for a consideration."

**LEG. LOSQUADRO:**

And that would be eligible for 2011 monies?

**LEG. D'AMARO:**

Yes.

**LEG. LOSQUADRO:**

So, the State does have, I guess, a reserve fund of some sort that they're going to draw out of with that? I'm just -- it's not in the State's budget as an enumerated project. Where is that money going to come from in State? That's what I'm asking.

**MR. DEMAIO:**

It would be a part of the budget process for the following year for 2011.

**LEG. LOSQUADRO:**

So, the State would have to add that money in 2011?

**MR. DEMAIO:**

Yes, which they have a number -- I can't speak to specific mechanisms --

**LEG. LOSQUADRO:**

Okay.

**MR. DEMAIO:**

-- but they have a --

**LEG. LOSQUADRO:**

I'm just trying to follow the mechanism by here -- by which that would happen. And until now, that hasn't been explained. Okay. So that's how it would have to happen. We present that, the Chancellor sends out that letter, we present that to them in September, and then it goes before the State Legislature the following year, early in the session, and they have to amend their budget to include those projects, and, hopefully, the ones that get there sooner get top billing.

**MR. DEMAIO:**

Right.

**LEG. LOSQUADRO:**

Okay.

**MR. DEMAIO:**

Absolutely.

**LEG. LOSQUADRO:**

Thank you.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. One of the things that we spoke about before was a prioritization of the infrastructure repairs that are needed throughout the three campuses, and I believe the Presiding Officer did mention one of the most critical areas right now is roofing. Can you elaborate at all on that? We

have buildings that have compromised roofing, and we'll be looking -- looks to me on this inventory, there's almost two million dollars worth of roofing costs that you've established across the three campuses. Is that something we can assume you're going to be seeking in September?

**MR. DEMAIO:**

Yes, definitely, that's one of our highest priorities.

**LEG. KENNEDY:**

Okay. So, it's a fair assumption to say at this point that we have structures that are in somewhat of a compromised state, or will soon be compromised if they don't get roofs put on them.

**MR. DEMAIO:**

That's accurate.

**LEG. KENNEDY:**

Okay. And the two million that we see that's allocated in this report, is that the total cost for roof replacement, or is that what our local contribution is, and is it actually four million that would go to roofing? How does the match come into play?

**MR. DEMAIO:**

The total request of the 10.3 million per year for three years is a total.

**LEG. KENNEDY:**

Okay.

**MR. DEMAIO:**

So, 50% of that would come from the State and 50% --

**LEG. KENNEDY:**

So, when you allocate for cost that do actual function, that's a blend of the two streams of money, the State money and the local money, and you look at what the cost is to achieve an outcome.

**MR. DEMAIO:**

Yes.

**LEG. KENNEDY:**

Okay, fine. Thank you.

**P.O. LINDSAY:**

Anyone else? Legislator Losquadro?

**LEG. LOSQUADRO:**

Pardon me for still being a little confused on this, because I know how we do our budgets. You are saying that the State would have to amend their budget for 2011 to do that, we're not talking about the State making an amendment next year to include this for a plan of work for 2012, we are talking about work that we're including here that could start in 2011; correct?

**MR. DEMAIO:**

Yes. For -- as an example, last year, when the call letter came out, we submitted the security notification project, which we have local support, and we received word, I believe, about a month ago that that was adopted, adopted by SUNY, and we will in August be submitting an appropriating resolution for those funds, because now we've actually obtained the 50% State share.

**LEG. LOSQUADRO:**

Excellent.

**MR. DEMAIO:**

So, this would follow that same timing.

**LEG. LOSQUADRO:**

Okay. Thank you.

**P.O. LINDSAY:**

Anybody else?

**LEG. D'AMARO:**

Yes, just --

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. I just want ask, through the Chair, to the Clerk, or perhaps to yourself, what exactly are we voting on here?

**P.O. LINDSAY:**

What we're voting on now is to take all the vetoes in one vote rather than the individual. There's probably eleven of them or ten of them here.

**LEG. D'AMARO:**

And that's the only substance --

**P.O. LINDSAY:**

That's the only substance.

**LEG. D'AMARO:**

Subject.

**P.O. LINDSAY:**

There hasn't been a motion. I did make a motion to override, but I was corrected.

**LEG. D'AMARO:**

So, we'll have two votes.

**P.O. LINDSAY:**

We'll have two votes.

**LEG. D'AMARO:**

Okay. I just wanted to be clear. Thank you.

**P.O. LINDSAY:**

Anyone else? Okay. Thank you very much, fellas --

**DR. MC KAY:**

Thank you.

**P.O. LINDSAY:**

-- for being here. We have a motion and a second to take all the overrides together. All in favor?  
Opposed?

*(Opposed: Legs. Losquadro, Cilmi, Barraga, D'Amaro)*

**P.O. LINDSAY:**  
Abstentions?

**MR. LAUBE:**  
Thirteen (Absent: Legislator Cooper).

**P.O. LINDSAY:**  
Now, I'm going to make a motion to override.

**D.P.O. VILORIA-FISHER:**  
Second.

**P.O. LINDSAY:**  
All the vetoes contains in Document 3.

**P.O. LINDSAY:**  
All the vetoes in Document 3.

**D.P.O. VILORIA-FISHER:**  
Second.

**P.O. LINDSAY:**  
And I have a second by Legislator Viloría-Fisher. On the motion.

**LEG. CILMI:**  
On the motion.

**P.O. LINDSAY:**  
On the motion, Legislator Cilmi.

**LEG. CILMI:**  
Counsel, if we -- if the motion -- if the motion to override as a package fails, will we then have a -- will we then be able to submit motions to override each individual item, or no?

**MR. NOLAN:**  
No, this is it, it's one vote up or down. If the -- if it fails, then the vetoes have been sustained.

**P.O. LINDSAY:**  
Anything else? Okay. We have a motion to override and a second. Roll call.

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

**P.O. LINDSAY:**  
Yes.

**D.P.O. VILORIA-FISHER:**  
Yes.

**LEG. COOPER:**  
(Absent).

**LEG. D'AMARO:**  
Yes.

**LEG. STERN:**  
Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

Yes to override.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. CILMI:**

Yes.

**MR. LAUBE:**

Sixteen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. Thank you. What I am going to do now is I want to take one reso out of order. I have Alan Schneider here. There were some questions earlier about the Hispanic --

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

Spanish-speaking Police Officers.

**P.O. LINDSAY:**

Police Officers. Probably under Safety, right?

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

No, Labor.

**P.O. LINDSAY:**

Labor, okay. Okay. It's on Page 10 of the written agenda, it's 1668. Alan, if you could come forward. For the purposes of debate, I'm going to make a motion to approve.

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

Second.

**P.O. LINDSAY:**

Seconded by Legislator Viloría-Fisher. And I believe there were some questions. Legislator Montano, I think you had some questions; am I correct?

**LEG. MONTANO:**

Probably.

**P.O. LINDSAY:**

Do you want to pass until --

**LEG. MONTANO,**

Well no. The only question -- right now, I was going to pull up the bill. But how many positions are we talking about, Alan? I mean, is this a new title? And how many positions are we allocating, or that's not done yet? Because I didn't get a chance to pull up the bill.

**DIRECTOR SCHNEIDER:**

Okay. To answer that, Legislator Montano, the -- what's before you is to create a new title.

**LEG. MONTANO:**

Okay.

**DIRECTOR SCHNEIDER:**

There are no positions involved.

**LEG. MONTANO:**

Nothing's been funded yet, this just created the title.

**DIRECTOR SCHNEIDER:**

Nothing's been funded. This just creates the title for use in the future. And the reason that we're here today, and the reason that it originally came to you as a CN was because the Justice Department, as part of our consent decree, requires that any title used for a police exam, that the advertising for it begins one year in advance. So the Police Officer exam is going to be given in June of 2011, one year from now.

**LEG. MONTANO:**

Okay.

**DIRECTOR SCHNEIDER:**

And it's actually going to be given this prior Saturday. So, it came to you as a CN to try to get it before that exam date so that we would be in compliance with the one year. The fact that if it does pass the Legislature, we will be able to go out and advertise, and it's not going to really make a big difference if we're five or six days late --

**LEG. MONTANO:**

Okay.

**DIRECTOR SCHNEIDER:**

-- in beginning the advertising.

**LEG. MONTANO:**

Gotcha.

**DIRECTOR SCHNEIDER:**

When the exam is given and lists get established, at that time, the determination will be made based on what goes on in the budget.

**LEG. MONTANO:**

How many positions we will have.

**DIRECTOR SCHNEIDER:**

How many positions will be in the first class that gets approved to go in.

**LEG. MONTANO:**

Okay. And just to be clear, we've had these positions in the past, these Spanish-speaking positions. And it's going to be a two component test, it's going to be the written test for Police Officer and then it's going to be the Spanish component, being proficient in the language.

**DIRECTOR SCHNEIDER:**

The Spanish-speaking --

**LEG. MONTANO:**

Spanish-speaking. Well, you've got to speak or read, whatever. There's going to be a Spanish test to make sure the person is proficient in the language.

**DIRECTOR SCHNEIDER:**

That is correct.

**LEG. MONTANO:**

But it doesn't necessarily say that the person that is going to fill this position is Hispanic, because anyone who speaks Spanish is eligible, or anyone who studies Spanish is eligible to take this particular component of the test; am I correct?

**DIRECTOR SCHNEIDER:**

Yes, you are.

**LEG. MONTANO:**

Okay.

**DIRECTOR SCHNEIDER:**

Anyone who's -- who shows a proficiency in the Spanish language will be eligible --

**LEG. MONTANO:**

To take the exam.

**DIRECTOR SCHNEIDER:**

-- to be on the eligible list for Police Officer Spanish-speaking.

**LEG. MONTANO:**

And will they be ranked?

**DIRECTOR SCHNEIDER:**

Before they get on the eligible list, they will have to undergo the Spanish proficiency exam.

**LEG. MONTANO:**

The Spanish proficiency part of the exam, is it a pass or -- is it a pass/fail?

**DIRECTOR SCHNEIDER:**

Pass/fail.

**LEG. MONTANO:**

So, you're not ranked, you're ranked according to your number on the regular exam --

**DIRECTOR SCHNEIDER:**

Your score.

**LEG. MONTANO:**

And then you are eligible to be on the separate list, as long as you pass the Spanish component.

**DIRECTOR SCHNEIDER:**

That is correct.

**LEG. MONTANO:**

Thank you very much.

**DIRECTOR SCHNEIDER:**

You don't get any --

**LEG. MONTANO:**

That's what I wanted to clarify.

**DIRECTOR SCHNEIDER:**

You don't get any additional points.

**LEG. MONTANO:**

Gotcha. All right. It works the same way it's worked in the past with other positions.

**DIRECTOR SCHNEIDER:**

Absolutely.

**LEG. MONTANO:**

Thank you, Alan.

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

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. Alan, my question is would the two run concurrent? If you had your top scorers who also happen to have passed a proficiency portion of the exam, say that the person opted to take it, they were also one of the high scorers. Say, hypothetically, we were going to hire a hundred people and we decided we want ten to meet this Spanish-speaking criteria.

**DIRECTOR SCHNEIDER:**

To come from the Spanish-speaking list.

**LEG. LOSQUADRO:**

Right. But what I'm saying is, what if your top scorers who would have been picked anyway, say five of those happened to have passed the proficiency exam as well, you know, down to the 95 point of the hundred people you were going to hire. Then you could potentially draw from people who would have otherwise been unreachable if they passed the proficiency portion. What I'm saying is,

does it run concurrently, or would we be saying, "Well, those 90 people we're going to hire, regardless of whether or not they passed the proficiency portion, we're going to hire them anyway, and then we're specifically going to take ten that pass the proficiency portion only"? I mean, I think it would have to run concurrently to avoid any sort of, you know, favoritism.

**DIRECTOR SCHNEIDER:**

That is correct.

**LEG. LOSQUADRO:**

Okay. I just wanted to make sure that that's how it would work.

**DIRECTOR SCHNEIDER:**

And we would know that going in. And I think I tried to explain it in front of the committee when I testified last week about specifically that question, because, obviously, I mean, on our current list, we have 26,000 people who are seeking to be a Police Officer, ranging in score from the military people who are above the top score of ninety-seven-five on down to the score of seventy. And, in this case, if we had 26,000 people on the future list, and let's say 10% of that were people who spoke Spanish and were on the other list, we would have twenty-six hundred on the other. And if a class was 10% of the class is going to come from the Spanish-speaking, you would make the assumption, as best you can without knowing what the results are, that they would all come from equal scores on the two lists. The only --

**LEG. LOSQUADRO:**

Well, it's not -- I understand you do have two lists, but I think we're saying the same thing here, just different ways, that if there's someone who got a 99, say they have some extra credits, military service, what have you, that person also happened to pass the Spanish proficiency portion of the exam, they're hired, they're one of the people we're going to be hiring.

**DIRECTOR SCHNEIDER:**

They're going to be hired before anybody else, because the highest score you can get is a 97.5.

**LEG. LOSQUADRO:**

I understand that.

**DIRECTOR SCHNEIDER:**

And you have five additional points because you are a veteran, your score is 102.5. If you happen to speak Spanish proficiently and you're hired from the police list, which is where you're going to get hired from, because, before you can get to the next score, the people with veterans credits who scored at the top of the list are going to be brought in first.

**LEG. LOSQUADRO:**

Right. And what I'm saying is, if we are going to mandate or say we want 10% of this class to be -- to have passed the Spanish language proficiency portion, that person who was at a top score, who happened to have passed it, that count towards that 10%.

**DIRECTOR SCHNEIDER:**

Well, I can't answer that. I can't --

**LEG. LOSQUADRO:**

Why not?

**DIRECTOR SCHNEIDER:**

Because I would assume that in that kind of situation, the person would be hired from the Spanish-speaking list and not from the regular Police Officer list. I'm not making myself clear in --

**LEG. LOSQUADRO:**

Well, I don't know why the two would have to be mutually exclusive, that's my point. If someone gets hired, they're a top scorer, they pass the proficiency as well, the two aren't --

**DIRECTOR SCHNEIDER:**

Let me try and explain this a little bit better. If the decision is made that 100 people are going into a class --

**LEG. LOSQUADRO:**

Yes.

**DIRECTOR SCHNEIDER:**

-- and ten of those candidates are going to come from the --

**P.O. LINDSAY:**

From your mouth to our ears, Alan.

*(\*Laughter\*)*

**DIRECTOR SCHNEIDER:**

I'm talking about next year.

**LEG. LOSQUADRO:**

Hypothetically.

**DIRECTOR SCHNEIDER:**

And 10% of the candidates are going to come from the Spanish-speaking list, well, those ten people will be hired from the Spanish-speaking list. It is possible that somebody is on the regular Police Officer list who's not on the Spanish-speaking list. Maybe they felt that they didn't speak Spanish well enough to pass the proficiency exam, even though they speak Spanish. They may be hired from the regular list, and, as a result, you would have more than the ten. What this guarantees is that you would have --

**LEG. LOSQUADRO:**

I'm talking about people who passed the proficiency test.

**DIRECTOR SCHNEIDER:**

Passed the proficiency test.

**LEG. LOSQUADRO:**

They passed the proficiency test.

**DIRECTOR SCHNEIDER:**

Okay.

**LEG. LOSQUADRO:**

They also happened to have scored a 97 on the exam.

**DIRECTOR SCHNEIDER:**

Okay.

**LEG. LOSQUADRO:**

All right? That person gets hired. Since we hire that person, who happened to be a top scorer, what I'm asking is, are we now only going to hire nine people, or are we still going to hire the ten.

**DIRECTOR SCHNEIDER:**

No. We're going to hire -- we're going to hire a total of ten from the Spanish-speaking list.

**LEG. LOSQUADRO:**

That's all I wanted to know.

**DIRECTOR SCHNEIDER:**

Period, that's --

**LEG. MONTANO:**

It's a long day.

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

I have an easy question, and I know it's easy because we asked you this in committee, but there was someone who asked me earlier today. Why can't the existing officers who are already officers in the Department simply take a proficiency exam and be a Spanish-speaking Police Officer?

**DIRECTOR SCHNEIDER:**

Because the existing officers -- this is a way to get in -- this is a way to bring people in who have the ability to speak Spanish. If you're already on the job and you have permanent status as a Police Officer, it doesn't do you any good to become a Police Officer Spanish-speaking. You're not getting a bonus to do this, you're getting paid the same salary. And, if the Department is aware that you speak Spanish proficiently, they can use you in that capacity without putting you in a title. I mean, there's talk that I heard that the Department was going to -- excuse me.

*(\*Mr. Schneider's Phone Rang\*)*

**LEG. EDDINGTON:**

Steve Levy can hear.

**LEG. ROMAINE:**

Stop talking.

*(\*Laughter\*)*

**DIRECTOR SCHNEIDER:**

There was discussion --

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

There's no benefit to a Police Officer taking a proficiency exam, because --

**DIRECTOR SCHNEIDER:**

If they're already on the job, absolutely not.

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

-- he doesn't need to be in that title.

**DIRECTOR SCHNEIDER:**

They're already in the -- they're already in the job. They're already here, they're available to the Department.

**P.O. LINDSAY:**

Legislator Eddington.

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

Wait a minute.

**P.O. LINDSAY:**

Oh, I'm sorry.

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

I forgot Kennedy.

**P.O. LINDSAY:**

All right.

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

He's not there. We'll go back to him.

**P.O. LINDSAY:**

Yeah. Legislator Eddington, and then maybe we'll get done before he comes back.

**LEG. EDDINGTON:**

I'm confused on this. It just seems to me that if an officer is now in the -- on the job and the officer speaks Spanish, I don't know why we have to have a test. If we have -- if we make it known that it's a benefit that you take the test and you speak Spanish, won't we automatically get more officers taking the test that speak Spanish? I mean, you're going to -- unless this is a way of making money.

**DIRECTOR SCHNEIDER:**

It's got nothing to do with making money.

**LEG. EDDINGTON:**

Okay. So then why are we wasting time? We could get --

**DIRECTOR SCHNEIDER:**

We're not wasting time.

**LEG. EDDINGTON:**

I bet you I could find you ten Spanish-speaking officers right now and they could start tomorrow.

**DIRECTOR SCHNEIDER:**

Wait a minute.

**LEG. EDDINGTON:**

Why do we have to take a test?

**DIRECTOR SCHNEIDER:**

Whoa. I don't understand what you're saying, Legislator. You can find ten people who speak Spanish?

**LEG. EDDINGTON:**

Ten Police Officers that speak Spanish that are already -- that could fill that title right now. You're saying you're going to take -- they've got to take a test and it will be a year.

**DIRECTOR SCHNEIDER:**

Because I think the Department is counting on including training people in the academy to at least learn the basics of Spanish. And, obviously, the more people in the Department who are working as police officers who are fluent in the Spanish language, the more effective the Department will be. So --

**LEG. EDDINGTON:**

Right. I guess what I'm saying is couldn't the Police Commissioner do this internally? I mean, I don't want to take any jobs away or power away from the Police Commissioner. Why don't we just tell the Police Commissioner to start training his officers in Spanish? You know, give an incentive. Say, "We're going to ask you now to take some" -- in fact, I think they are doing that.

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

They are doing that.

**LEG. MONTANO:**

They are doing that.

**LEG. EDDINGTON:**

So, I mean, I don't see why we have to have a test and a new title. You know, I don't like the separating of people, you know, and I think we can just get people to do the job, officers now that speak Spanish.

**DIRECTOR SCHNEIDER:**

Okay. Well, you have a Department right now with all the officers and maybe some of them speak Spanish, but, obviously, for the request to come to me to create a new title and for us to say, "You know what, it's justified, we're going to go ahead and present a new title to the Legislature," obviously, they don't have enough officers who speak Spanish. Now, as far as training them --

**LEG. EDDINGTON:**

Well, the key word there is "obvious", because it's not obvious to me that they don't have officers that speak Spanish.

**DIRECTOR SCHNEIDER:**

Well, I don't have the answer to that.

**DEPUTY INSPECTOR BERGOLD:**

Good afternoon. Chris Bergold, Deputy Inspector, Office of the Police Commissioner.

We don't have enough police officers that speak Spanish, bilingual police officers in the field. The purpose of this legislation and this title is to increase the number of police officers that we have on the force that are bilingual Spanish-speaking. The police officers that are presently on the force, it is not a designated title for them to speak as interpreters or translators. All our police officers who are presently Spanish-speaking are used as interpreters throughout the Department whenever they're available. However, at 911 calls, at incidents, it's frequently the case that an interpreter or translator is not readily available, although we'll make every effort to get a translator there. We use an interpretation service, and we take another means to ensure this is always done. There is often a lack of immediately accessible translators. The purpose of this proposed title is to increase the number of Spanish-speaking police officers in the Department overall.

The assertion that we were doing foreign language training for our police officers is accurate. We did a four-day class last -- this past Spring to train police officers to speak Spanish. We've reached out to officers that some degree of proficiency, we brought them in. However, the amount of time that's required to bring someone to a level of proficiency where they can speak with someone, and particularly in an emergency situation when they're speaking quite fast and in different dialects is quite extensive and it's quite costly to the County to bring someone to that level of proficiency.

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

**LEG. EDDINGTON:**

Well, let me just say, since you decided to step up and answer a question, then why don't you do me

a favor and find out how many Police Officers in Suffolk County are proficient in Spanish. Let me know at my next Public Safety meeting how many officers are proficient, and I'd like to know, you know, the people at the higher ranks also.

**DEPUTY INSPECTOR BERGOLD:**

Yes, sir.

**LEG. EDDINGTON:**

Okay? I'd like to know just how many people. Because we're going to add more because we don't have enough, but you don't tell me how many we have; how do I figure that out? Other than to just take your word.

**DEPUTY INSPECTOR BERGOLD:**

Legislator Eddington, I could get you that information actually now, the number of Spanish-speaking Police Officers.

**LEG. EDDINGTON:**

That would be great. Thank you.

**DIRECTOR SCHNEIDER:**

I would just like to add to that, Legislator Eddington. All we're doing here is talking about creating a title to solve a need in the department. And I know the Legislature is interested in hiring more Police Officers, so if we hire a hundred Police Officers in the first class and ten of them happen to be proficient in the Spanish language, and we know that and we don't have to train them, it's only a bonus. And I don't see any --

**CHAIRMAN EDDINGTON:**

Yeah, no, and I agree.

**DIRECTOR SCHNEIDER:**

I don't see any downside.

**LEG. EDDINGTON:**

No. I guess what I'm saying is once you alert me to a problem, and this obviously is a problem, I'd like to know, well, what are we doing right now to address it? Do we have officers; are they available; are we, you know, putting them in appropriate places? I mean, I know we've done a great job in Patchogue, for example. But now I want to -- now that I'm aware of it, you made me aware of a problem, you've got a long-range plan, I'd like to know what we're doing now.

**LEG. BROWNING:**

Next?

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

You've got a list; Kennedy, is that who you had?

**P.O. LINDSAY:**

Kennedy still isn't back. Gregory.

**LEG. GREGORY:**

Okay, I'll be quick before Kennedy comes back.

**P.O. LINDSAY:**

You know, this is like our first resolution, you know guys.

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

Yes.

**P.O. LINDSAY:**

And it isn't a big, difficult one, and we've got ten speakers already. Go ahead

**LEG. MONTANO:**

Take me off then.

**LEG. GREGORY:**

Ten is my lucky number. Now, just explain to me, this is based on the Decree from 1986; didn't you say something like that or something?

**DIRECTOR SCHNEIDER:**

No. The --

**LEG. GREGORY:**

You didn't say it here, you said it in committee.

**DIRECTOR SCHNEIDER:**

Okay. We have and we're operating under a Consent Decree of the Justice Department from the late 1980's. One section of that Decree requires us, when we hold a Police Officer examination, that we begin the recruitment and we recruit minorities, minority areas, minority colleges, one year in advance. That's the only reference that I made to the Consent Decree. The Consent Decree doesn't talk about Spanish-speaking Police Officers.

**LEG. GREGORY:**

Yeah, that was --

**DIRECTOR SCHNEIDER:**

It's just that I mention that to explain why we came to the Legislature with a CN, because I know that was in question the last time you met when unfortunately I wasn't here. That's the reason why it came as a CN, because of the Consent Decree requirement of advertising one year in advance. And that one year was last Saturday, which one year from last Saturday is when we're going to give the exam.

