

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

*Eleventh Day*

*August 3, 2010*

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

*Verbatim Minutes Taken By:*  
*Alison Mahoney & Diana Flesher*  
*\*Court Reporters\**

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

*(\*The meeting was called to order at 4:10 P.M. \*)*

**P.O. LINDSAY:**

Madam Clerk, call the roll, please.

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk\*)*

**LEG. ROMAINE:**

(Not present).

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. LOSQUADRO:**

(Not present).

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

(Not present).

**LEG. MONTANO:**

Here. Here.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

Here.

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

Present.

**LEG. LINDSAY:**

Here.

**MS. ORTIZ:**

Sixteen.

**P.O. LINDSAY:**

Okay, could everyone rise for a salute to the flag led by Legislator Stern.

### ***Salutation***

If you would remain standing for our visiting Clergy, a prayer from our visiting clergy which will be introduced by Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Presiding Officer. And welcome, everybody. It is my personal pleasure to introduce Rabbi Yaacov Saacks. Rabbi Saacks and his wife Zoe are founders of the Chai Center of Dix Hills and have had such a tremendous impact on all of us, regardless of faith for our entire community.

Rabbi Saacks was born and bred in London, England and emigrated to the United States as a Bar Mitzva boy in 1981. He received his Masters in the Rabbinical College in Montreal, Canada. Rabbi Saacks received his actual Rabbinical Ordination of the Yashiba of 770 where he studied under the tutelage of the *Lubavitcher Rebbe*. He originally came to Dix Hills not knowing a sole so many years ago and, again, has made such a tremendous impact for all of us. Rabbi Saacks is a spiritual leader, a friend and a mentor to so many. He has enriched countless lives with his enthusiasm, his compassion, humor, wisdom and humility. Please join me in welcoming Rabbi Saacks.

**RABBI SAACKS:**

Thank you. It is my honor to begin with the biblical, priestly blessing. May the Lord bless you and watch over you. May the Lord make his countenance shine upon you and favor you. May the Lord lift his countenance towards you and grant you peace.

All Mighty God, Father in Heaven, may it be your will that your blessings be granted to the Suffolk County Legislature. May they be endowed with divine inspiration and with a spirit of wisdom, a spirit of understanding, and a spirit of counsel. Wisdom to turn adversity into opportunity, to transform the challenges of today into the seeds from which we'll sprout the successes of tomorrow; understand to properly direct the resources of government according to the needs of all its citizens; and counsel to unite us all in working for a better County.

The *Lubavitcher Rebbe*, Rabbi Schnitzer, would continuously remind us that our country, the United States of America, is a nation of deep faith and of great kindness. Let our beautiful County serve as a beacon of sunshine, especially in July --

*(\*Laughter\*)*

-- and a force for good. And may Suffolk County join its sister counties of this blessed union in tipping the scale of good and evil for the entire world at large, for the good.

All Mighty God, bless our troops, that they ensure a stable and a safe world, and especially for so many who call Suffolk home, that they prevail and return safely. May it be your will, All Mighty God, that our distinguished Legislature find fulfillment, strength and joy in their calling as they lead and they serve the people of Suffolk County.

I would like to conclude with a poignant story that has a great message. Former Senator Bill Bradley of New Jersey was once at a dinner, and he turned to the waiter and asked for more butter and the waiter said, "I'm sorry, Sir." Senator Bradley responded, "Do you know who I am? I was the Senator of New Jersey, Presidential and basketball star, and I demand you get me more butter." The waiter looked at the Senator directly in his eye and he says, "Do you know who I am? I'm the one in charge of the butter."

*(\*Laughter\*)*

We conclude with *(Hebrew Prayer recited)*, "He who makes peace in heaven may make peace for us and for all mankind, and let us say Amen." God bless.

*("Amen" said in unison)*

**P.O. LINDSAY:**

Thank you, Rabbi. If everyone could remain standing, please, for a moment of silence for Suffolk County Probation Officer Beverly Fondanerosa who died suddenly last week from a massive heart attack. As a Probation Officer for ten years, she spent her career working in Family Court In-take with juveniles and providing investigations to the court. And as always, let us also remember all those men and women who put themselves in harm's way every day to protect our country.