**LEG. GREGORY:**

Okay. No, I was just confused as to -- I had some familiarity with the Consent Decree. I wasn't necessarily getting the relationship between that and the test for the Spanish-speaking, because that doesn't necessarily necessitate or give us diversity, it gives us maybe --

**DIRECTOR SCHNEIDER:**

That is correct.

**LEG. GREGORY:**

Right. So I wasn't -- okay, thank you.

**P.O. LINDSAY:**

Legislator Cilmi.

**LEG. CILMI:**

Thank you, Mr. Presiding Officer. How are you, Commissioner.

**DIRECTOR SCHNEIDER:**

Fine. Thank you

**LEG. CILMI:**

A couple of questions for you. Have you any idea what the population of Spanish-speaking individuals in Suffolk County is?

**DIRECTOR SCHNEIDER:**

No, I do not.

**LEG. CILMI:**

Have you any --

**DIRECTOR SCHNEIDER:**

I only know what I read which constantly refers to the significant increasing numbers of Spanish-speaking people in our County.

**LEG. CILMI:**

Any idea what the population of Chinese-speaking County residents is?

**DIRECTOR SCHNEIDER:**

No, just --

**LEG. CILMI:**

Italian speaking?

**DIRECTOR SCHNEIDER:**

No.

**LEG. CILMI:**

Russian?

**DIRECTOR SCHNEIDER:**

Nope.

**LEG. CILMI:**

Any other language?

**DIRECTOR SCHNEIDER:**

No.

**LEG. CILMI:**

Okay. Any plans to deal with those populations in the near future?

**DIRECTOR SCHNEIDER:**

No, because I don't make those decisions. People come to me with requests and we judge the value of their requests. When the request came to me for a Spanish-speaking Police Officer, we felt, based on what we know -- and again, I don't know the numbers -- that there was a valid need for us using the title because, again, I really believe there's no downside to this.

**LEG. CILMI:**

Our 911 system, do we have Spanish-speaking operators in our 911 system?

**DIRECTOR SCHNEIDER:**

I believe we do. I believe we have the Spanish-speaking --

**LEG. CILMI:**

Maybe at some point our PD can --

**DIRECTOR SCHNEIDER:**

-- titles in there as well.

**LEG. CILMI:**

-- confirm that.

**DIRECTOR SCHNEIDER:**

Uh-huh.

**LEG. CILMI:**

That's all the questions I have. Thanks.

**P.O. LINDSAY:**

Legislator Browning.

**LEG. BROWNING:**

Okay. You know, Tom touched on that a little bit. I mean, and I know that's not your decision who gets hired, but I know that there's been an increase in the Haitian population on Long Island. So I kind of look at it and think, well, why just one language, why not more than one?

I'm trying to understand that if you have two people taking the test and one person scores 95 who doesn't speak Spanish, and you have another person who scores a 90 and does speak Spanish, and now that person takes a proficiency test, you're going to, say, hire a hundred people; does that move that person -- the person who took the Spanish proficiency test, if they pass that test very well, is it possible that that person could get on the job over the person who got a 95?

**DIRECTOR SCHNEIDER:**

The fact that they passed the test, the proficiency test very well means nothing; they either pass it or they fail it.

**LEG. BROWNING:**

Right, but you --

**DIRECTOR SCHNEIDER:**

If they fail it, they're off the list.

**LEG. BROWNING:**

But you're going to be -- okay.

**DIRECTOR SCHNEIDER:**

If they -- let me just finish, Kate. If they pass it, they're on the list but with a score of 90.

**LEG. BROWNING:**

Right.

**DIRECTOR SCHNEIDER:**

There are going to be people who speak Spanish proficiently who've passed the test who have scores of 92.5 and 95 and 97.5 ahead of them who will be hired in that first group. And that's why I said if there are 10% of the candidates taking the test applying for the Spanish-speaking test and then we hire 10% of a class, they would virtually be assured of coming from the same score. I don't see any scenario where somebody with a score of 90 could be appointed along with people who score a 97.

**LEG. BROWNING:**

Okay. And I'm just -- as an example, but what I'm saying is is it possible that someone who scores lower than someone who didn't take the Spanish proficiency could potentially wind up getting the job because he falls within that percentage of Spanish-speaking; isn't that correct?

**DIRECTOR SCHNEIDER:**

I would say that at a certain point on the list, depending on how many people are hired, because if somebody makes the determination that instead of hiring ten people in a class from the Spanish-speaking list, they decide to hire 50, then it would be possible that people from a lower score on the Spanish-speaking list would get in before they would have if they were on the plain vanilla Police Officer test.

**LEG. BROWNING:**

Okay.

**DIRECTOR SCHNEIDER:**

But it's going to be a function --

**LEG. BROWNING:**

So I think the answer was yes.

*(\*Laughter\*)*

**DIRECTOR SCHNEIDER:**

The answer is possible, not yes. The answer is not yet --

**LEG. BROWNING:**

It's very possible.

**DIRECTOR SCHNEIDER:**

No, I wouldn't even say very possible. The answer is it is possible.

**LEG. BROWNING:**

Okay, it's possible.

**DIRECTOR SCHNEIDER:**

Depending on the number of people hired in relation from one list to the other.

**LEG. BROWNING:**

Okay, I got my answer.

**DIRECTOR SCHNEIDER:**

Okay.

**P.O. LINDSAY:**

They need an Irish test.

**LEG. BROWNING:**

Yeah, when's the Irish test coming up?

**P.O. LINDSAY:**

Legislator Kennedy came back.

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

He's back.

**LEG. KENNEDY:**

I'll pass.

**P.O. LINDSAY:**

You're going to pass?

**LEG. KENNEDY:**

No, no, no, {yo no sabes}.

**P.O. LINDSAY:**

Legislator Muratore.

**LEG. MURATORE:**

Actually, my question was for the -- oh, the Inspector is back. Inspector, can I just ask you a question here? So you're telling us that when these Spanish-speaking officers are hired, they're going to go into the precincts and they're going to respond to calls where a translator is needed; is that what they're going to be used for?

**DEPUTY INSPECTOR BERGOLD:**

Yes, sir. They would serve as regular Police Officers, but when there's a translator needed in a particular area, at a particular call, they'd be -- they would perform that service, as our Police Officers do now.

**LEG. MURATORE:**

We can't cover the midnights now with enough people. So now if some of these are working midnight tours and they're assigned to a sector and the overlay is in progress, and now you're going to take another car out of service to go and translate for another unit in a different part of town? I mean, what's going to be happening to the sectors that are there? We're going to be closing more cars down. I mean, this is not going to work. We tried years ago to make cops Spanish-speaking, it didn't work.

**DEPUTY INSPECTOR BERGOLD:**

Presently, as you may be aware, when there is a call for an interpreter or a translator, we poll the Police Officers that are on duty across the County. If, for example, there's a call going on in Coram that requires a translator and your closest translator is in Setauket, for example, he would be assigned to respond to assist the Police Officer in Coram to perform that translation function. We've taken a number --

**LEG. MURATORE:**

So now Setauket is without a car. You're shutting down that car in Setauket to give Coram double coverage.

**DEPUTY INSPECTOR BERGOLD:**

Well, the car is not being shut down, the officer would respond to Coram to perform, to assist the Police Officer there.

**LEG. MURATORE:**

Well, he's not in service in the sector he's supposed to be assigned to, he's not there. You know, there's smoke and mirrors going on here. You know, this is typical of what's going on in this department today, it's been going on for the last five or six years. Just say, "We're taking the car out of service in Setauket, we're going to send it to Coram and Setauket is not going to have any coverage until that Police Officer goes back to his sector; it's as plain as the nose on your face.

**DEPUTY INSPECTOR BERGOLD:**

Well, it's similar to -- it's similar to when there's any type of an assignment. If a Police Officer makes an arrest and goes out of service, as you're aware, the adjacent sectors cover that particular area. If a Police Officer goes to perform another function, that's what takes place. It's just bringing

Police Officers on to the force who have a specific skill for which there is a need for within the Police Department right now, or there's an identified need.

Just to follow-up on what -- you know, what over steps we're taking. This is not, you know, the end-all solution, as I mentioned earlier. We're doing the Spanish Language Training Course for our Police Officers, we've done Spanish on Patrol, which is similar to mango languages are an internet-based training course. We purchased 40 language line phones for our Police facilities that provide immediate translation service, and we also have Spanish cell phones, you know, deployed in our Police -- throughout our Police cars, they provide a translation service. So this is just another component of an overall limited English proficiency program to address this matter.

To answer Legislator Eddington's question, we have approximately 89 Spanish-speaking Police Officers, Police officers that are presently fluid -- fluent in speaking Spanish on the force at this time, so.

**LEG. EDDINGTON:**

Thank you.

**P.O. LINDSAY:**

Okay. Thank you very much. Legislator D'Amaro. This is the last -- is the last person on my list.

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

You want to say his name again?

**P.O. LINDSAY:**

Well, I don't see Legislator D'Amaro here at the moment, so -- here he is, wonderful. Okay, the nic of time.

**LEG. D'AMARO:**

I'm good.

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

He's passing; all right.

**P.O. LINDSAY:**

You're good, okay.

Okay. We have a motion and a second on this resolution, Mr. Clerk?

**MR. LAUBE:**

Yes, you do.

**P.O. LINDSAY:**

Okay. All in favor? Opposed?

**LEG. CILMI:**

Opposed.

**LEG. ROMAINE:**

Opposed.

**LEG. MURATORE:**

Opposed.

**P.O. LINDSAY:**

Abstentions?

**LEG. LOSQUADRO:**

Opposed.

**P.O. LINDSAY:**

Do we want a roll call?

**MR. LAUBE:**

Yeah, if we could have a roll call.

**P.O. LINDSAY:**

Roll call. Roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**P.O. LINDSAY:**

Yes.

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

Yes.

**LEG. COOPER:**

(Absent).

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Si.

*(\*Laughter\*)*

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**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:**

Yes.

**MR. LAUBE:**

Thirteen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. All right, I am --

**DIRECTOR SCHNEIDER:**

Legislator Lindsay, I just want to thank you for taking that out of order. I appreciate that.

**P.O. LINDSAY:**

You're welcome. I have two other resolutions that I would like to take out of order, they're the two right above 1668. I'll start with 1665. I'd like to make a motion to take that out of order --

**LEG. EDDINGTON:**

Motion.

**LEG. LOSQUADRO:**

Second, Mr. Chairman.

**P.O. LINDSAY:**

-- because the developers are here and there's a lot of interested people here. Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

It stands before us.

***IR 1665-10 - Authorizing funding, acquisition, conveyance, development, infrastructure improvements and oversight of real property under Suffolk County Affordable Housing Opportunities Program (Summerwind Square – Riverhead) (County Executive).*** I'll make a motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Losquadro. On the subject, does anybody like to speak on this subject? I know it isn't as sexy as Spanish-speaking Police Officers.

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

They're great projects. Beautiful projects; put people to work and give people a home.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**LEG. ROMAINE:**

Would the Clerk please list me as a cosponsor?

**MR. LAUBE:**

Will do.

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

Cosponsor.

**LEG. LOSQUADRO:**

Tim?

**P.O. LINDSAY:**

IR 1666; again, I am going to make a motion to take 1666 out of order.

**LEG. LOSQUADRO:**

Second.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay, it's before us.

***IR 1666-10 - Authorizing funding, acquisition, conveyance, development and oversight of real property under Suffolk County Affordable Housing Opportunities Program (Cortland Square – Bay Shore) (County Executive).***

**LEG. CILMI:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Cilmi.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Barraga. Any discussion? Seeing none, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. Thank you, folks, for hanging around.

**UNKNOWN AUDIENCE MEMBER:**

Thank you so much. Thank you.

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

Do you want to take parks Commissioner out of order?

**LEG. CILMI:**

Yeah, you want to take the Commissioner, 1653?

**P.O. LINDSAY:**

Feel free to make a motion.

**LEG. CILMI:**

I make a motion to take 1653 out of order.

**P.O. LINDSAY:**

Motion by Legislator Cilmi to take 1653 out of order, it's on page ten, last reso on the bottom of page ten. And Legislator Horsley seconded that to take it out of order; am I correct, Legislator Horsley?

**LEG. HORSLEY:**

That's correct.

**P.O. LINDSAY:**

Okay. Any discussion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

One abstention.

**MR. LAUBE:**

Sixteen.

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

This is just to take it out of order.

**LEG. EDDINGTON:**

Oh, I'm sorry. No.

**P.O. LINDSAY:**

Okay, seventeen.

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay, it's before us.

***1653-10 - Confirming the appointment of the Commissioner of the Department of Parks, Recreation and Conservation (Joseph J. Montuori) (County Executive).***

**LEG. ROMAINE:**

So moved.

**LEG. CILMI:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Cilmi, seconded by Legislator Romaine.  
On the question, does anybody have any questions?

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

Yes, Mr. Chair, I do.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

For Mr. Montuori.

**P.O. LINDSAY:**

Mr. Montuori, if you could come forward, I would appreciate it.

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

Hi, Mr. Montuori. Good to see you again.

**MR. MONTUORI:**

The same.

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

I enjoyed speaking with you the other day, you certainly love parks. But I do have to say that I have an issue with just one of the ways in which you described how you see the position. You talked about -- you talked about not liking to be at your desk and that you want to be in the field, and I brought some of the reading material that I've had to do just when I was Chair of Parks, part of CEO. This is one we just discussed at CEO, the Master Plan for Cedar Point, and I'm wondering if you have seen it yet?

**MR. MONTUORI:**

No.

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

This is the Historic Structure Survey; I'm not going to keep asking you the same question, but that's just a survey of our historic structures.

This is a big department and the Commissioner has to be in a position of leadership regarding many, many, many, many facets of the parks. And although -- I love parks. I love our County parks, I really do.

I loved it when I've been Chair of the Parks Department. I'm going to have to abstain on the vote to -- on your taking the position, because I truly feel that it takes more than just loving the parks. One has to be willing to dig in to all of these materials, to sit at that desk, to take a leadership position, otherwise the staff will be making a lot of really important positions and I think that's what the Commissioner should be doing.

So although I appreciate your love of the parks and your stepping up to take this position and for very little pay, it can't just be something that someone does after they retire because they like parks. You know, I just wanted to put that there on the record, how I feel and not a personal indictment about you but a difference in how we see the role.

**MR. MONTUORI:**

Maybe I didn't explain myself right. When I said sitting behind a desk, my thing is that you have to go out and look at something. Like we looked the other day, we're talking about moving a barn, okay, and everybody is talking about it and they're saying oh, this barn's maybe not in good shape, what should we do? I went out and I looked at it, okay, and that's what I'm trying to explain by saying you can't sit behind a desk. You've got to go out and look at things, then come back and do your research on it; that's what I was trying to explain. I'm not saying that I'm going to be out in the field, when you call my office, "Oh, he's out in the field, he's out in the field". No, no, I'm going to go out and examine things, that's what I was trying to explain.

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

Thank you.

**P.O. LINDSAY:**

Legislator Horsley.

**LEG. HORSLEY:**

Hello, Joe. How are you? Joe and I, we go back, I guess, 30 years, whatever the number may be. And I want to first of all mention that I had a note here from Ron Foley who was trying to be -- of course we all remember Ron Foley, our former Commissioner, who wanted to be here today for you, but something came up so he was unable to make it, but he did express his apologies.

The other thing I wanted just to quickly mention, and we should all know about this, that Joe was the 2010 recipient of the Maple Leaf Award which is voted upon by fellow Park Managers in the State of New York, all across the State of New York, as the finest Park Manager in the system. And I thought that was quite an honor and I just wanted to bring that up, that Joe is involved in -- he ran Heckshire State Park and a park that was very complex and had -- it was a microcosm of all the different types of issues that we confront in our park system today.

Now, some people are concerned about, yeah, Joe maybe he won't be independent, and I've heard that brought up several times by my colleague. But I want to let you know that when I did a rally down at Heckshire State Park -- I guess it was February, Joe -- in which the orders went out from above that there shouldn't be -- we should have no assistance in putting on this rally because it was contrary to some of the wishes of some of the people in the State of New York that it should go off, and Mr. Montuori was there right by my side helping me in the background. And I've got tell you, he is an independent, he is a parks person, he is a person who knows parks and loves parks, as Ms. Fisher says, and I think that he would be an extraordinary Commissioner.

**P.O. LINDSAY:**

Anybody else? No? Yes, Legislator D'Amaro.

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

Then Jay Schneiderman.

**P.O. LINDSAY:**

And then Jay Schneiderman

**LEG. D'AMARO:**

Thank you. Just very quickly. Sir, I just want to thank you for your willingness to serve. I've had an opportunity to interview you as well as take a look at your resume, and I find you extremely qualified. You've run some of the largest parks here in Suffolk County, albeit for the State of New

York, not for Suffolk County. And your history of dealing with the parks goes all the way back for many, many years, and I think that's exactly the type of person we need to fill a Commissioner job, someone who can do more than administer, which is important, it's very important. But we need someone who also can understand day-to-day operations and what every single employee down the line is doing, and I think you bring that to the table. So I appreciate it.

**MR. MONTUORI:**

Thank you.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Good afternoon, Mr. Montuori. I know you've had an opportunity to meet with some on the Legislators. You have not had an opportunity to meet with me and I would like that opportunity. I will support you today.

You know, I, in the past, have been Chair of the Parks Committee. I have an awful lot of parks in the district, I represent the south fork of the County with some very, very beautiful parks that I care deeply about. And I would like to just have an opportunity to meet with you to discuss some of the issues, there are some things that I'm hoping to achieve and I'd like to be able to work with you on those things.

**MR. MONTUORI:**

Thank you.

**P.O. LINDSAY:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. Mr. Montuori, it was a pleasure talking with you that day within the caucus. I have to be honest, I don't think your background -- I don't want to be insulting, but I don't think -- as far as your credentials, I think they could be better, but I found you to be extremely personable. I think you're a down-to-earth person, a hands-on person and I think there is a benefit in that.

You know, I hear some of the concerns that Legislator Fisher had. I don't have any County parks in my district, my neighboring district does and I personally use it on occasion. But I understand the concerns of those that do have county cars and how important they are in our park structure. So it's important to me that we have someone that answers the full scope of the park system. I've actually worked at the park that you managed, I told you that before. A beautiful park, but I think those responsibilities are not necessarily parallel to what you're going to be facing here today. I'm not saying you're not capable of it, but I just have some concerns about that and I hope that you prove me wrong and I wish you luck. And I'm sure -- I think you'll be confirmed here today. Okay?

**MR. MONTUORI:**

Thank you.

**P.O. LINDSAY:**

Okay. Legislator Romaine.

**LEG. ROMAINE:**

Yes, I had an opportunity to meet with Mr. Montuori, I was impressed by his background, by his knowledge. I second what Wayne Horsley said about his service, particularly at Heckshire State Park. I think what the Commissioner is that we may be unused to in County government is someone that's very plain speaking, someone that tells it the way he sees it, talks about it and doesn't look to be always politically correct, but someone that cares deeply about parks. Someone

that has over 30 years experience in managing some of the largest parks in the State of New York here on Long Island and someone that obviously I think is qualified, certainly, for this position.

I have always supported the County Executive's appointments, as long as they've had some qualifications, and I have found no fault with almost every one of the County Executive's appointments in terms of resume and background and Mr. Montuori is no exception to the rule. So I look forward to supporting his nomination.

Joe, thank you for coming out. Thank you for discussing -- my district has a variety of issues and you were very careful to take notes, and I know we'll be working together on those.

**P.O. LINDSAY:**  
Legislator Barraga.

**LEG. BARRAGA:**  
Mr. Montuori, I'll be happy to support your designation. And just to let you know that if you do a great job, the County Executive will take full credit; if you do a poor job, it was always your fault. So enjoy your job.

**MR. MONTUORI:**  
Thank you.

*(\*Laughter\*)*

**P.O. LINDSAY:**  
Okay, I think we have a motion and a second, and I'm sure that the County Executive will be taking a lot of credit. We have a motion and a second to approve. All in favor? Opposed? Abstentions?

**D.P.O. VILORIA-FISHER:**  
Abstention

**LEG. EDDINGTON:**  
Abstain

**MR. LAUBE:**  
Fifteen (Absent: Legislator Cooper).

**MR. MONTUORI:**  
Thank you.

**LEG. ROMAINE:**  
Congratulations.

**P.O. LINDSAY:**  
All right, I don't think we have any more resos to take out of order, so let's go back to the beginning of the agenda. It should be page eight, **Resolutions Tabled to June 22nd, 2010:**

***1004-10 - Adopting Local Law No. -2010, A Charter Law to strengthen the independence of the Ethics Commission (Montano).***

**LEG. MONTANO:**  
Motion to approve.

**P.O. LINDSAY:**  
Motion to approve by Legislator Montano, and I'll second the motion to approve. And we have a --

**LEG. LOSQUADRO:**

On the motion?

**P.O. LINDSAY:**

-- to table? Didn't -- no, just a motion to approve. Okay, go ahead.

**LEG. LOSQUADRO:**

On the motion. I had some discussions with the sponsor about -- because just today I did hear something new as to how we were going to be funding this individual, an attorney; so I'm still not certain. I understand the sponsor's point that we can approve this and then we deal with it in the budget and if we don't appropriate the position or funding that things continue the way they are, but that seems very open-ended to me. So if I could have the sponsor explain how exactly he intends to fulfill his purpose here.

**LEG. MONTANO:**

All right. The purpose of this resolution -- which, I'll add, has been pending since November of 2008 -- is simply to create a fire wall between the Office of the County Attorney, the County Executive and the Ethics Commission.

The bill does not become effective until January 1st of next year. It provides that the attorney for the commission shall be independent, and in the resolution it says that it's subject to the appropriations that are passed by the Legislature during the budget process. According to my understanding from testimony prior by the County Attorney's Office, if there is no funding available or appropriated in the budget, then the system that is employed now whereas the County Attorney is the attorney for the Ethics Committee, would remain in place. Now, there are various ways -- and the resolution also says, and I'll quote from it, "The commission shall be deemed the appointing authority for all such staff and personnel. The Executive Director, independent counsel and support staff shall not be part of the Suffolk County Department of Law, nor supervised by the Suffolk County Department of Law. The commission, its staff and its funding shall be treated as a separate agency for purposes of presentation and adoption in the annual County operating budget," which we have not gotten to yet. There are various ways that this can be done.

One of the issues that has been raised is is this going to cost us money. It is not intended that this resolution or the passage of this resolution is going to have a fiscal impact. Right now, according to the letter-head of the County Ethics Commission, there are three assigned attorneys from the County Attorney's Office who appear on that letter-head, and I don't have it with me; I know that John Holownia is one of them and I think there are two other attorneys there. I don't know at this point how many hours they spend as part of their role as County Attorneys on ethics-related matters, but these are issues that would be taken up in the budget process. It could conceivably be that a County Attorney position would be slid over to the Ethics Commission but that person would be independent. It could be that a part-time attorney would be needed, because we're not sure at this point how much person hour is involved by the County Attorneys in terms of fulfilling this role. And another possibility is always the ability to have independent outside counsel who functions on either a part-time or per diem basis. I don't know if this is accurate, but I read in Newsday recently that there was an outside counsel hired by the Ethics Commission having to do with some news articles.

But this bill was introduced, as I said, back in November of 2008, really has no relationship to what has transpired. This bill is intended to ensure that the perception of the Ethics Commission remains impartial and separate from either Executive Branch or the Department of Law which is, in fact, controlled by the County Executive

**LEG. LOSQUADRO:**

I understand that. I was really --

**LEG. MONTANO:**

So it's a budgetary aspect. It's budgetary neutral, and that's why there is no financial impact statement attached to it.

**LEG. LOSQUADRO:**

All right. Well, that was my question. I still -- from what you explained to me, it still seems very indeterminant to me. So I'm going ask the County Attorney's Office, to the point of three attorneys assigned to this, the sponsor has said he's not sure how many hours these individuals put in. Would hours put in by each of these individuals reach an FTE, a full-time equivalent?

**MS. LOLIS:**

No, and just so I can explain. Traditionally -- Gail Lolis, Deputy County Attorney. Traditionally, there have always been two attorneys from the Department of Law that have assisted the Ethics Commission. It is three now because Mr. Holownia, who has been on it for a while, is coming off and a new attorney is going on, so it's in a transition phase, that's why there's three attorneys. In preparation for when you consider this bill, I did speak to the attorneys just to try to get an idea about how many hours were put in. In the past year it's estimated -- and again, it's only estimated -- that it's probably in the area of 350 to 400 hours over the course of a year, so it would not -- it would not constitute a full-time position. The attorneys that assist it now work full-time duties in the office, Mr. Holownia is a Bureau Chief for the Family Court Bureau. They do their full-time functions in the Department of Law and also assist the Ethics Commission pretty much on their own time

**LEG. MONTANO:**

Question.

**LEG. LOSQUADRO:**

Well, I wasn't quite done yet.

**LEG. MONTANO:**

Go ahead.

**LEG. LOSQUADRO:**

So, to me that would say at \$250 an hour, 400 hours, that's \$100,000, round number. I don't know why -- to BRO; why would there not be a fiscal impact attached to that? That seems to me like pretty simple math there, that we could come up with a possible determinant cost. It sounds to me like there's certainly not enough hours to justify sliding someone over full-time from the County Attorney's Office. It seems like, you know, 400 hours, there's obviously a lot of other work they're doing in County business, so it sounds to me like we would have to do someone part-time or per diem type basis for this. So about, you know, based on that, maybe a \$100,000 cost; does that sound fairly accurate?

**MR. LIPP:**

You could make a case that perhaps we should have put something in in terms of there being a cost. The language of the resolution, though, made it unclear as to whether or not there would be, but you can make a case for that, that there is --

**LEG. LOSQUADRO:**

I thought we passed a law that says every resolution has to have a financial impact attached to it?

**MR. LIPP:**

And we -- I believe we did have some sort of a fiscal impact statement, but I don't think --

**LEG. MONTANO:**

There's a statement that doesn't have a cost --

**MR. LIPP:**

Right.

**LEG. MONTANO:**

-- because it's indeterminant.

**MR. LIPP:**

Well, once again --

**LEG. LOSQUADRO:**

Well, I mean, in just 90 seconds there we were able to come up with some sort of possible determinant cost.

**LEG. MONTANO:**

No, that's depending on the scenario. Let me ask -- are you finished with your questions?

**LEG. LOSQUADRO:**

At the moment, I may have to come back to something.

**LEG. MONTANO:**

Let me ask a question to Counsel.

**LEG. LOSQUADRO:**

It seems to me like we can determine the number of man hours potentially that this would require and from that we could extrapolate a possible potential cost for this.

**LEG. MONTANO:**

I just read in Newsday -- just by example, because I'm not really clear how you function and how many hours you have there, but I just read an article, for instance, that the Ethics Committee subpoenaed Cheryl Felice in a case involving -- and this is public news. Would the -- who's going to handle that case; is that going to be handled by the County Attorney's Office? Who is the -- is the County Attorney's Office involved in any way in that issue?

**MS. LOLIS:**

I really couldn't even answer that. I have no idea if the Ethics Commissioners asked anybody in any of the Department of Law Attorneys that assist them for assistance on that. They are --

**LEG. MONTANO:**

Well, let's assume that that were the case, that they reached out. Because from my understanding, we have three ethic -- three Commissioners that are appointed independently, there's an Executive Director and then there's a secretary, and then all the decisions are drafted by the Assistant County Attorneys who research, provide the information to the Commissioners and then the Commissioners make a determination; is that accurate?

**MS. LOLIS:**

Again, I cannot explain the inner workings of what happens in the commission. We assist at the --

**LEG. MONTANO:**

But I think that's been testified to -- I think that's been testified to previously by Judge Lama, so that's a fact.

**MS. LOLIS:**

Okay.

**LEG. MONTANO:**

All right? So the question is that if, in fact, this new development where the commission is

subpoenaing people, would not they rely on counsel for that and would that -- under the present system, would that counsel not come from the County Attorney's Office, or is that independent counsel? Ben, you're shaking your head.

**MS. LOLIS:**

Well -- go ahead.

**MR. ZWIRN:**

If the Ethics Commission asks for outside counsel, then they can have outside counsel.

**LEG. MONTANO:**

Who would appoint or who would choose the outside counsel under the existing system; would it not be then the County Attorney?

**MR. ZWIRN:**

No, the Commissioners pick the counsel.

**LEG. MONTANO:**

The Commissioners themselves would pick their independent counsel.

**MR. ZWIRN:**

Correct

**LEG. MONTANO:**

So that would not be -- if that were the case, that would not be unlike what is going on right now, what is going on with this bill, that they would have independent counsel.

**MR. ZWIRN:**

They only ask for independent counsel if they think there's a conflict or for some reason they believe -- otherwise they rely on the County Attorney's Office for their research. But there are occasions, and I think there currently is at least one or two occasions presently where they have asked for independent outside counsel and they have gotten it.

**LEG. MONTANO:**

Well, I'm not aware of that. Do you know how much they've expended on independent counsel or counsels this year?

**MR. ZWIRN:**

Approximately \$10,000, over -- not just this year, over the past couple of years, about \$10,000.

**LEG. MONTANO:**

All right.

**MR. ZWIRN:**

With the cost -- if I just might add.

**LEG. MONTANO:**

Yeah.

**MR. ZWIRN:**

We also -- the County Attorney's Office also, you know, provides staff. If they're going to put a fire wall up, you're going to need to find a different location for the Ethics Commission, you're going to need to find staff for them because they'll have to answer their own phones, they're going to have to have their own computers. It's not just the attorney that you're going to have to hire, there's going to be additional costs that will be -- that go along with this

**LEG. MONTANO:**

All right, to cut to the chase, that issue will be determined under this bill. That issue will be determined by the Legislature during the budget process. Now, to Lois, is it not accurate that under the existing Municipal Law, if the Legislature did not come up with funding for an independent counsel as called for in this bill, then the County Attorney would continue to serve in the role that it exists today and nothing would change; is that accurate?

**MS. LOLIS:**

It's Gail, and yes

**LEG. MONTANO:**

I'm sorry, Gail. It's Gail Lolis, right?

*(\*Laughter\*)*

**MS. LOLIS:**

You can do either way, call me Lolis or call me Gail.

**LEG. MONTANO:**

Either way. And I apologize, Gail.

**MR. ZWIRN:**

Call me Johnson.

*(\*Laughter\*)*

**LEG. MONTANO:**

All right, and that's really -- and that's really the answer. We call you other things, Ben, but not publicly.

*(\*Laughter\*)*

All right, does that answer your question, Legislator Losquadro?  
I mean, it may not satisfy you, but does it answer your question?

**LEG. LOSQUADRO:**

Well, I understand that you want to pass this and then have the Legislature seek to fund it, but --

**LEG. MONTANO:**

Well, that's what the bill says.

**LEG. LOSQUADRO:**

Right, but to me it's still an indeterminant cost and, like I said, I thought we passed a law that says there has to be a fiscal impact statement attached to something. And to me, it seems as though it would be quite easy to determine a fiscal impact for this based on the number of hours that the County Attorney's Office has put into this, based on the number of hours that the Ethics Commission has billed for their own outside counsel; you add those numbers together, you take an average cost for what an attorney is charging for this type of service, maybe \$250 an hour, you multiply the two and you come up with a cost.

**LEG. MONTANO:**

Well, that --

**LEG. LOSQUADRO:**

It's an approximate cost because we don't know how many hours exactly each year the Ethics Commission is going to need in terms of legal services, but at least it's an approximate cost based on the track record that we've seen and it gives us an idea, do we want to do this? Because as we move forward into this budget process, I'd like an idea of what we're going to get ourselves into, how much -- even if it's just an approximation, how much are we going to look to spend to put into this operating budget to make this happen? If I pass the bill, I want to know what we would actually have to do to make it happen, not just say, "Well, if we don't fund it, it doesn't happen."

**LEG. MONTANO:**

Well, the bill calls for the Ethics Commission to come forward -- and Counsel, you may want to correct me if I misstate -- to come forward and to present their numbers and their budget during the budget process, and they will do that. They will come forward, they will present what they feel they need. We're not -- they already have an Executive Director, that does not change, they already have a staff. The only position that we're talking about -- and this is the independent Counsel. Again, this is not an issue of cost, this is -- to me, this is an issue of control and appearance of impartiality or impropriety, whichever way you want to put it, and I think that, you know, we should go with an up or down vote on this. And the cost will be determined when, in fact, the commission comes forward during the budgetary process, as do all departments on a yearly basis. It will just be a new presentation by budget, by the commission, the Ethics Commission, in the budget and we can decide at that point whether or not we can fund this and how we're going to fund it.

**P.O. LINDSAY:**

Legislator Stern.

**LEG. STERN:**

Thank you. I think part of the challenge is trying to define what independent is. I mean, we all want to see a counsel that is independent, that can provide independent, legal advice to members of the Ethics Commission. I think part of the question here remaining is who or what is going to be this independent counsel; is it going to be a County employee, is it truly going to be outside counsel which, of course, would require, you know, some kind of financial impact statement? I think part of the challenge is we don't yet know exactly who or what kind of entity. Is it going to be an individual, is it going to be a firm, is it going to be a County employee that's taken from some other department to be able to figure what the fiscal impact is going to be in the first place? I think that's a threshold question to then be able to determine what the financial impact, if any, is going to be going forward. I was wondering --

**LEG. MONTANO:**

Let me address the independence part. As in other levels of government that have commissions such as this, they have either a general counsel or they have their own separate counsel. The difference here in Suffolk is that the counsel to the commission, by definition, is not independent because it is part of the Department of Law which is part of the Executive Department. And whether or not -- and I'm not saying that there is any impropriety that's not the issue. The fact remains that the person who is assigned to the commission really is serving for a separate department. What we are saying is that this -- the attorney that's assigned to the Ethics Commission has its loyalty and its responsibility solely to the Ethics Commission.

For instance, in my opinion, at the moment there -- it would not be inappropriate or improper for a communication to take place within the County Attorney's Office on ethics issues. But if we had an independent counsel who was reviewing a matter, it could be someone from the Legislature, it could be someone from the County Executive's Office, it could be someone from a department within the County, that attorney -- and you're an attorney also. The rules of conflict require that there be a separation, that's why I call it a fire wall. So the independence comes from the fact that the attorney works for and is responsible to solely and the allegiance and legal advice that is given to its client is the members of the Ethics Commission and no one else, and that is where -- that is how you draw the distinction of independence. They're still a County worker, but they report to

Commissioner A, B, C under the direction of an Executive Director. There is no dual loyalty or potential conflict because they report part-time for someone else certain

**LEG. STERN:**

So you're suggesting that it could be structured in a way where the independent counsel is not necessarily outside counsel but an employee of the County.

**LEG. MONTANO:**

Absolutely. And I think if you look at the State Ethics Commission and some of the issues that came up during this last year and the restructuring, there are many -- the counsel is a State employee, as every department would have a general counsel. So we're doing -- we're following the same model in terms of independence. It doesn't mean that the person isn't hired by the County, doesn't get County benefits, if it's part-time, full-time, or even if it's an outside counsel on a part-time basis; their responsibility is solely to the client which is the Ethics Commission.

For example, I served as an Assistant Attorney General prior to becoming -- being elected to the Legislature. We had cases where we as the State had a conflict; we would assign that case out to outside counsel. We were prohibited from interfering and communicating with the counsel once we hired them, because we understood that it was a conflict of interest. So this has to follow the same lines.

The Counsel to the commission is strictly independent and apart from the Legislature, apart from the County Executive and apart from the County of law because -- I mean from the Department of Law, because it's conceivable that any one of these agencies or individuals in these agencies could be the subject of an inquiry and that's why you seek to separate it. So whichever financial avenue we pursue in November, what it leads to is the fact that the commission has its own independent counsel that is solely responsible to it, as an attorney should be to his or her client.

**LEG. STERN:**

Right. But what form that independent counsel takes -- inside, outside, full-time, part-time -- is yet to be --

**LEG. MONTANO:**

Is subject to our appropriation. If we are unable to appropriate any money or we're unwilling to appropriate, then the system that we employ today will remain that way because the State law supercedes; am I correct, Gail? That if we do not appropriate, the State law supercedes and mandates that the County Attorney continue to serve in that capacity.

**LEG. STERN:**

Along those lines, what -- and maybe this is a question for you, Gail, or for our Counsel. Does the State law speak to the potential scenario that this Legislature appropriates the funds, that it creates the position, that it appropriates the funds, develops the structure, but that outside counsel -- or independent Counsel is never hired.

**LEG. MONTANO:**

I'm not sure I got the question.

**LEG. STERN:**

It's going to be --

**LEG. MONTANO:**

Are you talking to me or Counsel?

**LEG. STERN:**

Anybody that can answer the question

**MR. NOLAN:**

I mean, until the time we have the counsel, the County Attorney is going to serve in that capacity. But if we -- if we put the money in the budget for the person that's serving in this position, until such time as it's filled, then the County Attorney will continue to advise.

**LEG. STERN:**

So it's not just -- just to be clear. It's not just the situation where we choose not to go forward, even if we do choose to go forward but the individual is never actually hired, then still State law would remain in effect, it would still be the County Attorney's Office and the Department of Law.

**LEG. MONTANO:**

Yes, I believe that to be the case.

**P.O. LINDSAY:**

Okay. Legislator Losquadro, you have another word on this subject?

**LEG. LOSQUADRO:**

Yeah. From what Legislator Montano just said, by definition I think we would -- being that there isn't enough work for a full-timer, I think by definition, since you've said that it can't be a member of the County Attorney staff, that we would have to hire a part-timer if it were a County employee, or we would have to hire outside counsel.

I just don't know of an instance where we would pass a bill without knowing what model we would use. If we're going to do, I'd say we do it as part of the budget process where we're actually going to appropriate the money or do it with eyes wide open and say, "Let's actually come up with a financial impact statement."

And, you know, to our Counsel; is this violative of our own law that says we have to have a financial impact statement attached to something?

**MR. NOLAN:**

Well, first, I'm assuming there was a financial impact statement attached to the bill.

**MR. LIPP:**

If I could elaborate. Like I said before, perhaps, you know, we could have added a number, we didn't, so the fiscal impact statement perhaps was imperfect. If you want to use as a model 350 hours at \$200 an hour, you'd come up with \$70,000.

**MR. NOLAN:**

Robert, can I -- there was a financial impact statement.

**MR. LIPP:**

Yeah, there was a financial impact statement, but we didn't have a dollar amount on it.

**LEG. LOSQUADRO:**

But I think it was certainly --

**MR. LIPP:**

Right.

**LEG. LOSQUADRO:**

-- deficient. Well, I don't see it as indeterminant, because we just came up with the scenario very quickly where we attached a potential dollar figure to this.

**MR. LIPP:**

Right. I think the point we're making is we did the fiscal impact, you make an excellent point, we do a lot of fiscal impacts and we could have, in a perfect world, put a number in, "Here's a number."

**P.O. LINDSAY:**

I'm going to try and make the last statement on this and then we'll take a vote on it. They did attach a number to that, but what you're not taking into consideration, Legislator Losquadro, is you're not using the time of the County Attorney's Office, so one balances against the other. The County Attorney is probably making 70, \$80,000, maybe more than that, plus benefits. So you're almost at an equal basis with your figure of \$200 an hour --

**LEG. LOSQUADRO:**

Our County Attorneys, we don't -- we don't bill hourly for our staff attorneys.

**P.O. LINDSAY:**

Okay. You don't bill hourly but you still pay for them.

**LEG. LOSQUADRO:**

And they'd still be on staff, whether or not they're doing that 350 hours worth of work.

**P.O. LINDSAY:**

Well, I think probably the County Attorney could make a case that she doesn't have enough attorneys to do the work now. And I don't think the issue is about money here, I think the money is a smoke screen. I think the issue here, and certainly in light of some of the things that have come out in the papers the last few weeks, is the independence of the Ethics Commission; that's the issue here.

**LEG. LOSQUADRO:**

Mr. Chairman, I don't want you to put words in my mouth. I -- there was an indeterminant fiscal impact statement, I saw a scenario by which we could attach a dollar figure to that. I asked some pretty simple questions, it turned into a lengthy debate. It turned out we can attach a dollar figure to something. I want to go into this with eyes wide open as to how much it could potentially cost us.

**P.O. LINDSAY:**

I think you've made --

**LEG. LOSQUADRO:**

This is no smoke screen on my part, sir.

**P.O. LINDSAY:**

I didn't say you were making a smoke screen, but the issue here is not monetary.

With that, we have a motion and a second. Do we have a motion and a second to approve? The debate went on quite a while

**MR. LAUBE:**

Yes, you do.

**P.O. LINDSAY:**

Okay. Roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. MONTANO:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

(Absent).

**LEG. D'AMARO:**

Pass.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Pass.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Abstain.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. NOWICK:**

Yes.

**MR. LAUBE:**

Fourteen.

**P.O. LINDSAY:**

Okay. I apologize because I said before that I didn't have to go back to anything, I could go back to it, but I had a lapse here. I promised Commissioner Williams that I would take one of the resolutions in Public Safety out of order, and it's 1533 on page eleven. I'll make a motion to take 1533 out of order.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

1533 is before us.

***1533-10 - Establishing a Suffolk County Emergency Preparedness Coordination Council (Presiding Officer Lindsay).*** And I will make a motion to approve.

**LEG. NOWICK:**

Second.

**P.O. LINDSAY:**

Second by Legislator Nowick. Okay, Commissioner Williams, I know that you had some interest in this bill.

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

He spoke about it this morning during the Public Portion.

**P.O. LINDSAY:**

Did your comments in the Public Portion suffice, or do you want to add anything else?

**COMMISSIONER WILLIAMS:**

My comments in the Public Portion suffice.

**P.O. LINDSAY:**

Okay, thank you.

**COMMISSIONER WILLIAMS:**

I just stuck around, stayed to answer any questions.

**P.O. LINDSAY:**

Okay. And I apologize that I left it, but while you're there, Legislator Viloría-Fisher has a question for you.

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

Thank you for spending the day here. But I do want to go back to your comments from this morning, because I'm not a member of the Public Safety Committee and it was my understanding that you had brought up the issue of the Public Meetings Law and there are issues that would be discussed in this forum that you wouldn't want in a public forum, and that there would be a problem with always having to go into executive sessions in order to maintain the security of the issues that

you're discussing. Am -- I don't want to put words in your mouth. Can you see a way that this council could function and still protect the security issues that you referred to this morning?

**COMMISSIONER WILLIAMS:**

Well, I have a very strong feeling that what we're looking to do is a good idea for the County, but we do most of those things already; we have a Terrorism Task Force.

The problem that we have right now is that we not only -- we meet with our regional partners throughout the County, also with New York City, Nassau County, Westchester County, and we share our plans. So my own feeling would be if we discuss what our partners are doing at these meetings which we really should be discussing, that would be the major part of the meeting. We would be coming into every meeting and going into executive session as soon as we started the meeting.

The second part, if we were taking notes at from meeting, and we have no problem coming to the Legislators and doing a presentation in executive session; were we to put that into writing and made that part of your documents, we're not only maybe compromising our own plans, but we could actually compromise our neighbor's plans. Because we -- they have copies of our plans, we have copies of their plans. When we sit down with them, we discuss their plans and make sure they're working with us, make sure we work with them. Every time we have an event we go back to the event, whatever that event would be, from an oil spill to a fire and we look at the plan and see how it worked.

This committee would be made up of a lot of different people. Looking at the committee break-up, most of them, if not all of them, are part of our Emergency Operations Center when we operate. When we open our Emergency Operations Center we have BOCES there; we don't have the School Superintendents but we do have BOCES. We have the Sheriff's Department, we have the American Red Cross, we do a situation awareness with them every time.

Our only concern right now is, you know, if you wanted to look at doing something, is that in the format we're in right now, we could actually -- other than we're going to have a committee that every time we start the meeting we're going to go into executive session, and then the meeting -- and then the plans that we talk about in the minutes will be non-FOILable.

**P.O. LINDSAY:**

First of all, I don't -- I can never imagine a bill that's been so misunderstood. I'm not looking to get the top secret plans from the Police Department on terrorist activities. What I'm talking about is the leaders of this County, like four times a year, sitting down around a table; do we have a contingency plan for this or that, or whether it be an oil spill, or whether we be cut off from New York City altogether, whether it's terrorist activity, whether it's a bridge falling down, whether it's a major snow storm, every bit of food, water, drugs we get in this County virtually comes by truck; do we have a contingency plan to bring stuff in by boat? Do we have a deep-harbor port? Is that sensitive material? I mean, is that something that has to be held in executive session? Come on, guys. You's are really reaching. I'm sorry, Joe. I agree with you on a lot of things, but I think this argument is so far stretched out.

As far as the privacy issues, under the Open Meetings Law, I think public security has all the protections they need not to give up sensitive information to have it behind closed doors. And I don't envision these meetings going into executive session the meeting -- the minute they start. You know, I mean, the only one that's excluded from your planning is this body. The Executive Branch is in it, all your law enforcement branches are in it, but for some reason you don't want the Legislature involved in the planning for disaster in this County and that's wrong.

**COMMISSIONER WILLIAMS:**

If I can --

**P.O. LINDSAY:**  
Legislator Horsley.

**LEG. HORSLEY:**

You make a great case, I hadn't heard that before. I like the passion. Joe, the FRES Commission, how does it relate to this organization and what are their duties; are they overlapping? Just give me just a thumbnail of that.

**COMMISSIONER WILLIAMS:**

I will. If I could just answer the Presiding Officer. Sir, there's no way we in FRES or anybody else wants to keep this group out of our planning. The important part of planning is actually to keep what we plan in a place that it should be kept from -- we will open our books to anyone in this room at any time, in your office publicly, any time you want to see it, sir. We would never -- we're not looking to keep that from you.

And as far as the FRES Commission, the FRES Commission is made up of 18 members from all the different organizations. They're an advisory committee to me and what they do is they -- we don't really discuss that type of thing at a meeting. I envision -- I envision this committee, if we're going to do it right, we should be sitting down talking about our plans because we do have plans in place right now. Right now we do have over 70 points of distribution for material coming into Suffolk County, namely food; we have MOU's with three locations that we can fly them in. We've also met with the Urban Area Workgroup, the Coast Guard, the Army Corps of Engineers, we have these plans, but we don't talk about them in the open like this, because there could be very vulnerable places. I'm not talking about a hurricane, I'm talking about an isolated event that somebody could do something at one of those locations which cuts out our plan.

**P.O. LINDSAY:**

I find it hard to believe that we have a contingency plan to fly in enough suppliers to equal 21,000 tractor trailers a day; I just find that hard to believe.

The other issue -- and again, I don't know how that's super sensitive material, it's basic planning. You know, we had a discussion earlier today about selling the Foley Center which has been around here forever; I mean, that's one of your places in case of a disaster. Is there a plan to replace that if we decide to sell it.

**COMMISSIONER WILLIAMS:**

We. Right now we've been busy so much with the other -- once it gets sold, if it did get sold, if and when, that's the time we would take another plan. We've looked at the community colleges. What happens is the Foley Center was one of our special needs shelters, we have three other ones. We picked up the County one because they're willing to take some people in. We can't take many in there.

**P.O. LINDSAY:**

You think that's sensitive material?

**COMMISSIONER WILLIAMS:**

Well, what we did --

**P.O. LINDSAY:**

Is that sensitive material?

**COMMISSIONER WILLIAMS:**

Not as sensitive as what -- our locations where the points of distributions are going to be, not as sensitive as to which areas we're going to use to bring trucks in or planes in.

**P.O. LINDSAY:**

Anybody else?

**LEG. ROMAINE:**

Let's go.

**P.O. LINDSAY:**

Thank you. Again, I apologize for keeping you here all day.

**COMMISSIONER WILLIAMS:**

Okay. Thank you.

**P.O. LINDSAY:**

Do we have a motion to approve and a second?

**MR. LAUBE:**

Yes, you do.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

Abstain.

**LEG. BARRAGA:**

Opposed

**LEG. SCHNEIDERMAN:**

Cosponsor

**MR. LAUBE:**

Fifteen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

If we go back to *Resolutions Tabled to June 22nd:*

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

**LEG. GREGORY:**

Motion to table subject to call.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Okay, motion. Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

*(\*Opposed Said in Unison\*)*

**MR. LAUBE:**

Could I get a show of hands? Fourteen (Opposed: Legislators Romaine, Barraga & Schneiderman - Absent: Legislator Cooper).

**P.O. LINDSAY:**

*IR 1355-10 - Adopting Local Law No. -2010, A Charter Law to implement two-year rolling debt policy under 5-25-5 Law to mitigate budgetary shortfall (County Executive).*

**LEG. ROMAINE:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Romaine.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Kennedy.

**LEG. CILMI:**

On the motion?

**P.O. LINDSAY:**

On the motion, Legislator Cilmi.

**LEG. CILMI:**

Just a quick question. How does this resolution jive with the two resolutions that were laid on the table?

**MR. NOLAN:**

This is a two-year waiver and the two resolutions that were put in today were just for one year; one would waive the requirement for 2010 and the other one would do it for 2011.

**P.O. LINDSAY:**

Any other questions on that? Seeing none, we have a motion to table and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Not Present: Legislator Montano - Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1371-10 - Removing Richard Dormer as Commissioner of the Suffolk County Police Department (Cooper).***

**LEG. ROMAINE:**

Motion to table.

**P.O. LINDSAY:**

Motion to table. I think in lieu of the sponsor not being with us, that would be an appropriate motion. Motion to table and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Not Present: Legislator Montano - Absent: Legislator Cooper).

**P.O. LINDSAY:**

***IR 1418-10 - 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:**

Motion.

**P.O. LINDSAY:**

Motion to approve by Legislator Viloría-Fisher. Do I have a second?

**LEG. GREGORY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Gregory.

**LEG. LOSQUADRO:**

On the motion?

**P.O. LINDSAY:**

On the motion, Legislator Losquadro.

**LEG. LOSQUADRO:**

Agreement with -- what's the organization now?

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

This is the Little League would have 15 acres, and then the other part of that large park that had been known as the Sands Pit is still the Boys & Girls Club.

**LEG. LOSQUADRO:**

Okay. Thank you.

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

The other 15 acres.

**P.O. LINDSAY:**

Any other questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Not Present: Legislator Montano - Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1539-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with Construction Inspection Services (CP 5568) (County Executive).*** I need some help. Does anybody know why this was tabled in the past?

**MR. NOLAN:**

It didn't have a Bond.

**P.O. LINDSAY:**

It didn't have a Bond? Do you have any insight into this, Mr. Zwirn?

**LEG. SCHNEIDERMAN:**

There's no Bond, right?

**P.O. LINDSAY:**

Do we have a Bond now?

**MR. NOLAN:**

You do.

**P.O. LINDSAY:**

Okay. Was it a bonding issue, is that why we didn't --

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

No, I think people wanted specific projects.

**MR. CHUISANO:**

Yes. Legislator Lindsay, Carmine Chuisano. The reason why it was tabled, there was an issue with getting the Bond the last time, so -- we have the Bond now, though.

**P.O. LINDSAY:**

Okay. Legislator Kennedy has a question on this.

**LEG. KENNEDY:**

Carmine, construction inspection services; is that where we actually wind up retaining outfits like, let's say, Cashin on the Portion Road project or other engineering firms to do the oversight of the outfit that's actually doing the construction?

**MR. CHUISANO:**

That is correct.

**LEG. KENNEDY:**

How do we -- how do you bond personnel services? I thought that a bond had to have some kind of use-for-life associated with it. When you look at -- you know, we buy computers there's a three-year life, we build buildings there's a 20-year life. What's the use-for-life for hiring a consultant; how do we bond that?

**MR. CHUISANO:**

Most of the Capital, the larger Capital Projects have construction inspection funding included under the construction.

**LEG. KENNEDY:**

Well, there's always a piece called planning. If you've got, you know, a million dollars, you've got a hundred grand for planning you're going to balance for construction, right?

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

And design.

**MR. CHUISANO:**

Right, but you've got money for planning, design, engineering.

**LEG. KENNEDY:**

Yeah.

**MR. CHUISANO:**

When you get to the construction component, you're required to have construction oversight, and most of the County projects, especially the larger ones, having construction inspectors assigned to them.

In this case, there was a number of projects that, either for one reason or another, DPW needed additional money, and I believe there's a list attached to the resolution --

**LEG. KENNEDY:**

Yeah, I'm looking at it now.

**MR. CHUISANO:**

-- that identifies the specific projects where they believe that they would need additional construction inspection. So instead of putting forward seven or eight or nine different resolutions, they consolidated it into one resolution.

**P.O. LINDSAY:**

Could I just make an observation, too? If we do pass the early retirement incentive --

**LEG. KENNEDY:**

Yeah, we're going to need a lot more.

**P.O. LINDSAY:**

You're going to need a lot more of these guys services --

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

That's right.

**P.O. LINDSAY:**

-- because Public Works is going to take a beating with the retirement.

**LEG. KENNEDY:**

Right from the top on down, I heard that already. My question really goes to a structural one, and I understand from a financial side, Carmine, what you're saying. I'll turn to Counsel. George, this is a legitimate thing to issue a Bond on; the fact that we're hiring a consultant to watch somebody who's going to build a road or a spillway or a bump?

**MR. NOLAN:**

I think we do that --

**LEG. KENNEDY:**

Okay.

**MR. NOLAN:**

-- quite often, yeah.

**LEG. KENNEDY:**

Okay.

**P.O. LINDSAY:**

Just a technical point. Doesn't that come out of that particular project? I mean, if we hired this service to be the inspector on Portion Road construction, doesn't that come out of that particular bond for that project?

**MR. CHUISANO:**

Normally when you have a project they include money for construction inspection within the construction component.

**P.O. LINDSAY:**

Right.

**MR. CHUISANO:**

In this case, there was a number of projects, those attached to the list, where DPW felt that they would need additional funding for the construction inspection component.

**P.O. LINDSAY:**

Okay. So this is for specific projects, it isn't for --

**MR. CHUISANO:**

That's correct.

**P.O. LINDSAY:**

-- to generically hire this contractor and have them be paid out of the individual projects. Okay. Legislator Romaine.

**LEG. ROMAINE:**

Yes, this -- I'm going to support this resolution because it's a needed inspection service, but essentially what this is is cost shifting. Cost shifting, because when I was in the Legislature in the 80's and I was Public Works Chairman, we had a full compliment of Assistant Civil Engineers and other engineers who would be assigned this as a routine task to make sure the County got their money. There were some very hard working people, extremely knowledgeable, that would do this on a regular basis as part of the government of Suffolk County.

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

Right.

**LEG. ROMAINE:**

But again, their salaries come out of operating. This is a Capital expense, it could be bonded out. And since we've depleted most of the staff in Public Works for these type of operations, we have no alternative but to rely on this type of inspection services. Are they needed? Absolutely, because if we're going to do a project, we want to make sure it's done right, that it's done efficiently and that we get our money's worth. But we have no option now except to bond this out at a much higher cost than we would have to pay in-house, except in-house it comes out of operating, this way it comes out of Capital and we bond it out over many years.

I just point that out, because I remember being Public Works Chairman, very rarely, particularly on road projects and things of that nature, would we have outside inspection services; we do that ourselves.

**P.O. LINDSAY:**

Legislator Vilorina-Fisher has a question.

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

Mr. Chair, I agree with what -- with everything that Legislator Romaine just said. But it goes back for as long as I've been a Legislator where we have seen consultants hired for these DPW projects and our hue and cry was why don't we hire more Civil Engineers, and we --

**LEG. ROMAINE:**

In-house.

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

And I was told eleven years ago, ten years ago, "Well, there aren't enough Civil Engineers here." So I went to Stony Brook University to the Engineering Department where they did not have a civil engineering degree. They applied to the State to give them the ability and now they have a Civil Engineering Degree at Stony Brook University and, low and behold, we're still not hiring Civil Engineers in Suffolk County because our staffing is so low and we have to pay, I would say, five or six times as much because we have to hire consultants. So maybe some day we'll start beefing up our staffing levels and we won't have to keep mortgaging our futures.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yeah, I'll add just one other point to this. And both my colleagues make excellent points, but there's one further aspect to this, too. A consultant service does not come with the same oversight and authority that a County engineer has in order to stop or demand that there be a correction associated with any project, be it a road, a berm, a spillway or anything else, and we've witnessed

that on Portion Road now for the better part of the last 18 months. A consultant can merely report what the contractor is doing, but when there is a clear deviation from the specs that have been approved, they do not have the inherent authority to go ahead and stop work.

I'm very concerned with this resolution. I think it really, again, takes us far away from our governmental oversight role for a very basic municipal function.

**MR. CHUISANO:**

Just to answer Legislator Kennedy. And again, this is more of a DPW type question, but I do know that the consultants work very closely with the DPW staff, so they do have DPW oversight to back them up.

**LEG. KENNEDY:**

I know for a fact that doesn't stop.

**P.O. LINDSAY:**

Anybody else? All right. We don't have a motion on this yet. Do I have a motion?

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman. Second?

**LEG. LOSQUADRO:**

(Raised hand).

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**MR. LAUBE:**

Fifteen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Same motion, same, second on the accompanying Bond, 1539A; roll call.

***\*Roll Called by Mr. Laube - Clerk of the Legislature\****

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. COOPER:**

(Absent).

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Fifteen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***IR 1559-10 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Police Department (Range Officer I)(County Executive).***

**LEG. MURATORE:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Muratore.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Second by Legislator Romaine. It's the only motion we have before us. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

I recognize that Mr. Zwirn was at the microphone.

*(\*Laughter\*)*

**LEG. ROMAINE:**

He missed his chance.

**MR. ZWIRN:**

Doing his job, I blinked and it was gone.

**P.O. LINDSAY:**

Okay, *Budget & Finance:*

**1608-10 - Establishing a Suffolk County Budget Advisory Commission (Romaine).**

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion to approve. Do I have a second?

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Kennedy.

**LEG. BROWNING:**

Explanation.

**LEG. STERN:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Where is the second? Second by Legislator D'Amaro.

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

On the motion?

**P.O. LINDSAY:**

On the motion, Legislator Viloría-Fisher.

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

Don't we have that already and it's called our Budget Committee?

**LEG. ROMAINE:**

Yes, we do. Budget committees generally hear resolutions, hear reports, deal with things as they arise. What I was looking for in creating this County Budget Advisory Commission was to have people appointed by the Executive, the Legislature, the Treasurer and the Comptroller, two members each. Each appointee would have five years experience in public budgeting, finance or public policy to take a look at long-term issues that would come up.

I've -- this is the fifth year, I'm serving on my second round in the Legislature, and what happens is before the robin croaks that it's spring, I know it's spring because the County Executive has come in and the world is collapsing and he has a budget plan to modify the very budget that he submitted to us a few months ago because we have to make changes, we have to layoff, we have to sell this, we've got to fire these people, we've got to do this, we've got to do that, and every year there's been a plan. And the first couple of years I kind of scratched my head because the County was in pretty good financial shape, the last year or two I haven't scratched my head because the County's financial shape is far from perfect. And I'm saying to myself, every year I only hear one plan, his plan.

What I'd like to do is create a commission to take a long-term view, to make long-term recommendations, to hear something other than the one plan we usually hear, whatever the plan is. There's always a plan and usually the elements of it don't work, we get beat up, "Because the Legislature hasn't addressed my plan," like buying a building that won't pay itself back to, what, 2038 or something, 2028, whatever; a building that after we did the analysis seemed to fall on its face, but a building that was part of that crucial plan that we heard. I'd like to hear from a commission that would take a long-term view. I'm not looking for someone to report to do the Budget Committee's job, our Chairman does an excellent job as it's Chairman, but to take a long-term view and to come back to us with some other ideas that might substitute for the plan that we get every single spring. So that's the point of the resolution. I mean, either you like the idea or you have objections, and I guess that's why we have an up and down vote. Thank you.

**MR. ZWIRN:**

Mr. Chairman, at some point?

**P.O. LINDSAY:**

Go ahead. No, Mr. Zwirn, please, pipe up.

*(\*Laughter\*)*

**MR. ZWIRN:**

The County Executive --

**P.O. LINDSAY:**

Speak nice and loud.

**MR. ZWIRN:**

The County would point out that there's no law in Suffolk County that precludes Legislator Romaine from coming up with an alternative plan to the County Executive, or a suggestion, any idea whatsoever. The County Executive has put forward a plan because he's the Chief Budget Officer of the County; you're free to criticize the plan, you're free to amend the plan, you're free to reject the plan. But it is your job, and I don't have to remind you, you all got elected to set policy in this County, you pass the budget in this County and you can come up with creative ideas on how to save

money, not spend money, and reduce the deficit. There is this is nothing that precludes you now. If you want to bring experts in before the Budget & Finance Committee to make presentations, you can do that. You have a very talented and a good-sized Budget Review Office which has suggestions, like the County Executive's Budget Office that comes forward with suggestions to the County Executive. It is almost insulting that you have to pass legislation like this to do the job that you are capable and certainly able to do. I mean, it just says that we're abrogating our responsibilities, we have to bring in experts, let the County Treasurer, let the County Comptroller, let the County Executive and the Legislature pick other people to do the job. You can pick their brains without this legislation.

So I would agree with Legislator D'Amaro who made a lot of these arguments in committee, Legislator Stern and Deputy Presiding Officer Vivian Vilorio-Fisher who also agree; that is really the job of both the County Executive and the Legislature. The County Executive, you can criticize him if you'd like, but he is holding up his end, coming up with ideas that he thinks are viable.

**LEG. ROMAINE:**

Thanks, Ben.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Yeah, I agree with Mr. Zwirn, and I did make many of those points during the committee process. I mean, this sounds like a Suffolk County Interim Finance Authority, which we don't need. We've been very good at managing our budget, at least for the ten year -- the terms that I've been here. We haven't raised property taxes in the General Fund, we have a Working Group that's put together every year to work on our budgets. And if you look at even the first RESOLVED clause of this legislation, it says, "The commission is established to study the County's revenue and expenditure policies and to make recommendations as to how these policies should be changed." I mean, we get a 400-page report every year that's up-to-date and current about our budget from our Budget Review Office; I mean, this is already being done. Those issues are fully vetted through the budget process and if there's something that you want to bring -- if you have an idea or if someone has an idea, they can bring it to the Budget Committee and I think the Budget Committee would be more than willing to take it on. So I just don't really see the need for yet another advisory commission doing the work that we were elected to do, and I'm not going to support it. Thanks.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Actually, I'm happy to second this resolution. And I think that there probably is no better time to look to bring together a group like this, because we have been, I guess for the last 24, 36 months -- ah, 24 months -- facing some huge challenges. And yes, we have had the County Executive's budget rescue plan presented, but this may be a time for us to begin to really look at fundamental restructuring of our government. And I think a group convened of this caliber could really come forward with some fresh thinking that will look at the systemic corrections that we need, because we are consistently undermined and challenged. Not only when people don't spend, but now apparently when people hit the zero key on a computer terminal and we get whacked to the tune of \$5 million in sales tax collections. We are in peril in revenue streams even in good times. So I think that this is a good resolution and a good commission put forward at a particularly ripe time and I'm happy to support it.

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

**LEG. KENNEDY:**

Thank you, Mr. Chair. Actually, I'm happy to second this resolution and I think that there probably is no better time to look to bring together a group like this, because we have been, I guess, for the last 24, 36 months, 24 months, facing some huge challenges. And, yes, we have had the County Executive's budget rescue plan presented, but this may be a time for us to begin to really look at fundamental restructuring of our government, and I think a group convened of this caliber could really come forward with some fresh thinking that will look at the systemic corrections that we need, because we are consistently undermined and challenged, not only when people don't spend, but now apparently when people hit the zero key on a computer terminal and we get whacked to the tune of 5 million dollars in sales tax collections. We are in peril in revenue streams even in good times, so I think that this is a good resolution, and a good commission put forward at a particularly ripe time and I'm happy to support it.

**P.O. LINDSAY:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. I applaud the sponsor's intentions behind this bill, but I think we can do everything that's intended in this bill through the committee process. You know, and inherent in this bill it's a long-term process, it's not going to help us immediately. I think the report is due sometime next year. We need to come up with some more short-term solutions as we're going into the budget cycle for next year. The budget's going to be submitted probably within the next 60 days. You know, I think we can use the benefit of people's counsels from all different back -- backgrounds and fields, but we can do that through the budget process, and those were the sentiments that were discussed during our committee meeting.

And I said it during committee, I don't often commend the County Executive, but I did state that he gave all of us the opportunity, I want to say probably about a month or so ago, to submit some ideas to address the budget deficit. I know I submitted some, then we had a meeting subsequent to that, and he had mentioned some of the ideas that were submitted to him. So we do -- he has given us that opportunity to come up with our own solutions to address the budget deficit. Whether he accepts them or not, that's been a different score, but, you know, we do, we do have our own responsibility, so I recognize the intentions of the sponsor, but though I think we can do it in a different way. Thank you.

**P.O. LINDSAY:**

I just want to weigh in is that although it isn't in the form of a commission, we do a lot of the work that's prescribed in this bill now. I mean, I think that our Budget Review people are as good at municipal financing as anybody around. I think the County Executive's budget people are very, very exceptional people. I think our process of getting together periodically with the Executive, especially in crisis like now, to try and put our heads together, come up with ideas. We don't always agree. And I think our basic budgeting process where the Executive comes up with his version of the budget and sends it to us and we arrange it and redirect it has worked quite well.

The component that is missing, and that I think Legislator Romaine's bill might provide, is some long-term planning. Everything we've done to balance this budget over the last few years is short-term in nature and, you know, we buy a couple of years and then it comes back and bites it. I mean, we sold tobacco a couple of years ago. That revenue stream's running out next year, so we have to face that whole next year. I don't know whether there's any solutions out there, I really, really don't.

I came into the committee meeting when this was being discussed the other day and I just left Budget Review with the most dire briefing I think I've ever had as a Legislator, and I just -- I'll take anybody's ideas. There's no pride of authorship with me. I just don't -- I don't know what to do. You know, I really don't know what to do, and I'm sure we'll get through this year, you know, whether it's selling the nursing home or early retirement buy out or whatever other gimmicks we come up with. The question is what are we going to sell next year? What are we going to do when the bill for retirement comes in three years from now? And maybe there isn't any solutions out there, I don't know. But I'd listen to anybody that has any ideas. Yes, Legislator Gregory.

**LEG. GREGORY:**

Just an additional comment. I piggyback your compliments of BRO and actually there's going to be a report coming out in August, I believe it is, from the Budget Review Commission, which addresses some of these issues. For one, you know, going to a multi-year budget process like Nassau County does, and some other recommendations that I think will help us address some of the issues that we're facing today and on how the budget is documented. So I think, you know, we have a professional staff as several of you have stated, I'm sure a lot of us, if not all of us, excuse me, feel, you know, can we get that information in a different way? Certainly, but we certainly have the resources available to us today. Thank you.

**P.O. LINDSAY:**

Mr. Clerk, what motions do we have on the floor?

**MR. LAUBE:**

You have a motion and a second for a tabling effort and a motion and a second to approve.

**P.O. LINDSAY:**

Okay, the tabling takes precedence. I'm going to call the roll on the tabling first.

*(The roll was called by Mr. Laube - Clerk)*

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

(Absent).

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

No.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

No.

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

Yes.

**P.O. LINDSAY:**

No.

**MR. LAUBE:**

Nine.

**P.O. LINDSAY:**

Motion to approve. Roll call.

*(The roll was called by Mr. Laube - Clerk)*

**LEG. ROMAINE:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. COOPER:**

(Absent).

**LEG. D'AMARO:**

No.

**LEG. STERN:**

No.

**LEG. GREGORY:**

No.

**LEG. HORSLEY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

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

No.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Nine.

**P.O. LINDSAY:**

Okay. Motion fails. ***1628, Amending the 2010 Operating Budget and transferring funds to the Knights of Columbus Our Lady of Rosary Council No. 4428. (D'Amaro).*** I hope this goes forward without any debate. Legislator D'Amaro, you want to make a motion?

**LEG. D'AMARO:**

Yes, motion to approve.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Motion to approve, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***I.R. 1636, 1636A, Amending the 2010 Operating Budget and appropriating funds in connection with bonding a settlement for an Auto Liability case. (Co. Exec.).*** Legislator Gregory?

**LEG. GREGORY:**

Motion.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Legislator Gregory makes the motion, Legislator D'Amaro makes the second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

On the accompanying Bond 1676A, same motion, same second; roll call.

*(The roll was called by Mr. Laube - Clerk)*

**LEG. GREGORY:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

(Absent).

**LEG. STERN:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Pass. Oh, 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 (Absent: Legislator Cooper).

**P.O. LINDSAY:**

And again, I apologize. I do have one more bill I'd like to take out of order. It's 1414 on page 11. Mr. Mooney from the Fire Island Ferry has been in the back patiently with us all day and I did it. It's in Public Works. I agreed to take it out of order and I totally forgot. I'm sorry, Mr. Mooney. It's on page 11. 1414, first resolution under Public Works and Transportation. I'll make a motion to take it out of order.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. 1414 is before us. **1414, Approving rates established for Fire Island Water Taxi, LLC. (Pres. Off.)** I'll make a motion to approve. Second by Legislator Barraga. Any discussion? All in favor? Opposed? Abstentions?

**LEG. CILMI:**

Note my recusal, Mr. Clerk.

**MR. LAUBE:**

Sixteen (Recused: Legislator Cilmi; Absent: Legislator Cooper).

**P.O. LINDSAY:**

Good night, Mr. Mooney.

**P.O. LINDSAY:**

1664, Amending the 2010 Operating Budget and appropriating funds in connection with bonding for an order for -- 1663A, we did the bond, right?

**MR. LAUBE:**

You did 1636.

**P.O. LINDSAY:**

Oh, I didn't do 1663. Excuse me. ***1663, 1663A, Amending the 2010 Operating Budget and appropriating funds in connection with bonding for an order for attorney fees as part of an employee liability case. (Co. Exec.)***

**LEG. GREGORY:**

Motion.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Gregory, seconded by Legislator D'Amaro. Any questions? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

1663A, the accompanying bond resolution, same motion, same second; roll call.

*(The roll was called by Mr. Laube - Clerk)*

**LEG. GREGORY:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

(Absent).

**LEG. STERN:**

Yeah.

**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:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. *I.R. 1664, 1664A, Amending the 2010 Operating Budget and appropriating funds in connection with bonding for an order for attorney fees arising out of a class action suit. (Co. Exec.)*

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Gregory, second by Legislator D'Amaro. Just an observation, not a comment. If we had passed your bill one of the first things the consultant would have said is don't bond these.

**LEG. ROMAINE:**

Absolutely.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

On the accompanying bond 1664A, same motion, same second; roll call.

*(The roll was called by Mr. Laube - Clerk)*

**LEG. GREGORY:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

(Absent).

**LEG. STERN:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yep.

**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 (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. Economic Development, Higher Education and Energy. 1610, 1610A, Amending the 2010 Capital Budget and Program and appropriating funds in connection with advanced EMT Training at Suffolk County Community College (CP 2154). (Pres. Off.). I'll make a motion.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Montano. And what I will explain to everybody, 1755 is the offset which is our offset account; am I correct?

**MR. REINHEIMER:**

Yes.

**P.O. LINDSAY:**

That's what it's there for. And what this is all about is for the first time the Community College will be introducing a new program, Advanced EMT Training, which many of our ambulance and fire corps have to take this training outside of Suffolk County because there isn't enough spots inside the County. So it will enable our volunteers to stay in County, many cases we'll be able to pay for it under our tuition program. So it will be help to our volunteers.

And what this is, we worked out an agreement with the Community College where they have found room in their budget for the teachers. What this pays is for the equipment. So I think it's a good program. We have a motion and a second.

**LEG. KENNEDY:**

Mr. Chair.

**P.O. LINDSAY:**

Yes.

**LEG. KENNEDY:**

You are right, it's an excellent program. As a matter of fact, it's something that's going to benefit all 18 of us. We all have fire districts, emergency districts. Am I reading this correctly, though, if we're using 1755 as an offset and there's sufficient funds there, why are we bonding? Isn't this pay-as-you-go?

**MR. REINHEIMER:**

No. This is serial bonds. This is not pay-as-you-go.

**LEG. KENNEDY:**

Why are we not -- I thought that we had 300,000 remaining in 1755. As a matter of fact, I had two resolutions which I agreed to table specifically to find different offsets because of the fact that we had opened the year with a million dollars I thought it was in 1755, and apparently I guess we've expended 700,000.

**MS. VIZZINI:**

It's not a cash offset. When we include funds in 1755 they are bonds. It's in the Capital Program as opposed to the Operating Budget, which would be cash. It's never cash. You're substituting bonds for bonds.

**LEG. KENNEDY:**

Okay. All right.

**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:**

On the accompanying Bond 1610A, same motion, same second; roll call.

*(The roll was called by Mr. Laube - Clerk)*

**P.O. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. COOPER:**

(Absent).

**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. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**MR. LAUBE:**

Sixteen.

**LEG. LOSQUADRO:**

Tim, cosponsor.

**LEG. SCHNEIDERMAN:**

Tim, cosponsor.

**P.O. LINDSAY:**

Okay. *1676,1676A, Appropriating accepted grant funds in connection with Capital Project 5739 – Pavement Management Rehabilitation for Gabreski Airport (County Executive).*

**P.O. LINDSAY:**

Motion by Legislator Horsley, Legislator Schneiderman is second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Now, there is a bond with this. It isn't on your agenda. Counsel tells me there is a bond. I don't quite understand it. Why are we bonding this if it's grant money?

**LEG. HORSLEY:**

Good question.

**MR. LIPP:**

There's a small portion that's County funded. It's not 100% Federal, it's a small portion County.

**P.O. LINDSAY:**

Good answer, Robert, good answer. Same motion, same second on the accompanying Bond 1676A; roll call.

*(The roll was called by Mr. Laube - Clerk)*

**LEG. HORSLEY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. COOPER:**

(Absent).

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

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. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1677, Advancing funding for the Long Island Philharmonic annual summer concert (Presiding Officer Lindsay).*** And I'll make a motion.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cilmi. Just by way of an explanation, I think that the lady was here earlier from the Islip Arts Council. This is hotel/motel money, but she doesn't have the money to pay the musicians so the concert wouldn't go on unless we advance the monies.

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

Because we need the musicians.

**P.O. LINDSAY:**

Right. 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:**

**Environment, Planning and Agriculture. I.R. 1412, Adopting Local Law No. - 2010, A Local Law establishing fair and objective procedures for contracting title insurance work (Kennedy).** Legislator Kennedy?

**LEG. KENNEDY:**

I'm sorry.

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

1412.

**LEG. KENNEDY:**

1412, I make a motion to approve.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Motion to approve, seconded by Legislator Romaine.

**LEG. NOWICK:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Nowick, and I see a host of people at the microphone.

**LEG. NOWICK:**

Just on the motion. I was wondering if Pam Greene could comment on this because I think that you have some issues.

**DIRECTOR GREENE:**

I do, and I would defer to Mr. Amoroso first if you wouldn't mind.

**P.O. LINDSAY:**

So you deferred to Pam, and Pam deferred. Go ahead.

**LEG. NOWICK:**

I defer.

**MR. AMOROSO:**

Good evening. My name is Mike Amoroso. I'm the Bureau Chief for the Real Estate Condemnation Bureau for the Department of Law. I'm just really here to focus -- can you hear me?

**LEG. NOWICK:**

Turn on the mike.

**MR. AMOROSO:**

I'm here really to focus on Section C of the bill and some practical problems with the language in that section. The statute or the code would require a strict rotation basis for the ordering of title companies, and it would be the only service provided by outside vendors for -- whether acquiring property or condemning property, for whatever reason, that would go on a rotating basis. For example, surveyors are not on a rotating basis, appraisers are not on a rotating basis, environmental assessment firms are not hired on a rotating basis.

One thing you all should understand is that title work, not just title policy, but title work is ordered for four really primary reasons. The first and most important one, of course, is through acquisitions of open space and farmland, but we also need title work done for condemnation projects, for affordable housing acquisitions and even by DSS when we have to foreclose a DSS bond and mortgage. We need a title company to run a search for all likely defendants so that we are sure that we are naming everybody that we need to foreclose, be it the owner or any lienholders. So that's one aspect, that there are really four departments in the County that need title work ordered, and that would now go through the Director of Real Estate.

A rotation basis in acquisitions is sometimes not feasible. There are oftentimes when we partner with other municipalities in which they've requested title work be done. It may be a property that's adjoining one that they already own, it may be something that they have done work on in the past and they're requesting a specific title insurer to be used.

We also have oftentimes, at least three since I've been here for four years, acquisitions of multiple parcels that are adjoining each other in a general area all owned by separate entities. For example, there was one project in Huntington known as Emerald Estates, which we bought six contiguous, it could have been seven, contiguous parcels, the back portions, all of which were landlocked except for one, which abutted a County property which led out on to a street so we could have ingress and egress access. If we had to separate those acquisitions on a rotating basis with different title companies, it would present a problem in terms of getting the appropriate insurance. I'm not saying it would be impossible, but it would really, really present difficulties for my staff and myself personally in working out those exceptions and getting the appropriate insurance.

We had a similar situation out in the East End in Montauk, in East Hampton when we obtained the Capurso properties. They were all owned by different family members and, again, we would prefer in those situations to use one title company to make it simpler to clear all the exceptions.

For condemnation projects, frankly there are some title companies that are -- we can use now that are just not up to the job. These jobs are large in nature, especially lately with the funding coming from the Federal Government. We've talked -- I've heard mentioned already tonight County Road 16, the Portion Road project. That was a 77 map project, meaning that we affected 77 lots along Portion Road, all commercial, some with large, you know, strip malls and shopping areas. There were 1,200 potential claimants that we had to find out about, meaning owners, mortgage holders, tenants, etcetera. It's a job that really, to be honest with you, could be outside the ability of some of the title companies that we have the ability to use. So, in those situations we really want to focus on an experienced company and hire them and use them, because we may not be able to get the appropriate services from a smaller abstract company, for example.

There are a myriad of other reasons to reconsider, reconsider this language on the rotation. I know a big thing is that the title companies, the policies are rate regulated, there's no question. They all are based on a regulation by New York State in terms of what they can charge based on the purchase price. But that does not mean it's a fungible good. Not all title companies are equal. Some, you know, give better service, some give more expertise, and I think we need some discretion given to the Director to -- you know, to hire particularly title companies in particular situations. And to pass this law I think honestly we're going to be back here in a year or two looking at this, because we're going to have some difficult results if a strict rotational basis is going to be required.

**P.O. LINDSAY:**

Okay. Legislator Kennedy, what do you say to that?

**LEG. KENNEDY:**

Mr. Amoroso, as a matter of fact, we spoke with this at length in committee, and you presented many of these same issues that you've just articulated for my colleagues. As a matter of fact, we went through the four categories that you just laid out, and I think we agreed that in most cases what you're talking about is, is ultimately acquisition of fee title absolute.

If workforce housing is coming forward, as you'll agree, we had two resolutions today for workforce housing projects. Now, that's only three resolutions that have been done I think in probably the last two to three years. The number of times that you're doing acquisition under workforce housing is not really all that frequent, and when it's done, it's actually for acquisition of fee title absolute. That's very similar to acquisition that we have for open space or farmland preservation. So the burden issue or the burden argument I'm unpersuaded with.

We also talked about the fact that with DSS foreclosure of a lien that is levied against a Social Services recipient is not something that is actually perfected until there's a mistake. The last time I checked, we're not foreclosing on actual current DSS recipients and heaving them out into the street. If we are, then I've got an issue for Commissioner Blass, but I don't think that policy's changed.

**MR. AMOROSO:**

I never said that that was what we did. Usually what happens is a title company purchases the property from the estate and never or ignores our lien. Usually --

**LEG. KENNEDY:**

But that's a hop judgment as we both agreed. What happens is, that's something that's insured then. Is there a need to go ahead and bring that to court or to go ahead and obtain a title search on that? Absolutely.

Understand the reason that this bill got filed and introduced. It got filed and introduced because it was the policy of the Executive's Office by and through the County Attorney and the Division of Real Estate to narrow and utilize a very small select group of abstract companies, not even title insurers, just abstract companies, some of or most of which aren't even Suffolk County based companies. So Chicago Title, Fidelity, all the other ones that are insurers and underwriters, I didn't see many of them on the list.

I won't name names for some of the abstract companies that I've heard that title has been ordered through, but quite candidly, Counselor, I wouldn't trust dog food with those people. They don't know how to go ahead and find a beginning or the end of a deed. There's a large question, and I know it from having spent nine years right on the other side of this hallway and looking at the stuff that they submitted for recording. It was trash. And I would have no confidence in the work that they would do for underwriting title either.

All this does is compel the Executive's Office and the Division of Real Estate to ascertain a pool of qualified, qualified abstract and underwriters. You could pick only the six title insurers that every

policy in the State of New York goes through as you know. You could pick an abstract company that's one attorney working out of the trunk of his car, but we would hope that you didn't.

And what, candidly what brought this forward is a need to establish some arms length and some uniformity and quite candidly take away that notion that there would be just a small select subset who would continue to have orders placed through them. That's the purpose of this.

I am unpersuaded by this burden argument that's being brought forward. We talked about it in committee. We went back and forth. The language does not bar you from taking a multiple group of parcels that are being contemplated for acquisition and having to shop them through six. The language is actually quite broad as we talked about. Real estate transactions. So if we are purchasing a number of checkerboard properties under a transaction that's broad language that would give you the ability to go ahead and use one underwriter, just like the Portion Road project, it would give you the ability to use one underwriter. If you choose to engage some hyper technical understanding of the bill, then you could take it to the enth degree, but right people thinking look at a real estate transaction as an overall project or an overall acquisition or an overall implementation. I think the bill speaks for itself. I made the motion to approve. I think that your department can certainly go ahead and implement and I'm unpersuaded by the burden argument.

**P.O. LINDSAY:**

Did you --

**DIRECTOR GREENE:**

With all due respect, Legislator Kennedy, that's not the department that your bill is requiring to implement the new policy. It's not the Department of Law. So perhaps I can persuade you that taking a function that now oversees four different departments that is done by a County department and transitioning that function to one individual in one division of one department, might perhaps lead to more cost to Suffolk County taxpayers with titles being returned, with titles not being done properly. The language of the bill does require a rotating basis. Last year there were nine title at least amongst the group of those that have contracts with the County that were brought on board, so I'm not sure where we get a small number when your bill dictates that the pool will be ten, so last year it was nine.

So I would suggest that this is going to be more costly. I am concerned that in the transition it will result in inferior work being done for the County, and just like any other professional service contract, you don't want the cheapest title company, you don't want the cheapest appraiser, you don't want the cheapest attorney. You want the best work you can get, and being able to only go by what is next up on the list is not going to afford that best work to the County residents.

**LEG. KENNEDY:**

Again, I have great respect for your decades of public service and for your practice and knowledge in real estate. I -- with the three of you there you probably have 50 years worth of experience as far as law goes. However, again, unless title has changed that drastically from three weeks ago, it is one of the most highly regulated areas of practice in the State of New York. The premiums that a company charges are set by the Insurance Department of the State of New York. And I heard the County Attorney speak about the fact that some companies might elect to go ahead and waive a recording fee, a pick up fee, a search fee, a filing fee. Again, that's precisely what I'm looking and I think what we're looking to try to do away with. I don't think that we're looking to go ahead and burden the taxpayer with more expense, but I sure do not want to be part of a system that steers work only to individuals that are willing to abandon a normal cost practice. It makes no sense. I think I've probably spoke enough on this one. I think it is time to vote it. I don't know, Ben, do you want to add something to it?

**MR. ZWIRN:**

I would like to. Thank you, Mr. Presiding Officer. You know, with all the hullabaloo about this, there has never been an allegation that any of the title work that was handed out or given by the County

Attorney was substandard, or that the County was overcharged. Despite some of the allegations made by Legislator Kennedy about people working out of the back of their car, every title company or title abstract company has to be licensed, they have to be approved. We're not picking people up off the street. These people are all approved, and if you're going to limit it to ten, why limit it to ten. Why one abstract company or title company and not all of them? Why are we limiting it to ten? It doesn't make any sense.

With all due respect, the irony is, is that not that long ago we had a public space across the hall here that was occupied by the title examiners at no cost. No cost to the taxpayers and taxpayers expense. They did nothing for the taxpayers of this County but get free space. When the County Executive and many members of the Legislature ended that, it was Legislator Kennedy, who is the sponsor of this bill, who fought it on behalf of these people against the taxpayers, and now we're facing this bill. That's just the irony, Mr. Presiding Officer.

**P.O. LINDSAY:**

I don't see how that -- legislation that we passed four years ago, I don't see how that's pertinent.

**MR. ZWIRN:**

Well, you had title examiners there getting a sweetheart deal. The --

**P.O. LINDSAY:**

I heard what you said, but it isn't pertinent to this piece of legislation. Legislator Cilmi.

**LEG. CILMI:**

Thank you. Ben, I think if I'm not mistaken this bill says at least ten, so it doesn't necessarily limit you to ten. How many different title companies does the County use now? Forgive me, but I'm unfamiliar with this whole process, so you're going to have to bear with me.

**LEG. ROMAINE:**

Title and then abstract, ask the difference between the two.

**MR. ZWIRN:**

About nine.

**LEG. CILMI:**

About nine. And abstract companies, how does that play into this whole mix?

**MR. ZWIRN:**

I'm advised we have 13 title companies and abstract companies.

**MR. AMOROSO:**

Yes. That's been over the last few years.

**MR. ZWIRN:**

Over the last years we've had --

**MR. AMOROSO:**

A mixture of abstract companies and title underwriters, title insurers directly. There's a mix.

**LEG. CILMI:**

So if you could succinctly describe what the process that the County uses now to select these companies is and how this sort of, you know, creates a problem with that process.

**MR. AMOROSO:**

Well, again, I'm speaking again about the rotation.

**LEG. CILMI:**

About what? I'm sorry.

**MR. AMOROSO:**

About the rotation, about the rotating basis in the future, how you should select going -- what I would look at is you go on a wheel. The next person up gets the next job.

**LEG. CILMI:**

But is that necessarily how it would work, though? I mean, does rotating --

**MR. AMOROSO:**

Well, that's what it says.

**LEG. CILMI:**

-- necessarily mean go one then the next then the next then the next?

**MR. AMOROSO:**

It's not my legislation, but I would think that's what it would mean. But in terms of what's being done now, for example, if it's an acquisition for open space or farmland development rights, the Real Estate Department downstairs would send up a title order form which would then be reviewed by our Bureau, okayed, you know, make sure all the information is correct, and then we would submit it to the County Attorney and she would order title from a company based on the amounts involved, the complexities. As I said, if there was a request by a municipality for a particular title company we would consider that. If there was a related acquisition we would consider that, and that's how it's done. There's no rotation.

**LEG. CILMI:**

All right. So the part of this bill that requires a rotation --

**MR. AMOROSO:**

Right.

**LEG. CILMI:**

You would say that that pigeonholes you into necessarily potentially using a title company that's not appropriate for the purpose that your --

**MR. AMOROSO:**

That would be my concern.

**LEG. CILMI:**

Sponsor, do you have any --

**LEG. KENNEDY:**

First of all, yes. And I'll respond to you as my colleague, Legislator Cilmi, but then I have a few comments based on what Mr. Zwirn had to say. The process is very simple, and it is an effort to go ahead and to put in a degree of objectivity into which apparently a great degree of subjectivity has been put into place. There are companies that are routinely being favored, not Suffolk County based companies, and companies that coincidentally have had multiple millions of dollars worth of purchase placed by them and coincidentally donated tens of thousands of dollars to the County Executive's campaign. Now, that may be a mere coincidence, but it's my job and our job to go ahead and to rectify or right and put back transparency into a process that clearly has become anything but transparent.

And as far as part of a sweetheart deal for abstracters, there was never a time where abstracters didn't pay for the six square feet that they used off of desk space here because there was no place else to get the records that go back for 100 years. Since the time that I went to the Clerk's Office

and we automated all of the material and you can do a title search online, coincidental abstracters came out of the County Center. It had nothing to do with anything untoward on my part and I resent the implication that you make that I put this bill out there, that somehow I was part of some kind of a collaboration to benefit abstracters. Absolutely, totally baseless, unwarranted and unprofessional, Ben.

**MR. ZWIRN:**

The facts speak for themselves. You can go back and look at the transcripts from the minutes of those debates.

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

You weren't recognized, Ben.

**MR. ZWIRN:**

Sorry.

**LEG. ROMAINE:**

First of all, Legislator Kennedy is correct. No matter who was County Clerk ever since I guess the fifties, title searchers have always rented space in the County Center, always paid for that space. Always paid for it. Now, I would say after serving 16 years as County Clerk and listening to the Attorney from the County Attorney's Office, I remain unconvinced of all of his arguments, and I would ask how many of the underwriters do you currently use now? These are the big guys, the guys that write the policies. How many of the underwriters do you use now to do title work?

**MR. AMOROSO:**

A number of -- I would say five.

**LEG. ROMAINE:**

Five of the title companies. How many abstracters do you use?

**MR. AMOROSO:**

The others would be the abstracters, another five or six.

**LEG. ROMAINE:**

Now, you described the process. Do you know enough of that process to determine the procedure that the County Attorney uses to select the people for title work? You said it goes to the County Attorney and then she selects someone for -- according to what she determines appropriate.

**MR. AMOROSO:**

Correct.

**LEG. ROMAINE:**

Can you explain any more of that process or that's known.

**MR. AMOROSO:**

The order is submitted with a recommendation, if it's a municipality who's requested somebody, if there's been a previous acquisition that's contiguous, we give that information to her and then she makes the selection. That's what I can tell you.

**LEG. ROMAINE:**

And do you make any -- does anyone else make recommendations to the County Attorney about who she selects for title work, this abstract company or that title company?

**MR. AMOROSO:**

Again, the orders for the open space and farmland, they go through our Bureau. The orders for condemnation work, that goes directly from DPW.

**LEG. ROMAINE:**

Well, I'll ask about the work that comes through the County Attorneys Office. Do you know any more about the process of selection other than what you indicated?

**MR. AMOROSO:**

No, that's my knowledge.

**LEG. ROMAINE:**

Can I get a list for every single project that your department has been involved in of title work that has been handed out for the last 12 months? And the reason I'm asking is because it was said, at least for the record, that there's a pay for play element to this that certain title workers tied to political contributions that have been made. Now, I'm not asking you to form an opinion about that, and I guess the only person I could ask is the Treasurer of the County Executive's campaign because I assume to that which it was directed.

**MR. ZWIRN:**

Every contribution that is made to the County Executive or any candidate is part of the public record and you can go look it up any time online.

**LEG. ROMAINE:**

I'm aware, and that's why I asked for the list of the title companies and abstract companies, so I can compare that list.

**MR. ZWIRN:**

That's not a problem.

**LEG. ROMAINE:**

Because there was an allegations made, and obviously if I'm going to do my due diligence as a Legislator, I want to take a look at everyone that got title work from every department versus -- versus contributions that were made to see if, in fact, there is any correlation.

**MR. ZWIRN:**

How about title examiners. Can we look at that, too?

**LEG. ROMAINE:**

Title examiners, absolutely.

**MR. ZWIRN:**

Fair enough.

**LEG. ROMAINE:**

Absolutely.

**LEG. KENNEDY:**

Mr. Chair.

**LEG. ROMAINE:**

I can tell you as County Clerk I didn't order any title policies. That isn't in the role of the County Clerk when I served there.

**MR. ZWIRN:**

I was talking about the title examiners who had the space outside the Clerk's Office that you fought so hard to keep.

**LEG. KENNEDY:**

Mr. Chair, I'm going to ask, this is totally irrelevant to the matter at hand before us. There is a motion and a second on the floor. I've addressed the issues that the County Executive's Office has brought forward. I think the bill is very self-explanatory, it speaks for itself, and I think it's something that's being brought forward, as I said, in order to go ahead and return to a degree of transparency and objectivity with one of the most basic functions that's done by this County. I'm going to ask that the bill be voted.

**P.O. LINDSAY:**

Legislator Losquadro, did you want to ask something?

**LEG. LOSQUADRO:**

I just wanted to say I just don't want to see this become something that's precedent setting. We do have other areas of County government. Legislator Vilorio-Fisher and I sit on the Environmental Trust Review Board. We have, you know, certainly appraisals, other areas that get into very esoteric situations and we need flexibility to be able to, you know, pick and choose between those that we have authorized within our pool of perspective appraisers or whatever the other situation needs to be. So I just don't want to see this as something that will be precedent setting and expand to other level -- other aspects of government, because we do need flexibility in other areas.

**P.O. LINDSAY:**

Let me just remind you, Legislator Losquadro, there was a scandal with appraisers, let me finish, back -- a few years back, and I was on a group that made recommendations to change that whole process, myself and Angie Carpenter when she was a Legislator here. And one of the things that we came up with was a pool of preapproved appraisers. That's what Legislator Kennedy's legislation is proposing.

**LEG. LOSQUADRO:**

But that's on a strict rotation basis. I'm not disagreeing with this, I'm just saying we have other -- of government that we did -- I was part of that legislation that created the Environmental Trust Review Board. I think it's been a wonderful success. I just don't want to see this taken and made a blanket policy when there are other areas where we do need a degree of flexibility, that's all.

**LEG. KENNEDY:**

Mr. Chair. I think that and certainly my intention is completely fulfilled with this resolution. There's one other important part to this that I think we're not discussing in -- gets a little bit lost in translation. Part of the vetting process to establish qualified abstract companies or title companies with whom orders will be placed is the disclosure or the eligibility that these companies file. Not only do we have to have abstract companies furnish their business model as to who's the principal of the corporation or the S corp, but much more importantly, who is the authorized agent to issue title up until this point, and this has been confirmed in a conversation with the County Attorney, that was not captured, and that is how we had some of the most recent particularly untoward and seamy selections for abstracters. This would tighten that process up.

**P.O. LINDSAY:**

Legislator Stern.

**LEG. STERN:**

Thank you. Real quick, one of the issues that were raised, and you used an example of what was multiple properties that needed to be grouped together comprising one transaction. We heard Legislator Kennedy talk about it and really explain that, the purpose of legislation you believe, Legislator Kennedy, covers that. But George wasn't around for me to ask the question. I'll ask George the question now. Do you read it that way, would that -- would they have the discretion to be able to hire just one company in the case of multiple properties if it was going to be considered part of one transaction.

**MR. NOLAN:**

You're talking a bunch of continuous parcels which they consider one transaction. I believe they would have the discretion to do that.

**LEG. STERN:**

Under this bill as written.

**MR. NOLAN:**

I believe so.

**LEG. STERN:**

Thank you.

**MS. BIZZARRO:**

If I could, Presiding Officer, just make a comment please? I don't mean to butt my nose in here but.

**P.O. LINDSAY:**

Go ahead, Ms. Bizzarro. If you want to jump in the middle of this, go head.

**MS. BIZZARRO:**

I'm not pleased about doing that, but just what I'm hearing is bothersome to me. First of all, what we're talking about is the rotational basis. That is what is the problem here. Now, I understand Legislator Kennedy is looking to perhaps right some wrong, and I understand -- and I heard you to say that you resent what Mr. Zwirn was saying about you. Well, I think if the County Attorney were here she would perhaps resent what she's -- what I am hearing right now in that somehow the way she is choosing these companies has somewhat -- has somehow been bad, untoward and has been somehow bad behavior. And that is so far from the truth.

If you allow a rotational basis to be employed here, what could very easily happen is that the same one company could get all the very large acquisitions or expensive condemnations and make a whole heck of a lot of money in any given year, and then the other companies, because it's rotational, will make practically nothing.

What the County Attorney does is she gets a report from Mr. Amoroso. It has all the recommendations in there. If, let's say, the property had just recently passed hands two years ago and the title company had been used at that time and it's a big acquisition, it's obvious that you would want to use that same title company, as long as it's one that we've used before, for that acquisition. She looks at well, what title companies have we used in the last several months on certain big acquisitions, maybe we'd like to give the business elsewhere or to another company that is just as qualified and can handle a large acquisition or condemnations and spread that around, and that is what she does. She makes a very informed decision regarding who she chooses for all of these acquisitions and whatever other things that she's hiring the title companies for.

And again, it's based on a list. It's a list. We have contracts with all these companies. So, again, I think if she were here, she is not, though, and I am here as her Chief Deputy, and I want to make it clear that there is nothing that the County Attorney has done at all that -- I'm just listening to what is being said here that there's any look of impropriety or anything wrong that is going on with what she does. I think she's handled a phenomenal job. This bill is very insulting, but I'm not even going to talk about the whole point of the fact that the bill is insulting. All we're talking about is the rotational basis of the bill. There has to be some flexibility.

Like Mr. Amoroso said, if a town comes in and we're doing joint purchases, or like I said, property had been recently purchased, why would you go and hire a completely new title company to do that just because on the rotational basis we have to choose abstract company number two or three or title company X, Y or Z. It doesn't make sense. It is not practical.

Then on top of it, you're giving the entire job to the Director here, Pam Greenberg -- Pam Greene, excuse me, who has enough work on her plate. Now you're giving it all to her because apparently we don't do a lot of it. I don't believe that. I know that Mike Amoroso's group is very, very busy. They are doing transactions constantly, so I don't understand that at all. So those are my comments. I apologize if I sound very passionate, but I get upset when I hear things like this about my County Attorney and your County Attorney. She represents all of us, the entire County, and she's doing a very good, ethical job at doing it. And the thought that you all or some of you may think otherwise I think is just plain wrong. Thank you.

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

Let's vote.

**LEG. KENNEDY:**

You know, what it is is time to vote, and I think the last word I'm going to say on this is I have not once raised any particular criticism of the County Attorney herself. I have the greatest respect for her. I know her to be a good attorney. But, the facts don't lie. There were abstract companies that have been selected and they subsequently were determined to be operated by felons. So let's just vote this bill and hope that we move away from that process. Thank you.

**P.O. LINDSAY:**

Okay. We have a motion and a second. Am I correct?

**MR. LAUBE:**

You are correct.

**P.O. LINDSAY:**

Roll call.

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

**LEG. KENNEDY:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. COOPER:**

(Absent).

**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. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Okay. *I.R. 1624, Amending Resolution No. 533-2009, establishing a Long Island Victory Garden Task Force. (Viloria-Fisher).* Do we have a list to talk about this?

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

An easy one, yes.

**P.O. LINDSAY:**

Do you make a motion?

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

To approve.

**P.O. LINDSAY:**

Motion to approve. Do I have a second? Second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Cooper).

**P.O. LINDSAY:**

*I.R. 1635, Resolution No. -2010, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - 6 Pierrepont property (formally known as Bailey's Motel property) – Town of Southampton (Schneiderman).*

**LEG. SCHNEIDERMAN:**

Motion.

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

Second.

**P.O. LINDSAY:**

Wasn't that where Psycho was filmed? Holy mackerel.

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

Close, very close.

**LEG. ROMAINE:**

Filmed on the spot.

**LEG. SCHNEIDERMAN:**

That makes it historic, right?

**P.O. LINDSAY:**

Okay. We have a motion and we have a second. Do we have a second?

**LEG. ROMAINE:**

Second.

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

Yes, I'm the second.

**P.O. LINDSAY:**

Okay. Any discussion? All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Cooper)

**P.O. LINDSAY:**

Okay. *1645, Amending the 2010 Operating Budget and Program by accepting up to 75% grant funds in the amount of \$1,703,820 from the New York State Department of Agriculture and Markets (Grant C800754) to the Suffolk County purchase of Development Rights Program for the acquisition of development rights. (Co. Exec.)*

**LEG. LOSQUADRO:**

Motion.

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

Second.

**P.O. LINDSAY:**

Motion by Legislator Losquadro, second by Legislator Viloría-Fisher. Any discussion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**LEG. ROMAINE:**

Would the Clerk please list me as a cosponsor.

**P.O. LINDSAY:**

**Health and Human Services: 1623, Amending Resolution No. 881-2009, establishing a Teen Pregnancy Task Force. (Viloria-Fisher)**

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloria-Fisher.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Second by Legislator Browning.

**P.O. LINDSAY:**

Don't we already --

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

It's extending it.

**P.O. LINDSAY:**

Oh, extending it. Oh, okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

**1625, Amending the 2010 Adopted Operating Budget to reallocate funding for the Peconic Bay Medical Center Contract for the Riverhead Health Center (Romaine).**

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine. Do I have a second?

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**LEG. MONTANO:**

Abstain.

**MR. LAUBE:**

Seventeen -- Sixteen. (Abstention: Legislator Montano; Not Present: Legislator Cooper)

**P.O. LINDSAY:**

**Labor, Workforce and Affordable Housing. 1647, Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Kids Place Early Childhood Day**

***School, the Community Programs Center of Long Island, Inc. - Port Jefferson, the Community Programs Center of Long Island, Inc. - Ronkonkoma, Lazy Cow, Inc. Dba Kiddie Care Early Learning Center, Colonial Youth and Family Services, and Brightwaters Child Care & Development Center Inc. Dba Kiddie Academy of Brightwaters Day Care Providers under contract with the Department of Social Services. (Co. Exec.)***

**LEG. KENNEDY:**

I'll make a motion.

**P.O. LINDSAY:**

Motion by Legislator Vilorio-Fisher, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

We've done the next three. **Parks and Recreation. 1592, Amending Resolution No. 142-2010, authorizing a further extension of Soccer Field Agreement with the Mastic Sports Club (Browning).**

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1595, Authorizing use of Smith Point County Park property by the Montauk Highway Merchants' Association and the Chamber of Commerce of the Mastics and Shirley, for a Summer Youth Program (Browning).***

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning, second by Legislator Eddington. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1606, 1606A, Amending the 2010 Capital Budget and Program and appropriating funds in connection with reconstruction of spillways (CP 7099) (Kennedy).***

**LEG. KENNEDY:**

I'll make a motion to approve.

**LEG. ROMAINE:**

Second.

**LEG. KENNEDY:**

As a matter of fact I -- as a matter of fact, no, I'll make a motion to table. I thought that we had tabled this in committee. I guess it got out of committee. But I'll make the motion table.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

The accompanying bond resolution is moot because of tabling. ***1643, Authorizing use of the Long Island Maritime Museum by the Cystic Fibrosis Foundation for their annual "Sayville Run/Walk & Barbeque" Fundraiser (County Executive).*** I'll make a motion.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

**Public Safety: 1390, Adopting Local Law No. -2010, A Local Law to prohibit cyber-bullying of minors in Suffolk County (Cooper).**

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Motion and a second. Okay. I was going to make a motion to table because the sponsor isn't here.

**LEG. SCHNEIDERMAN:**

I'll second.

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

But I thought he wanted it moved forward.

**LEG. SCHNEIDERMAN:**

Motion to table.

**P.O. LINDSAY:**

We have a motion to approve and second and do we still have a motion to table?

**MR. LAUBE:**

Could you repeat the motion and second? We didn't get it over here.

**P.O. LINDSAY:**

Okay. Motion to approve is by Legislator Stern, seconded by Legislator Cilmi. Do you want to talk about this, Mr. Zwirn?

**MR. ZWIRN:**

On I.R. 1407?

**P.O. LINDSAY:**

1390.

**MR. ZWIRN:**

No. I'll be up for the next one.

**P.O. LINDSAY:**

This is about cyber bullying.

**MR. ZWIRN:**

We are against that.

**P.O. LINDSAY:**

I love a man who takes a stand. Okay. So just to get it straight, we have a motion and a second. We do not have a motion to table now, am I right?

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

No.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1407, Achieving cost savings through effective use of light duty police officers (Presiding Officer Lindsay).*** I'm going to make a motion to approve.

**LEG. LOSQUADRO:**

Make a motion to table.

**P.O. LINDSAY:**

Motion to table.

**LEG. BROWNING:**

I'll second your motion.

**P.O. LINDSAY:**

We have a second to the motion to approve.

**LEG. BARRAGA:**

Second the motion to table.

**P.O. LINDSAY:**

Second the motion to table. Okay. We have a motion to approve and a motion to table. And we will hear Mr. Zwirn on this issue.

**MR. ZWIRN:**

Thank you, Mr. Presiding Officer. I appreciate it. We agree, the County Exec's Office agrees that we want to have the best use of light duty officers. There's no question. We're all on the same page with that. The question that we have -- the problem that we have with this particular legislation is that it will make the running of the Police Department we think inefficient. Because what happens, if you have a civilian in a particular position, say application investigation, and then you have a light duty officer who comes along whenever they come along, I mean, you never know when you're going to get a light duty officer, whether you're going to have one, two, three and how long you're going to have them. So meanwhile you have a position that's available, you train somebody to do that position, and then a light duty officer becomes available and then you have to move the civilian out, put the light duty officer in. What do you do with the civilian? It just becomes problematic with respect to personnel efficiencies.

We have somebody here from the Police Department who will talk to you a little bit about the specifics involved. As I say, we understand the concept. I think -- you can talk about how many Police Officers that we have on light duty and they are assigned on a regular basis, but we're just afraid that we're going to be -- because of the -- it doesn't happen on a routine basis, that we're going to waste time and money training somebody for a particular position and then have them have to vacate, move a light duty officer in, and then three weeks later they go back on full duty, and then what do you do with that spot. If you don't have another light duty officer you have to move a Police Officer into that position, and we're going to be taking Police Officers out of the Precincts to do that.

**P.O. LINDSAY:**

Okay. You made your point. Let me hear from the Police Officer. Inspector, go ahead. What do you have to say?

**DEPUTY INSPECTOR BERGOLD:**

Thank you, Mr. Presiding Officer. We do have a number of limited duty Police Officers within the Police Department. We presently, as of May 7th, which was the date that Public Safety had requested the figures regarding limited duty, we had 87 limited duty police officers within the department.

**LEG. LOSQUADRO:**

How many was that? Repeat that.

**DEPUTY INSPECTOR BERGOLD:**

Eight-seven limited duty Police Officers within the department. These Police Officers, of these officers, 58 of them were assigned to Precinct desks, so they were working our Precinct desks, displacing full duty Police Officers back to patrol. The remaining Police Officers that were limited duty were assigned to other functions throughout the Police Department such as pistol license, applicant investigation, the firing range in Westhampton. We have three limited duty Police Officers there. They're assigned -- we presently identify positions that are long-term -- Police Officers that are long-term limited duty and we assign the extra Police Officers or Police Officers who are long-term limited duty into these positions. So we take great care to fill vacancies that require training, such as application investigation, with long-term limited Police Officers. Does that make sense?

**P.O. LINDSAY:**

I just want to respond because my bill -- and then I'll recognize you. Here's my problem with your explanation. First of all, the bill is open-ended. The bill says wherever practical. It leaves tremendous amount of latitude to the department. I heard some of the same arguments when the County Executive wanted to civilianize PAL, where he went out and hired people, New York City retired cops, when we have people sitting home that we're paying a full salary to. That bill passed. It's probably a couple of years now. And we have light duty PAL officers doing that job now day in and day out without us having to hire another body. We're saving money. So I hear what you say, it might be a little bit harder to manage this, but it's wherever practical.

**DEPUTY INSPECTOR BERGOLD:**

I think the important thing to note is that we don't have an excess of limited duty Police Officers.

**P.O. LINDSAY:**

Then fine, you don't have to do it.

**DEPUTY INSPECTOR BERGOLD:**

Okay. And also, just limited duty Police Officers are not sitting at home. There appears to be some misconception from people I spoke to. Limited duty Police Officers are not sitting at home waiting for a position at work to open. They're either no duty or limited duty. If they're at work, they're working.

**P.O. LINDSAY:**

Well, I'm sure at times you have some Police Officers that can't perform any duties at the moment, but as they come back off of their injury or illness, they are capable of doing something, and I just want to make sure that we take advantage of that pool of people before we go out and hire a civilian at an additional cost. That's all. Legislator Viloría-Fisher.

**DEPUTY INSPECTOR BERGOLD:**

Thank you, sir.

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

Well, I think you answered my question because my question was how does this bill hamper what you're currently doing, how does it work against your current practice.

**DEPUTY INSPECTOR BERGOLD:**

We presently when -- Police Officers go limited duty, fully duty, no duty, quite frequently. For example, take a Police Officer who may be limited duty. He goes out and gets a cortisone shot in his back, he's now no duty, you know, because he has to recover from the treatment, for example. When he comes back to work we can immediately assign him without any additional measures. We can immediately assign him to a desk vacancy that may be existing, and we do that. We don't -- we don't stack, you know, the Police Officers where they're not needed. So just an additional level of oversight, it might be cumbersome and is not necessary in this particular case because we immediately identify them when they come back to work and we put them where they're needed.

**P.O. LINDSAY:**

The fervor to civilianize positions in the Police Department, and we saw that with the PAL situation, where we're going to New York City to hire retired cops to do a job that we have people capable of doing, was something that we had serious questions about. And in this latest civilianization program we have some serious questions about where you want to put civilians. I'm not sure that the pistol range is an appropriate place for a civilian. I'm glad to hear that we have light duty people on the Precinct desks because we weren't sure that's an appropriate place either, so that's all we're trying to do.

**DEPUTY INSPECTOR BERGOLD:**

And just to clarify, Legislator Fisher, regarding light duties coming back to work and being placed in these positions. If we do take a light duty Police Officer and we move that into a position that we might have otherwise civilianized, wherever that light duty Police Officer came from, because we do not have excess of full duty Police Officers, we now have to take a Police Officer off the street, a full duty Police Officer, to backfill where that light duty Police Officer was moved from. Whereas if we had a civilian in a position that was appropriately being civilianized, we would not have to do that.

**P.O. LINDSAY:**

But, again, if you have a light duty officer performing duties now that are light duty -- I'm not saying to move him to a newly civilianized position. If you have one on the shelf, use him before you hire a civilian. That's all we're saying.

**DEPUTY INSPECTOR BERGOLD:**

Thank you.

**P.O. LINDSAY:**

Okay. Anybody else on this issue? Legislator Losquadro.

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

**LEG. LOSQUADRO:**

Just to your point, to the practical part; where practical? This does give discretion within the department as to how they use the staffing, where people are available. You know, looking at the numbers that I'm hearing, 87 limited duty -- and I know those numbers do change, people come on and off, you have 58 assigned to a desk right now. You know, are there enough others that are longer term to be able to use them in other positions? You know, some of these other positions obviously requiring internal training; I mean, just because you're a Police Officer doesn't mean you know how to do every function within the department, obviously. You know, but if it opens up that type of discretion within the department, I mean, I think, you know, this is sort of akin to my conversations with the Commissioner a number of years back. I wanted to give them the ability to polygraph civilian applicants, and even though I had in there it's their discretion, ultimately we did pass that because it did give them that discretion, they chose not to use it, that's their choice. So this does give them that discretion to decide where, you know, perhaps if you have a position that requires a longer term commitment of an individual, they don't have to put someone there, if they don't have someone who's, you know, long enough duty?

**P.O. LINDSAY:**

Are you agreeing with me?

**LEG. LOSQUADRO:**

Is this some surprise to you.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Okay.

**LEG. LOSQUADRO:**

I just threw you a softball, come on.

**P.O. LINDSAY:**

Okay. That was a very astute comment.

*(\*Laughter\*)*

**LEG. MONTANO:**

Hit it out of the park

**LEG. LOSQUADRO:**

That is the language within -- contained within the resolution, correct?

**P.O. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

And Counsel can confirm that?

**MR. NOLAN:**

It says to do this policy that the Presiding Officer described to the fullest extent practicable.

**LEG. LOSQUADRO:**

And that practicality is determined by the administration within the department.

**MR. NOLAN:**

Naturally, the Police Department would make that determination.

**LEG. LOSQUADRO:**

Okay. I withdraw my tabling resolution.

**P.O. LINDSAY:**

Okay. We have a motion to approve and a second. Yes, Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. I just wanted to ask you, as the sponsor, a question. I'm reading the bill and I just want to understand before we vote, I want to make sure I understand how it works.

You're setting a -- we're setting a policy that the Police Department has to replace fully active Police Officers working in non-patrol positions with light-duty officers; so that's one policy that we're establishing by this legislation. Then it goes on and says we cannot civilianize any position presently performed by a Police Officer if the function can be performed by a light-duty officer. But what happens if there's no light-duty officer available?

**P.O. LINDSAY:**

Then they can civilianize the position.

**LEG. D'AMARO:**

Well, but if the position itself, whether there's a Police Officer available or not, can be performed by a light-duty officer, then isn't that a prohibition on civilianizing, even if the officer is not available?

**P.O. LINDSAY:**

I'll ask Counsel to interpret that, but that wasn't my interpretation. Again, that if they're going to civilianize any position, that they first see if there's any light-duty officers available that would be appropriate for that position.

**MR. NOLAN:**

Right. The language is that if -- the resolution says they will not civilianize a position if the function of that position could be performed by an available light-duty officer.

**LEG. D'AMARO:**

So it has to be -- there has to be an officer available --

**MR. NOLAN:**

An available, light-duty officer.

**LEG. D'AMARO:**

-- at the time we're proposing the civilianization.

**MR. NOLAN:**

Right. And then the resolution goes on to state when the department civilianizes a position, they'll file a certification with the Comptroller and the Clerk of the Legislature that there is no light-duty officer available to do that position.

**LEG. D'AMARO:**

Okay. So let's -- just to bear with me one more moment and walk through. Let's say there's a non-patrol position and there is a light-duty officer available, and so rather than civilianize that position, a light-duty officer is put into that position. And then the light-duty officer, at some point, I assume can become a full, full officer again; I don't know what the term is.

**DEPUTY INSPECTOR BERGOLD:**

Many of them do, yes.

**LEG. D'AMARO:**

Yeah, okay. So that officer is then put back on patrol or whatever that officer is capable of doing, which now vacates that position. So at that point, if there's not another light-duty officer available to fill that position, that was -- as long as you file a certification, that would open it up for a civilian to fill that position.

**MR. NOLAN:**

Correct.

**LEG. D'AMARO:**

Okay. So --

**DEPUTY INSPECTOR BERGOLD:**

Can I just make a statement, would it be okay to make a statement regarding that? That's, you know, a challenge with this bill, because when that happens and that light-duty Police Officer becomes a full-duty Police Officer, we then have to start the canvas process if there's a Civil Service list. If there's no list, we have to go out and hire provisionally. We then have to put that person through the applicant investigation process, which often times takes months to vet someone, we have to train them. And all during that period of time, that position will be filled by a full-duty Police Officer. And it's not that all of a sudden when the light-duty goes full-duty, we have a civilian that we can plug into a position, we don't. And that's why it's important, since there's no excess, light-duty Police Officers in the Police Department, that we not restrict ourselves in this manner.

Just to give an example. In the 4th Precinct, on our civilianization plan we have the title -- we have a Police Officer, a limited-duty Police Officer performing the function of a Data Analyst, which is something that was civilianized some time ago. We have identified the fact that that Police Officer, that limited-duty Police Officer, is most efficiently performing that function. At some point, when that Police Officer becomes full-duty we'll then begin the civilianization process, but my point in relating that to you is that we're not just indiscriminately pulling limited-duty Police Officers from jobs that are being performed; they're filling the functions and there's really no excess limited-duty Police Officers to do that. And the hiring of civilians is certainly, as we've heard said many times today in the Police Department, it's something that doesn't happen quickly and it's very inefficient. Wherever we take the Police Officer from, that light-duty Police Officer now, unless we're civilianizing where they came from, a full-duty Police Officer is going to fill in that function, so we're taking a Police Officer off the street that could otherwise be civilianized.

**P.O. LINDSAY:**

Legislator Vilorio-Fisher. Are you done, Legislator D'Amaro?

**LEG. D'AMARO:**

I just wanted to finish my thought.

**P.O. LINDSAY:**

Sorry.

**LEG. D'AMARO:**

That's okay. I just want to finish my thought. So, you know, picking up on that scenario, so the light-duty officer was available and put in that position, non-patrol position, that's fine, a light-duty

officer then gets trained, then becomes full-duty status again, is taken out of that position. The position is then civilianized, let's say, for argument's sake. If another light-duty Police Officer becomes available, since there's a non-patrol position, does this policy now say that that civilian has to come out and the light-duty officer has to go back in if it's a different --

**P.O. LINDSAY:**

No.

**LEG. D'AMARO:**

That's what I'm trying to understand. So there would be a -- if the intention is to civilianize a position, basically the way -- and correct me if I'm wrong, but what this says is that you may ultimately civilianize that position, but not when there's a light-duty officer available. And once it's civilianized, even if a light-duty officer becomes available, you don't need to switch them out again; is that the intent?

**P.O. LINDSAY:**

That's correct.

**LEG. D'AMARO:**

Okay. I just wanted to understand that. Thank you.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

I just want to clarify this further, and I don't know who can answer it. But when people are on light-duty, isn't there a sense of the time that they should be coming off light-duty and going back on full-duty? Isn't there -- I mean, I know some people might be on light-duty if they're pregnant or just had a baby, right? I mean you have some idea then.

**DEPUTY INSPECTOR BERGOLD:**

Yes.

**P.O. LINDSAY:**

It takes nine months.

*(\*Laughter\*)*

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

So there's an idea. Or if someone is injured, maybe has broken a leg or something and the doctor says the person has to be on light-duty for the next six months. So most often there's an idea, there's a sense of when that person is going to be coming off light-duty, right? No?

**DEPUTY INSPECTOR BERGOLD:**

We do our best to identify who's long-term light-duty and who's short-term. It is at the determination of, you know, their physician as well as, you know, our department physicians, but it's often times difficult to tell how long they'll be injured. Back and neck injuries, for example, are very hard to determine when they'll be returning to work.

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

Okay. So it's hard in some cases to know when you fill a position with a light-duty cop if -- well, you can think about beginning to look for a person to fill that work or canvassing a list.

**DEPUTY INSPECTOR BERGOLD:**

For example, we have Police Officers that were injured in the line of duty and they may be blind in one eye; we've identified those Police Officers, they've lost their vision in one eye and they've been

assigned to long-term positions that would have otherwise been civilianized. But they have -- you know, they haven't been because we've identified that Police Officer.

**P.O. LINDSAY:**

Legislator Cilmi

**LEG. CILMI:**

Thank you. Just to follow-up on Legislator D'Amaro's line of questioning. I suppose it's conceivable that the department could at any time utilize whatever light-duty officers you have in positions that you don't wish to civilianize. In other words, you have position X over here that -- and you have an available light-duty officer, you could choose to put that light-duty officer into that position, or maybe you want to civilianize that position. I'm sure there are other positions within the department that you could choose to use that light-duty officer in, thereby allowing you to fill that position that you wanted to fill with a civilian to do so. Because if there's no -- you know, if there's no excess of light-duty officers, it stands to reason that there are probably positions within the department that you could use whatever available light-duty officers in and therefore civilianize, you know, the position that you want to civilianize.

Does that make sense?

**DEPUTY INSPECTOR BERGOLD:**

That's a reasonable argument. There aren't, you know, enough light-duty officers, so there are a number of positions, you know, that can take them.

Just one thing with light duties and putting them in these specialized positions. For example, if you were to look at desks within specialized commands, there's a period of training involved. A Police Officer who works a sector car cannot go to Applicant Investigation and start doing investigations, it's months and months of training. So the idea of putting one light-duty in followed by another followed by another will -- it will work, but it's going to be very ineffective because we're going to have to train every new light-duty that comes in.

**LEG. CILMI:**

But the combination of my -- the argument that I just made and the sponsor's language, which allows you to base your decisions on whatever is practical, seems to negate that argument that you're making; no?

**DEPUTY INSPECTOR BERGOLD:**

Given -- you know, considering that there's more positions, there may be more positions than there are light-duty, that could be an accurate assertion, yes, that you can plug them into the desk and civilianize other positions.

**LEG. CILMI:**

Right.

**DEPUTY INSPECTOR BERGOLD:**

However, you know, if we have to file a certificate, or however the legislation reads, you know, attesting to the fact there's no light-duty available to fill that position, then it can be civilianized, that would be an accurate assertion, yes.

**LEG. CILMI:**

Okay, thanks.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Let me just dovetail Mr. D'Amaro's comments. You indicated there's a time period, a process that

one has to go through in order for the civilianization to take place; I take it it might be several months?

**DEPUTY INSPECTOR BERGOLD:**

To identify a candidate to perform a background, yes, sir.

**LEG. BARRAGA:**

Okay. All right, say the light-duty person goes back to full-duty, he's then or she's then replaced with a full-time officer. That officer is in place, your civilianization process begins, but in the interim, during that three or four month period, a light-duty Police Officer becomes available. Can he be brought back in, the full-timer taken out and the civilianization process stopped?

**DEPUTY INSPECTOR BERGOLD:**

He could be. I mean, you could stop the civilianization. You would have to, again, train that new Police Officer you're bringing in to perform those functions, recognizing the fact that many of these functions require a significant amount of training.

**LEG. BARRAGA:**

But the civilianization process would be stopped, even though you might have to train the new light-duty person.

**DEPUTY INSPECTOR BERGOLD:**

If there was no need for a civilian in that position, yes, we would stop the investigation at that point.

**LEG. BARRAGA:**

Well, but initially when you start, you have a full-time patrol person in there and you make the decision, "Well, let's start the process to get a civilian in here." It might take three or four months, and the second month a light-duty Police person becomes available; you're telling me you can pull the full-timer out, put the light-duty person in and eliminate the process as far as civilianization goes?

**DEPUTY INSPECTOR BERGOLD:**

You can stop the hiring of the civilian at that point and begin training that light-duty Police Officer, yes.

**LEG. BARRAGA:**

Thank you.

**P.O. LINDSAY:**

Legislator D'Amaro?

**LEG. D'AMARO:**

Yes, very quickly. Assuming this policy were in place now, as a practical matter how many -- you said we have 87 light-duty Police Officers currently, but how many are available now that would be subject to this policy?

**DEPUTY INSPECTOR BERGOLD:**

Every light-duty Police Officer we have now is presently assigned to a position performing that can be filled by a light-duty Police Officer.

**LEG. D'AMARO:**

So if there's a policy in place to the extent practicable to replace fully active Police Officers working in non-patrol positions with light-duty officers, obviously if you don't have an officer available you're not going to be able to do that and then you can look to the civilianization process.

**DEPUTY INSPECTOR BERGOLD:**

That's correct.

**LEG. D'AMARO:**

And presently there are no light-duty officers available?

**DEPUTY INSPECTOR BERGOLD:**

All of the light-duty officers are presently assigned to precinct desks and other administrative functions, yes, sir. That's as of the data I'm working with is May 7th.

**LEG. D'AMARO:**

As of May 7th; well, we have to have some date to work with. You know, I think that the language in here that says "to the fullest extent practicable" may address many of the concerns that you have. Because I think the way I interpret that is that it's saying -- it's giving the department flexibility to say if you feel that there's a position where it would be inefficient to go through this process, maybe even more than one time, that's not really practical. And I think then built into the bill is your flexibility and the department's flexibility to address many of those concerns that you have. So, okay.

**P.O. LINDSAY:**

Legislator Browning. I can see the Cinderella rule coming into effect tonight.

**LEG. BROWNING:**

No, it's not. Okay, I actually --

**LEG. LOSQUADRO:**

That's the Bishop rule.

**LEG. BROWNING:**

I wanted to know as far as -- because you have light-duties, because I remember my husband was on light-duty not too long ago. Is there a different title or name for the ones who are considered light-duty, ones that have injuries but they will never be able to go back on patrol but they're still working; is there a different title for them?

**DEPUTY INSPECTOR BERGOLD:**

They're all considered limited-duty, limited-duty Police Officers, both short and long-term.

**LEG. BROWNING:**

Okay. How many -- do you know approximately how many there are of them?

**DEPUTY INSPECTOR BERGOLD:**

Long-term?

**LEG. BROWNING:**

The long-term, limited-duty?

**DEPUTY INSPECTOR BERGOLD:**

I don't; I apologize.

**LEG. BROWNING:**

Okay. I was just curious, because obviously you're utilizing them in those full-time, permanent-type positions.

**DEPUTY INSPECTOR BERGOLD:**

I mean, I could run through the list and quickly calculate a rough estimate, but it would be a straight guesstimate.

**LEG. BROWNING:**

Are they doing the function of civilian jobs? I mean, are they replacing Police Officer jobs now, what would possibly be a -- could be a civilianized job?

**DEPUTY INSPECTOR BERGOLD:**

Not necessarily in all cases. For example, in Applicant Investigation or Pistol License, we're using limited-duty Police Officers and their investigative ability, you know, to displace a full-duty Police Officer. Their position may not otherwise be civilianized because it requires some sort of investigative ability, and that's why we've plugged the limited-duty Police Officer in.

**LEG. BROWNING:**

Okay, thanks.

**DEPUTY INSPECTOR BERGOLD:**

Thank you.

**LEG. LOSQUADRO:**

Just quickly.

**P.O. LINDSAY:**

Wait, Legislator Losquadro.

**LEG. LOSQUADRO:**

Just to follow-up on a question that was asked before. Once the determination was made that an officer was not -- a light-duty officer was not available and the certification is filed with the Clerk's Office, to the question that was asked before, maybe Counsel could answer this. The way that the bill is written, once that certification is filed, the process doesn't stop, does it? I mean, if you said, "Oh, then someone does happen to become available, somebody happens to hurt their shoulder, they're available;" we don't stop that process and start all over, do we? I mean, I think at any given time you're going to have somebody getting hurt, somebody may be available somewhere; I think that would just be a logistical nightmare.

**MR. NOLAN:**

You mean in terms of stopping the civilianization process?

**LEG. LOSQUADRO:**

Yeah, once --

**MR. NOLAN:**

I don't think that's --

**LEG. LOSQUADRO:**

Once it's filed with the Clerk and the certification is made, we don't stop the process, do we?

**MR. NOLAN:**

That's not your intention, right? No, that's not the intention of the bill.

**LEG. LOSQUADRO:**

All right, I just wanted to make sure.

**MR. NOLAN:**

Once the civilianization process starts --

**LEG. LOSQUADRO:**

Well, that question was asked before and it seemed like it could be a possibility, and I just think that's really not practical.

**MR. NOLAN:**

The sponsor's intent is that once the certification is filed they've started the process of civilianization, it's not to stop the process --

**LEG. LOSQUADRO:**

Okay.

**MR. NOLAN:**

-- if somebody shakes free later.

**LEG. LOSQUADRO:**

All right.

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

I was getting worried about that, too.

**P.O. LINDSAY:**

Okay. We're ready to vote? We have a motion -- what motions do we have?

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

You have a motion to approve.

**MS. HOWARD:**

A motion to approve, Lindsay --

**P.O. LINDSAY:**

But no tabling motion, just approve?

**MS. HOWARD:**

No tabling motion.

**P.O. LINDSAY:**

Oh, okay. We have a motion to approve and a second. All in favor? Opposed? Abstentions.

**LEG. CILMI:**

Opposed.

**MS. HOWARD:**

Sixteen (Opposed: Legislator Cilmi - Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. ***1509-10 - Adopting Local Law No. -2010, A Local Law prohibiting cyberstalking in Suffolk County (Cooper)***. What is the difference between cyber-stalking and cyber-bullying.

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

This is for adults.

**P.O. LINDSAY:**

One is for adults and -- I guess.

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

This is for adults, over 19.

**P.O. LINDSAY:**

Okay.

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cilmi. Any discussion? I love it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Not Present: Legislator Schneiderman - Absent: Legislator Cooper).

***1512-10 - Adopting Local Law No. -2010, A Local Law establishing a Gun Offender Registry in Suffolk County (Gregory).***

**LEG. GREGORY:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve. Second?

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

Second; I'll second it.

**P.O. LINDSAY:**

Who seconded it?

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

Me.

**MR. LAUBE:**

Who was the motion?

**P.O. LINDSAY:**

Motion by Legislator Gregory, second by Legislator Viloría-Fisher.  
Any discussion?

**LEG. LOSQUADRO:**

I have to ask a question.

**P.O. LINDSAY:**

Go ahead.

**LEG. LOSQUADRO:**

And just if the sponsor could just quickly, I know we discussed this a little bit. It just does seem duplicative, this information is available through other avenues. Why is this necessary and is it going to take individuals who are currently performing other tasks -- it's not as though we're going to hire more people. So these people who already under staffed and performing tasks, this is going to force them to do something that is already being done. Could we maybe find a way to propagate this information out of the existing court documents so that we're not having people, you know, entering something into a system that already exists?

**LEG. GREGORY:**

Well, I was under the impression from the County Executive and the Police Department that we had enough personnel in the Police Department, so they sufficiently have the personnel to execute any responsibilities with this.

*(\*Laughter\*)*

**LEG. MONTANO:**

(Inaudible).

**LEG. GREGORY:**

No, I know. No, I fully vetted this bill with the Police Department with their input.

**LEG. LOSQUADRO:**

Okay.

**LEG. GREGORY:**

The inspectors had input into it. This is a bill that's for them. They have bits and pieces of this information, but not in one -- it's all scattered and not in one location. It's just to give them the ability to track those people that are 75% more likely to re-offend. So when they conduct their investigations and Bill -- you know, Bill Hill or whoever's name comes up in association with a shooting or gun offense, gun-related crime, they'll have the most recent information as to his whereabouts, where he's going to school, where he's working and those types of things. So it would help further their investigations.

**P.O. LINDSAY:**

Does that answer your question, Legislator Losquadro?

**LEG. LOSQUADRO:**

I guess. I mean, I did a little research into it as well, it does still seem rather redundant to me. If people have a rap sheet, you know, their record of convictions is already a public record, so.

**LEG. GREGORY:**

But it's more than their record of convictions. It's their location, you know, where they go to school, where they work, even their Supervisor's names, if possible. So if their name comes up in an investigation, which the likelihood is it will, they can -- you know, they'll have an avenue where to go. There was a gentleman that was just arrested from a shooting two years ago, on July 4th; he fled the County, he was actually in North Carolina. There were -- you know, I just had two shootings in my district Friday and Saturday, and those are incidents that happened stemming from Thanksgiving.

**LEG. LOSQUADRO:**

It's great, I hope it works --

**LEG. GREGORY:**

So they know these guys. These guys --

**LEG. LOSQUADRO:**

But I don't think that somebody who's fleeing to North Carolina is going to go on to the Suffolk County registry and update their home address to North Carolina to let us know where he was.

**LEG. GREGORY:**

Well, when he's prosecuted he'll be mandated to provide his information on a yearly basis for four years.

**LEG. LOSQUADRO:**

Okay. Thank you.

**P.O. LINDSAY:**

Okay. Any other questions? Legislator Romaine.

**LEG. ROMAINE:**

If he doesn't provide his appropriate address on a yearly basis, what are the penalties, who enforces that?

**P.O. LINDSAY:**

We're going to cyber-bully him.

**LEG. ROMAINE:**

Oh, okay.

*(\*Laughter\*)*

**LEG. GREGORY:**

Cyber-stalk him. It's an Unclassified Misdemeanor and a thousand dollar fine.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay, we did 1533.

***1627-10 - Authorizing and directing a Gulf Oil Spill Emergency Response Plan (Cilmi).***

**LEG. CILMI:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Cilmi.

**LEG. GREGORY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Gregory. Just one comment; they --

**LEG. LOSQUADRO:**

(Inaudible).

*(\*Laughter\*)*

**P.O. LINDSAY:**

Well, they can't solve the problem down there, so we'll solve it in Suffolk County.

*(\*Laughter\*)*

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

*1630-10 - Amending Resolution No. 444-2010 in connection with the Computer Aided Dispatch (CAD) replacement and integration with existing Fire Rescue CAD (CP 3240)(County Executive).*

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

We're lowering the expenditure to \$2 million, is that it?

**MR. NOLAN:**

It's moving money around for the construction to planning and equipment.

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

Okay. What Counsel said is we're moving money around from construction to moving it into planning, right?

**MR. NOLAN:**

Yes.

**P.O. LINDSAY:**

Okay. We have a motion by Legislator Viloría-Fisher.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

*1649-10 - Appropriating funds in connection with the purchase of heavy duty vehicles for the Police Department (CP 3135)(County Executive).*

**LEG. LOSQUADRO:**

Motion

**LEG. KENNEDY:**

Motion.

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

Second.

**P.O. LINDSAY:**

To be driven by a civilian.

(\*Laughter\*)

We have a motion by --

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

Losquadro.

**P.O. LINDSAY:**

-- Legislator Losquadro, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga - Absent: Legislator Cooper).

**P.O. LINDSAY:**

On the accompanying Bond Resolution, 1649A, same motion, same second; roll call.

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

**LEG. LOSQUADRO:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. COOPER:**

(Absent).

**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:**

Yep.

**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: Legislator Barraga - Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay, we did 1414.

**Public Works & Transportation (Continued):**

***1555-10 - Adopting Local Law No. -2010, A Local Law to amend the County's Clean Pass Parking Program (Muratore).*** Legislator Muratore, you want to make the motion?

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Losquadro. And this allows a Humvee to be parked in the Clean Air; no?

**(\*Laughter\*)**

**LEG. EDDINGTON:**

Motorcycles.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***IR 1646-10 - Approving the purchase of one (1) vehicle in accordance with Section 186-2(B)(6) of the Suffolk County Code and in accordance with the County vehicle standard (County Executive).***

**LEG. LOSQUADRO:**

Motion.

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

Second.

**P.O. LINDSAY:**

Motion by Legislator Losquadro, second by Legislator Vilorio-Fisher. All in favor? Opposed?

Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

1648-10 - Appropriating funds in connection with the purchase of Public Works highway maintenance equipment (CP 5047)(County Executive).

Do I have a motion?

**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 - Absent: Legislator Cooper).

**P.O. LINDSAY:**

On the accompanying Bond Resolution, 1648A, same motion, same second; roll call.

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

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. COOPER:**

(Absent).

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**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 - Absent: Legislator Cooper).

**P.O. LINDSAY:**

***IR 1650-10 - Appropriating funds in connection with the County share for participation in the installation of the Closed Loop Signal System on various County Roads (CP 3309)(County Executive).*** Do I have a motion? I'll make the motion --

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

Second.

**P.O. LINDSAY:**

-- for the purpose of discussion. Second by Legislator Browning. I saw Mr. Anderson in the auditorium. Maybe you could tell us what a closed-loop system is.

**COMMISSIONER ANDERSON:**

Good evening. A closed-loop system is a -- we're going into existing traffic signals and upgrading them, the closed-loop system allows the signals on the roads to basically talk to a computer in Yaphank so that we can coordinate, you know, the signalization along corridors and intersections.

**P.O. LINDSAY:**

So that's basically the system, the inform system on the Expressway?

**COMMISSIONER ANDERSON:**

Well, it's a little different. This is going to actually work for the signals, not the signs.

**P.O. LINDSAY:**

Right, but I know --

**COMMISSIONER ANDERSON:**

It's the same basic idea.

**P.O. LINDSAY:**

-- even that system ties into peripheral traffic signals along the Expressway.

**COMMISSIONER ANDERSON:**

Correct.

**P.O. LINDSAY:**

Okay, thank you very much. We just -- I didn't know, I'm probably -- somebody else here probably knows what it is, I didn't know what it was, so that's why I asked the question. Thank you very much.

**COMMISSIONER ANDERSON:**

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: Legislator Barraga - Absent: Legislator Cooper).

**P.O. LINDSAY:**

On the accompanying Bond Resolution, 1650A, same motion, same second; roll call.

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

**P.O. LINDSAY:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. COOPER:**

(Absent).

**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. MURATORE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga - Absent: Legislator Cooper).

**P.O. LINDSAY:**

Okay. *IR 1651-10 - A Resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 5 – Strathmore Huntington (CP 8115) (County Executive).* Any Huntington guys want to make a motion?

**LEG. STERN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1652-10 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 14 Parkland and LA Fitness - Patchogue (BR-0919.1)(County Executive).***

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1658-10 - Approving a voluntary land reconfiguration between the County of Suffolk and Lucia Cenzoprano (Life Tenant) and Anthony Cenzoprano, Jr. (Remainderman)(County Executive).*** Do I have a motion?

**LEG. STERN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Stern. Do I have a second?

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

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

Remainderman, huh?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**Ways & Means:**

**P.O. LINDSAY:**

***IR 1370-10 - Adopting Local Law No. -2010, A Charter Law to increase the accountability of department heads (Cilmi).***

**LEG. D'AMARO:**

Please note my recusal on the record, Legislator.

**LEG. CILMI:**

Motion to table.

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

Second.

**P.O. LINDSAY:**

Motion to table by Legislator Cilmi, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? And we have one recusal.

**MR. LAUBE:**

Sixteen (Recused: Legislator D'Amaro - (Absent: Legislator Cooper).

**LEG. D'AMARO:**

Thank you.

**P.O. LINDSAY:**

***1556-10 - Adopting Local Law No. -2010, A Charter Law to clarify procedure for removal of certain appointed department heads and board members (Cooper).***

**LEG. D'AMARO:**

Mr. Presiding Officer, please again note my recusal on the record.

**P.O. LINDSAY:**

Okay.

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

Motion to table.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

Motion to table, second. And again, the sponsor isn't here, so that's it. We have a motion to table and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**LEG. D'AMARO:**

Recused.

**P.O. LINDSAY:**

No, sixteen, we have one recusal.

**MR. LAUBE:**

Sixteen (Recused: Legislator D'Amaro - Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1577-10 - Adopting a Procurement Policy Manual for Consultant Services. (Presiding Officer Lindsay).*** I'll make a motion.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1607-10 - Ensuring the safety of Suffolk County's Digital Information. (Presiding Officer Lindsay).*** I'll make a motion.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Montano. All in favor? Opposed?

**LEG. ROMAINE:**

Question.

**P.O. LINDSAY:**

Question? Yes, Legislator Romaine.

**LEG. ROMAINE:**

Question. First of all, this is an excellent piece of legislation. My question is does this involve photocopiers? Because if anyone recalls, some time ago on 60 Minutes they were able to go in and find these old photocopiers that had tons of information that anyone could extract from their memory; apparently they have like a memory that they can extract anything from. So I would hope that not only includes hard drives of machines, but photocopiers as well, particularly leased photocopiers.

**P.O. LINDSAY:**

Counsel is telling me that it does include photocopiers.

**LEG. ROMAINE:**

Very good. Thank you.

**P.O. LINDSAY:**

You're welcome. Legislator Gregory.

**LEG. GREGORY:**

And I would ask if it includes fax machines as well.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1659-10 - Authorizing the sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of East Hampton) (SCTM No. 0300-058.00-08.00-005.000 et al) (County Executive).***

**LEG. SCHNEIDERMAN:**

I would actually like to make a motion to recommit this.

**P.O. LINDSAY:**

Recommit

**LEG. SCHNEIDERMAN:**

I'll explain if I can get a second on it.

**P.O. LINDSAY:**

I'll --

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Okay, second by Legislator Romaine.

**LEG. SCHNEIDERMAN:**

This is a 72-h transfer to the Town of East Hampton, but not for affordable housing purposes, for open space purposes. There was a Town Board resolution supporting this. There's a new Town Board, they would like an opportunity to look at it. I think they actually want to do affordable housing on this lot rather than open space, which is something I'd like to encourage. So I'd like to give them a chance to look at it. It's a half-acre in a pretty working class neighborhood and I'd like to give them that opportunity.

**P.O. LINDSAY:**

Okay.

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

May I ask a question?

**P.O. LINDSAY:**

We have a motion to recommit and a second, and Legislator Viloría-Fisher has a question.

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

Jay, isn't this one that we've been dealing with for a while?

**LEG. SCHNEIDERMAN:**

Yes.

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

Okay.

**LEG. SCHNEIDERMAN:**

The last board was really committed, I think, to doing open space, they were going to transfer it, the sanitary credits to another lot.

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

Yeah, okay.

**LEG. SCHNEIDERMAN:**

East Hampton has a large bank of credits that they're not using now and if they -- if it's suitable for affordable housing, which I believe it is, then it should be done as affordable housing. I did have a conversation this morning with the Supervisor and he asked me to give the town an opportunity to look at it.

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

So recommit.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

***1660-10 - Authorizing the sale of County-owned real estate pursuant to Local Law No. 13-1976 Joseph and Melissa Waldman (SCTM No. 0500-433.00-02.00-032.000) (County Executive).***

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Did you call it?

**MR. LAUBE:**

I did, seventeen.

**P.O. LINDSAY:**

Okay, I didn't hear you.

***1661-10 - Authorizing the sale of County-owned real estate pursuant to Local Law No. 13-1976 Frank Fisher (SCTM No. 0900-120.00-03.00-039.003) (County Executive).***

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro, second by Legislator Stern.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

***1662-10 - Authorizing the sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law – Town of Brookhaven (SCTM No. 0200-900.00-03.00-010.000) (County Executive).***

**LEG. BROWNING:**

Motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

*1669-10 - Consenting to the acquisition of additional land at Marinold Way, Town of Southampton, County of Suffolk, State of New York, by the Quogue Cemetery Association, Inc. For cemetery expansion purposes. (Schneiderman).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro. I thought that was a dead issue.

*(\*Laughter\*)*

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

They're still dying to get in.

**LEG. SCHNEIDERMAN:**

They've been dying to get this piece.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

Man, is this getting long. All right.

**LEG. SCHNEIDERMAN:**

You're killing me.

**P.O. LINDSAY:**

Okay, the first one up is *Procedural Motion No. 13-2010 - Setting the Public Hearing for the proposed sale of John J. Foley Nursing Facility (Presiding Officer Lindsay)*. I will make a motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**LEG. KENNEDY:**

Opposed.

**LEG. EDDINGTON:**

Opposed.

**MR. LAUBE:**

Fifteen.

**LEG. ROMAINE:**

Note my recusal, please

**MR. LAUBE:**

Fourteen (Opposed: Legislators Browning, Eddington & Kennedy - Recused: Legislator Romaine - Absent: Legislator Cooper).

**P.O. LINDSAY:**

*Procedural Motion No. 14-2010 - Procedural Resolution authorizing funding for community support initiatives (Phase IV) (Presiding Officer Lindsay).* I'll make --

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Losquadro.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

That's it in the packet?

**MR. NOLAN:**

Yep.

**P.O. LINDSAY:**

Okay, let's go to the red folder, CN's:

All right, let's take the easy one first, *IR 1711-10 - Accepting and appropriating a grant in the amount of \$50,000 in Federal pass-through funds from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's Targeted Enterprise Initiative (TEI) grant program with 83.37% support (County Executive).*

**LEG. EDDINGTON:**

Motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

The next up is *1712-10 - and its Adopting Local Law No. -2010, A Local Law electing a Retirement Incentive Program as authorized by Part A of Chapter 105, Laws of 2010 for the eligible employees of the County of Suffolk (County Executive).*

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion to approve.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga. I'm going to make a motion to table.

**LEG. D'AMARO:**

Second.

**LEG. MONTANO:**

Table or send it to committee?

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

Send to committee. You can't table a CN.

**MR. NOLAN:**

You can send it to committee.

**P.O. LINDSAY:**

Yeah, I can send it to committee, but I fully intend to --

**LEG. MONTANO:**

You can table it?

**MR. NOLAN:**

You can table it, yeah.

**LEG. MONTANO:**

Oh, you can. Okay.

**P.O. LINDSAY:**

Okay. But wouldn't that just revert it to committee?

**MR. NOLAN:**

Normally it would be on the floor.

**P.O. LINDSAY:**

Well, I would make a motion to commit to committee I think is a more practical way.

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

So it will be before us on July 7th?

**P.O. LINDSAY:**

Well, no. I intend to -- we're going to lay on the table a Late Starter, virtually the same language but to include the JJ Foley people and we intend to have a hearing on that, what date, July 7th before the Labor Committee.

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

Right. So what I'm asking is so then this will be also at the Labor Committee if we're committing this to committee?

**P.O. LINDSAY:**

Yes.

**MR. NOLAN:**

It will be in that committee.

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

This will be before us on July 7th.

**P.O. LINDSAY:**

Yes.

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

Thank you.

**P.O. LINDSAY:**

Legislator D'Amaro,

**LEG. D'AMARO:**

I was trying to hear the conversation. You said that there's a special meeting that's going to be scheduled for July 7th?

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

There's a special meeting on July 7th of the Labor Committee.

**P.O. LINDSAY:**

Labor Committee for purposes of a public hearing to hear the bill that's laid on the table today.

**LEG. NOWICK:**

And what if it gets out of committee?

**P.O. LINDSAY:**

If it gets out of committee, we are going to probably call a Special Meeting before the end of July.

**LEG. NOWICK:**

I knew that was coming. In Riverhead, I hope.

**P.O. LINDSAY:**

I was thinking further east.

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

Montauk.

**LEG. KENNEDY:**

There you go.

**LEG. ROMAINE:**

Orient Point.

*(\*Laughter\*)*

**LEG. D'AMARO:**

So the bill you're referring to includes the Foley Center --

**P.O. LINDSAY:**

Yes.

**LEG. D'AMARO:**

-- for the Retirement Incentive Program?

**P.O. LINDSAY:**

Yes.

**LEG. D'AMARO:**

Okay.

**P.O. LINDSAY:**

And, you know, I don't know whether you agree with me or not, I just think that this whole issue of the early retirement is a very troubling issue because we really can't afford to shed people. Our County workforce is at a bear minimum now, but I don't know what else to do to save money. I think we have to do that, I agree with that, but with Foley, I think they have to be included. And again, I don't know what we're going to do with Foley, whether we're going to sell it or not, but either way I think it makes an awful lot of sense to shed people at that facility.

**LEG. D'AMARO:**

Wouldn't -- just not to debate it, but wouldn't we have to backfill almost a hundred percent on Foley; isn't that the argument of why they were left out?

**P.O. LINDSAY:**

But one with of the things -- you know, we've been meeting the Foley oversight group for a couple of years now and one of the things that the Health Department pointed out to us is one of the reasons why Foley is more expensive to operate than some of the proprietary nursing homes in the County is the ratio of full-time to part-time staff is much different in Foley than it is in other proprietary. We use per diem help, but it's very, very limited, where proprietary nursing homes in the County use a lot more part-time staff. And you know, if we want to -- if we decide to keep the place and we want to make it more economic, we have to change that. I don't know what else to do. I mean, I don't think -- the part-time staff; I think it's certainly a better way to go to have full-time staff, but it's a money-crunching thing, you know?

**LEG. HORSLEY:**

(Inaudible).

**P.O. LINDSAY:**

If we sold the facility, it would solve not the entire employee problem but it would solve a fairly good size chunk of it.

**LEG. D'AMARO:**

And we don't have the option of passing more than one bill, to opt into the retirement.

**P.O. LINDSAY:**

Someone asked that before, what if we pass the first one and tried to amend it?

**LEG. D'AMARO:**

Or not even amend, but even pass a second bill.

**LEG. NOWICK:**

What about amending?

**LEG. D'AMARO:**

Or amend.

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

The State only allows one bill.

**LEG. D'AMARO:**

Well, did we ever get really --

**P.O. LINDSAY:**

I'm going to turn it over the Counsel to answer that.

**MR. NOLAN:**

I wish I could give you a definitive answer on that. I really don't know the answer to it. It talks about a Local Law, it's probably something you would want to -- we would want to talk to maybe the Comptroller's Office, New York State Comptroller about. I don't know if the County Attorney's Office has an opinion of whether or not we can come back to this and pass a bill and then change it; I don't know the answer to that question, I'll be honest.

**P.O. LINDSAY:**

What we do know is the State enabling legislation says that the local governing body, us, has to approve the incentive program by August 31st.

**LEG. D'AMARO:**

So we have time.

**P.O. LINDSAY:**

So -- well, the reason -- the last thing I want to do is call a Special Meeting in July, and the reason we have to do that is if we go through our sequence of, you know, laying something on the table, having a public hearing, voting on it, putting in the time to address a veto, we have to do this in July.

**LEG. NOWICK:**

Can I ask a question?

**P.O. LINDSAY:**

Yes, Legislator -- are you done Legislator D'Amaro?

**LEG. D'AMARO:**

Yeah, that answers my questions. Thank you.

**P.O. LINDSAY:**

Legislator Nowick.

**LEG. NOWICK:**

I have a question, and I think it's mostly maybe for Ben. If the tabling of this goes through, that's because many of the Legislators are looking for Presiding Officer Lindsay's resolution to come before us, which means there's a pretty good shot of them waiting for Foley to be part of it. Now, would the County Executive's Office consider right now putting a CN in with that knowing that this will go down and we'll have to wait anyway for the same bill to be passed a month from now, we could do it all now and get it over with.

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

Instead of going to Montauk in July.

**LEG. NOWICK:**

Yeah, or Gardner's Island.

**MR. ZWIRN:**

Montauk in July --

**LEG. NOWICK:**

But, you know, it might --

**MR. ZWIRN:**

Montauk in July is good; we could use the sales tax. This is what -- we understand that there's a difference here, and the difference is -- we're largely in agreement with the early retirement program, the only difference is whether the employees at Foley should be included.

What the County Exec would suggest tonight is that we adopt the CN as is, because we're largely in agreement, and then move forward with your bill on Foley, because at least --

**LEG. NOWICK:**

No.

**MR. ZWIRN:**

At least if the people can sign up for this, the savings, according to our Budget Office, is \$1.2 million a pay period. It doesn't preclude Foley from you going forward with a bill to include the Foley staff, but --

**LEG. NOWICK:**

Ben, we just asked that question if we could do that but nobody has the answer. So it appears to me, I have a funny feeling, and I could be wrong, I have a feeling that this CN might be -- is it tabled or sent back to committee?

**LEG. HORSLEY:**

Committee.

**LEG. NOWICK:**

Sent to committee. Now, if you see that happening, would it not send a message and would it not behoove us to get the CN for the alternate bill and get it done and expedite this? It's just a thought of common sense

**MS. BIZZARRO:**

My reading of the State Statute would indicate that you could definitely amend this bill at a later date, not put in a second bill necessarily. Because I agree with Mr. Nolan that it does say "a Local Law". I see no, nothing that would stop our ability to amend the Local Law, we do it all the time, I don't see an issue with it. That's my answer right now, I don't see an issue with it. I know, George is making a face, but --

*(\*Laughter\*)*

**P.O. LINDSAY:**

Legislator Montano, did you want to weigh-in on this debate?

**LEG. MONTANO:**

Well, yes, and it's sort of along the lines of Legislator Nowick. And I'm not sure what the answer is with respect to --

**MS. BIZZARRO:**

Exactly.

**LEG. MONTANO:**

-- whether or not it can be amended. I have -- my instincts tell me that I have my severe doubts about that. But Ben, I think the way to resolve the issue is since you know where we're going and this is an issue that has to be decided, wouldn't the easier route be to give us both bills so that we can then make a decision instead of just laying one on the table when you know that there's some of

us that feel that Foley should be included and give us the opportunity so we can move this along? Because if not, you're forcing us into another hearing and another special session, which we'll be happy to oblige you, I think, but is it really necessary?

**MR. ZWIRN:**

I think the County Executive --

**LEG. MONTANO:**

I think that's what Legislator Nowick was hinting at; am I correct?

**LEG. NOWICK:**

Hinting?

*(\*Laughter\*)*

I think I was pretty clear.

**LEG. MONTANO:**

I'm being nice to Ben, you know? I mean, he's had a rough day. But the reality is, Ben, why don't we be nice about this and put them both on the table? Then we both do our job.

**MR. ZWIRN:**

I understand what you're saying, and we hear you. The County Executive is concerned that if the Foley Nursing Home is not sold and that people take the early retirement incentive, he'll have to backfill all those positions; that's his position.

**LEG. MONTANO:**

We get that, we understand that.

**MR. ZWIRN:**

So there would be no savings in the facility.

**LEG. MONTANO:**

Right, but we understand. We've been able to, you know, grasp the issues and we understand that, and I think what it comes down to ultimately is that we just disagree.

**MR. ZWIRN:**

Right.

**LEG. MONTANO:**

So since there is, you know, a process, it might be easier to just say, listen, how long does it take to put the bill there," and then we can, you know, make our decision and move forward and wouldn't have to delay the process and, you know, whoever wins wins; I don't know who's going to win.

**MR. NOLAN:**

(Inaudible).

**LEG. MONTANO:**

Right, he's got to come -- it's got to come --

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

He's got to make a phone call.

**LEG. NOWICK:**

You can make a call.

**LEG. MONTANO:**

I don't mean you, I'm talking about -- when I talk to you, I assume that he's listening.

*(\*Laughter\*)*

**LEG. D'AMARO:**

Wouldn't we need a public hearing anyway if we did that?

**LEG. MONTANO:**

Is that your phone ringing, Ben?

**P.O. LINDSAY:**

Legislator Losquadro is next, but if he would permit me, the purpose is that the bill that I'm laying on the table sets the public hearing for July 7th.

**LEG. D'AMARO:**

Right, so if we tried to do something --

**P.O. LINDSAY:**

Before the Labor Committee.

**LEG. D'AMARO:**

And if we tried to do something right now, we'd have to have a public hearing first.

**LEG. NOWICK:**

Not if we amend it, though.

**MR. NOLAN:**

No, this bill already had a public hearing tonight.

**LEG. D'AMARO:**

Right, but if we amend it to include Foley, would we have to go reopen the public hearing?

**LEG. LOSQUADRO:**

I asked that question before, it's just the exhibits.

**MR. NOLAN:**

It's something we could discuss.

**P.O. LINDSAY:**

So it's possible to do that.

**MR. NOLAN:**

It is possible.

**LEG. MONTANO:**

We can take a break.

**P.O. LINDSAY:**

Let's hear from Legislator Losquadro before we take a break.

**LEG. LOSQUADRO:**

Listen I -- if that's -- you know, I can count, too.

*(\*Laughter\*)*

So I just want to make a couple of points. One, if we pass this today, the point was made that, you know, we could save 1.2 million per pay period with the people who are eligible now under this. The County Executive can hold his hearings, send it to the State, have this eligible for people to opt in right after the July 4th holiday, it will be around July 7th, in that range. Best case scenario, the way we do this, we're looking into August. We're losing time to have people eligible to opt into the system, and that's not a good thing when the point of all this is to save money.

You know, Legislator Lindsay said it, you know, this is -- none of these decisions that we're making are decisions we make in a perfect world. Do we shed people through an early retirement system or do we lay people off? These are not decisions we make under optimal circumstances but they're decisions we have to make. Anybody can make decisions when times are good, we have to make the hard decisions; that's why we're here. You know, I understand the point of the fear of having to backfill one-for-one, but it seems as though the Presiding Officer was advocating that we don't replace the full timers at Foley, that we replace them with part-timers or per diem employees. Any full-timer that's going to have to be replaced in that facility, that SCIN is going to have to be signed by the County Executive. So if we include Foley in this, I think we are subjecting them to a drastic change in the structure of their workforce, you know, eyes wide open on that, not -- you know, that's something we're going to have to look at.

**P.O. LINDSAY:**

The only thing that -- what you're saying is I don't -- it depends on how many people take the deal. You know, I mean, I think, what is there, 80 people eligible out there? If all 80 took it, you would have to hire back some full-time people, but the idea is not to hire back all full-time people, to hire back per diems for the simple reason that the biggest savings with per diems is we don't pay benefits on them.

**LEG. LOSQUADRO:**

Of course. Listen, I undersatnd that.

**P.O. LINDSAY:**

Benefits is the biggest part of the package.

*(\*The following was taken by Lucia Braaten - Court Reporter  
& transcribed by Denise Weaver - Legislative Aide\*)*

**LEG. LOSQUADRO:**

I understand that point. Our -- but in our discussions with the facility was if we did move forward with the sale of the facility that some of the money that would be set aside would be encumbered for our own retirement incentive plan for people, which would be far less costly to us because the State retirement incentive is expensive in the out years; as we pointed out, to us as a County. So with the uncertainty of what's going to happen with that facility, I think it's prudent to move forward with this and see if we then want to amend it based on whether or not we're going to sell this facility because it would be far less costly to us as a County because of the cost of the State retirement incentive.

**P.O. LINDSAY:**

I don't think you can follow the timeline that you're envisioning.

**LEG. LOSQUADRO:**

Well, I mean, I guess you're saying that the decision on the sale of the facility will not be made prior to the opt in -- the end of the opt in period for -- that's what you're suggesting?

**P.O. LINDSAY:**

No, what I'm suggesting with the timeline of introducing whether it's an amendment or a new bill having a Public Hearing, voting on it and putting aside enough time for the expected veto, we have to do it now. The choice is -- are here are if we pass this bill and I file an amendment, the timeline's the same for us in terms of we're going to have a Special Meeting in July. Whereas if we put the whole package together, we're going to have a Special Meeting in July, if that's any consideration.

**LEG. LOSQUADRO:**

But at least at this point we have those who are eligible right now could opt into the system earlier.

And then I have another important point to ask and it's one that I don't know if the Executive staff can answer or not but I was very happy to see, you know, 1719, taking the money out of tax stabilization reserve to offset \$10 million of our separation costs. I don't know if they're prepared to answer this, but again, I can count. If we do not move forward with 1712 and an alternate resolution comes forward that includes the Foley facility, will the County Executive still be willing to go into tax stabilization reserve for the \$10 million?

**MR. NAUGHTON:**

Tonight we have offered you a tandem bill that if you act on our legislation you get to use the Tax Stabilization Fund. That is the way this has been proposed.

And just another comment, remember the way we have drafted this Local Law we are supposed to achieve 80% savings meaning limited backfilling. If you include Foley, there is absolutely no way we're going to be able to achieve those savings. The only way we could do it is by saying none of those other positions can be filled.

**P.O. LINDSAY:**

Could I just say something though about -- first of all, Jesus, do you know anymore brain trust there? How many guys do you got at the mike for God's sake? You know, it's -- bring in the rest of them.

**MR. ZWIRN:**

We've got one.

**LEG. LOSQUADRO:**

Strength in numbers.

**P.O. LINDSAY:**

Here's where your argument -- we intend to milk as much savings out of the bill before us now. If we added the Foley people, even if you got some savings, even if you had backfill more -- if say 80 people took it and you had to backfill half of those positions full-time and do the other half at part-time, there's savings there, especially since the people that are leaving there they're at top step.

**MR. NAUGHTON:**

Well, the way we took a look at it is, for instance, if you take a look at a nurse's aide who's making roughly 42,000 --

**LEG. LOSQUADRO:**

Move that mike up.

**MR. NAUGHTON:**

Sure, okay. Is that better?

**P.O. LINDSAY:**

Yeah, go ahead.

**MR. NAUGHTON:**

All right. A top step nurse aide is roughly at \$42,000. We replace that nurse's aide at -- in the low twenties. We also have to pay health insurance for that new employee at about \$12,000.

**P.O. LINDSAY:**

Not if you -- not if you -- we have -- we've been working on a CNA pool for a longtime. And say 40 nurses, CNA's, retire. I would anticipate that they would apply for that pool to pick up a couple of extra bucks.

**MR. NAUGHTON:**

It is not our intention to let people walk out the door with a pension and then hire them back.

**P.O. LINDSAY:**

I don't care what your intention is, we have pools established now. If we get qualified people the idea is to put them to work on a per diem basis to save money.

**MR. NAUGHTON:**

It is our opinion that you're not -- the only type of savings that we're trying to get here -- we have all year been trying to come up with different ways to solve our budget problem. This we feel is a simple way to reduce the County staff, save 12 --

**P.O. LINDSAY:**

We know that what the bill is. I think we suggested it, for god sake. Don't explain to us what the bill is. We've been talking about it for months.

**MR. NAUGHTON:**

Which is why we think we need to act tonight.

**P.O. LINDSAY:**

We hear you.

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

{List} the right bill.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Dan, I just wanted to say one thing. If we're only looking at the numbers, it would be easy. But we've been looking at people from Foley coming to us for almost three years, being dragged through this over and over and over, and I feel that exempting them from this is just adding insult to injury and I can't stand doing that to human beings. And I know that there are other people who would like -- in other departments who would like to take advantage of this, but they haven't had their jobs just hanging on a string for three years like these people have. So I just don't want to do this.

**P.O. LINDSAY:**

Legislator Montano, and then I'll recognize you again, Dan.

**LEG. MONTANO:**

Yeah. I just want to -- you weren't here at the time, but that's exactly what we did with Alan

Schneider. He left and he came back with a pension, so that's not the appropriate comment. We understand the position and nothing to do with you. I'll leave it at that.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Legislator Vilorio-Fisher, I appreciate your point. But, you know, quite frankly there are a lot of people with their jobs on the line right now, you know. And our decisions are going to dictate whether or not we're going to have to be engaging in layoffs. I mean it was an ugly, ugly situation last year that we went through and, you know, I'd prefer to take proactive steps to try to avoid as much of that as possible that we can. This is not anything personally directed at the people from that facility. I think we just have to look at this practically. And we look at it and we look at where -- we know we're going to have to replace people, where we're not going to have to replace people.

And the fact that we have a commitment right now to offset \$10 million of the separation pay, you know, once again I'll say it again, I've said it, you know, over the past several months and it's starting to, you know, sound old, but everyone wants to talk about running government like a business, but when it comes down to actually pulling the trigger and doing something that makes business sense there always seems to be an excuse why we don't do it.

**P.O. LINDSAY:**

This makes the most business sense I ever heard of. You want to sell a facility, your worrying about the employees, here's a way that you can shed a good portion of the employees real easy.  
Legislator Nowick.

**LEG. NOWICK:**

Just one more comment. And, Dan, yeah, you have a good point and I do agree, and if this one was passed today, I'm okay with that. But here's the thing. You might be walking out of here tonight with nothing or you might be able to be more proactive tonight and walk out with legislation. That's -- I just -- I might be wrong but it's beginning to sound like it's going to be nothing. But, you know, it's rolling the dice.

**MR. NAUGHTON:**

Well, I think in that case then we all are losers.

**P.O. LINDSAY:**

Unless we agree, unless we agree to sell the place now we'd get a police class, or option B, if we agree to sell the place now we'll get what we want by including these people. That's wrong guys. That's just plain, plain, plain, wrong.

**MR. NAUGHTON:**

Just one comment on that. I mean, take a look at the exclusion list. We excluded over 800 eligible employees so this had nothing to do with just Foley. We honestly took a look at Public Safety, Public Health. Remember, we also excluded CPS workers. No one else in Social Services, but just CPS workers because we felt that it was important --

**P.O. LINDSAY:**

Do you want to sell the Social Services Department?

**MR. NAUGHTON:**

My point being we felt that it was important --

**P.O. LINDSAY:**

We know what your point is, we know what your point is. You've made it over and over again and some of us just disagree with you. And what adds insult to injury is your boss coming up with

different deals everyday. The deal in the paper this morning was if we agree to a quick sale before we have all the facts, he'll go along with this.

**LEG. HORSLEY:**

It's like we're Indians.

**P.O. LINDSAY:**

The deal last spring was is if we agree to sell the place he'll hire the police class that this body authorized. All right, all right.

**LEG. HORSLEY:**

Let's vote.

**P.O. LINDSAY:**

Okay. What do we have, what kind of resos do we have before us?

**LEG. MONTANO:**

Commit.

**MR. LAUBE:**

A motion to send to committee. I need a second, though.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Montano.

**MR. LAUBE:**

Thank you.

**P.O. LINDSAY:**

That's the only motions. Okay. We have a motion and a second to commit. All in favor? Opposed? Abstentions?

**LEG. LOSQUADRO:**

Opposed.

**LEG. CILMI:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**LEG. ROMAINE:**

Please note my recusal on this.

**MR. LAUBE:**

Raise your hand, come around real quick.

**LEG. LOSQUADRO:**

Please do a roll call.

**P.O. LINDSAY:**

Roll call.

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

**P.O. LINDSAY:**  
Yes to commit.

**LEG. MONTANO:**  
Yes.

**LEG. COOPER:**  
(Absent).

**LEG. D'AMARO:**  
No.

**LEG. STERN:**  
No.

**LEG. GREGORY:**  
Yes.

**LEG. HORSLEY:**  
Yes.

**LEG. NOWICK:**  
No.

**LEG. KENNEDY:**  
Yes.

**LEG. BARRAGA:**  
No.

**LEG. CILMI:**  
No.

**LEG. EDDINGTON:**  
Yes.

**LEG. LOSQUADRO:**  
No.

**LEG. MURATORE:**  
No.

**LEG. BROWNING:**  
Yes.

**LEG. SCHNEIDERMAN:**  
Yes to commit.

**LEG. ROMAINE:**  
Recusal.

**MR. LAUBE:**  
Recused.

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

Yes.

**MR. LAUBE:**

Nine.

**P.O. LINDSAY:**

Okay. I don't have another motion, guys. So it goes to committee. Do you have a motion to approve?

**LEG. LOSQUADRO:**

Yeah.

**P.O. LINDSAY:**

You have a motion to approve? You have a motion to --

**MR. LAUBE:**

You didn't recognize one. I heard people saying stuff, but I never heard one recognized.

**P.O. LINDSAY:**

Okay. That's what I specifically asked was there any other motions? And he said no. But I'll recognize your motion.

**LEG. LOSQUADRO:**

I had made a motion before this whole debate started.

**P.O. LINDSAY:**

Well, if you did, nobody heard it. Second by Legislator Barraga. We have a motion to approve and a second. Roll call.

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

**LEG. LOSQUADRO:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. COOPER:**

(Absent).

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Pass.

**LEG. HORSLEY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Pass.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

To approve, no.

**LEG. EDDINGTON:**

No.

**LEG. MURATORE:**

Pass.

**LEG. BROWNING:**

No.

**LEG. SCHNEIDERMAN:**

No.

**LEG. ROMAINE:**

Recuse.

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

No.

**P.O. LINDSAY:**

No.

**LEG. GREGORY:**

No.

**LEG. KENNEDY:**

No.

**LEG. MURATORE:**

No.

**MR. LAUBE:**

Six.

**P.O. LINDSAY:**

Okay. Like I said, it's committed. It fails, but then doesn't it get committed?

**LEG. ROMAINE:**

No, fails on its face.

**P.O. LINDSAY:**

Okay, okay.

**LEG. LOSQUADRO:**

Roll the dice it fails.

**P.O. LINDSAY:**

Wait a minute don't go yet. We've got 1719.

**LEG. LOSQUADRO:**

It gets tied to the other one.

**P.O. LINDSAY:**

How is it tied?

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

It's in the language.

**LEG. LOSQUADRO:**

Read the last page. It's tied to -- look at the fifth resolved.

**LEG. MONTANO:**

Yeah, but look at the --

**LEG. LOSQUADRO:**

Look at the fifth resolved.

**LEG. MONTANO:**

Look at the C of N. It says that because of the passage of IR 1712 created -- well, it didn't pass. So what's the point?

**LEG. LOSQUADRO:**

That's what I just said.

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

So that's what he just said. This is moot because it references the other bill. I thought it only referenced it in the C of N.

**LEG. MONTANO:**

Right. It's right on the front. It's in the fifth resolved.

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

It's in the bill itself.

**P.O. LINDSAY:**

Okay. What I'm going to do is I'm going to make a motion to send it to committee.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Horsley.

**LEG. LOSQUADRO:**

You have to reconsider.

**LEG. GREGORY:**

Can we do that?

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

It references a bill.

**LEG. SCHNEIDERMAN:**

You want to reconsider the first CN?

**LEG. GREGORY:**

Reconsider, right.

**P.O. LINDSAY:**

Send them both to committee is that what you're saying?

**LEG. SCHNEIDERMAN:**

I'll make a motion to reconsider, would that help?

**LEG. MONTANO:**

Resubmit it at the next meeting.

**P.O. LINDSAY:**

All right, I won't make a motion on it. I have some **Late Starters**. I'm going to waive the rules and lay the following late-starters on the table: 1713 to Public Safety; 1714 to Public Works & Transportation; 1715 to Economic Development, Education & Energy; 1716 to Parks & Recreation; 1717 to Public Safety; 1718 to Labor, Workforce & Affordable Housing and scheduling a -- set a Public Hearing for July 7th at 10:00 a.m. in Hauppauge before that committee.

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

What time is the committee going to be?

**P.O. LINDSAY:**

10 a.m.

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

John, 10:00 a.m. be there at a quarter to ten, I'm going to want to go home.

**P.O. LINDSAY:**

1720 to Labor, Workforce & Affordable Housing; and 1721 to Public Safety.

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

Isn't that Education, vocational education?

**P.O. LINDSAY:**

No, that's the training at the fire academy.

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

Oh.

**P.O. LINDSAY:**

Okay. I made that motion. Do I have a second?

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

Second.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher or Legislator D'Amario.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Absent: Legislator Cooper).

**P.O. LINDSAY:**

We stand adjourned.

*THE MEETING WAS ADJOURNED AT 8:47 PM*

*{ } DENOTES SPELLED PHONETICALLY*