***Moment of Silence Observed***

Thank you. And welcome, everyone, to our first meeting in August, it's our annual evening meeting, which I hope that some of our citizens avail themselves of coming before us. We only have one proclamation tonight, and I appreciate my colleagues' cooperation, it could be a late night and I appreciate it if we could defer some of the formal parts of our agenda. The proclamation is from Legislator Cilmi who presents a proclamation to Probation Officer Jennifer Ray.

**LEG. CILMI:**

Thank you very much, Mr. Chair. If I could ask Probation Officer Ray to come up. It's always a pleasure to give these proclamations every month because it really highlights the caring nature of our employees here in Suffolk County, and I really found that to be the case in the seven months that I've been here for all of our departments, really, how remarkably caring our employees are in Suffolk County. This is just another example of that, of somebody going above and beyond the call of duty.

Probation Officer Jennifer Ray is assigned to supervise a 72-year old woman who has a history of seriously abusing alcohol, on one occasion delivering a breathalyzer reading of point forty-four, which is unbelievable. Not only is Probation Officer Ray's supervision protecting the citizens of Suffolk County, but with her help this probationer has entered a variety of treatment programs. Although the probationer continually relapses, Probation Officer Ray has never given up on her. She has watched over this elderly woman, even while off-duty, while at the same time maintaining a caseload of over 90 probationers. Probation Officer Ray has clearly put her job, her clients and the safety of all of the residents of Suffolk County above her personal life, and for that we are all eternally grateful. So thank you very much for your service. On behalf of all the residents of Suffolk County, I have this proclamation for you.

### ***Applause***

#### **P.O. LINDSAY:**

Okay. Thank you very much, Legislator Cilmi. I have a number of cards, we're going to go right into our **Public Portion**. And we have one elected official in the audience that wants to speak before us, so I'm going to recognize him first and it's the Brookhaven Receiver of Taxes, Lou Marcocia. Lou, if you would come forward. Thank you for being with us, you're always informative when you come to see us.

#### **MR. MARCOCIA:**

Good afternoon. I'm here to talk about IR 1629 which is the gas tax. I certainly -- and I certainly support this resolution and I hope this Legislature would support it. I know it's easy for people to come up here, especially elected officials that are not responsible for the finances of Suffolk County. So it's very easy to say you should support something and I don't -- I particularly don't have to manage the Suffolk County budget, but clearly, I not just talk about savings but actually execute that.

Just as an example in how important this issue is, since I've been Tax Receiver, and if you looked at the budget from 2006 to 2010, I'm the only department in Brookhaven Town that actually decreased my budget by almost 2%. Again, the only department in Brookhaven Town that decreased its budget over the five-year period by almost 2%.

Number two, we need to work harder and we need to work within our means. We certainly know what the issues the people in Suffolk County are facing with taxes, and clearly that's an issue. So we need to support these type of activities.

I believe in this so much that the Brookhaven Town Supervisor, who's actually from a different party, asked me in January, and I didn't know the gentleman, to actually head up an efficiency and revenue organization. During that period of time, in six months, we cut the capital budget by \$7 million, we closed all projects up that produced \$1.5 million in the checkbook, and at the same time we generated about \$1.5 million. And it certainly is an oddity when you have a Supervisor who doesn't know someone from a different party to take on that task, because I think when it comes to these type of issues, party is really meaningless in this operation.

I have certainly worked with some of the Legislators at this body. Kate Browning; working together, we were able to close, and I have a small part of this, able to close 13, 15 houses that needed to be closed. Just as an example, Viloría-Fisher who, by the way, for the record, we were opponents back in 2001 when I ran for the Legislature, and yet when any issue ever came up as it related to Brookhaven Town and the tax office, we've always had a remarkable relationship. And I think that just goes to show that we need to work together, we need to support the tax cap, we need to support the spending cap. Mr. Ed Romaine, certainly the mentor of Dan Panico, Council person from Brookhaven Town, helped to usher both the tax cap and the spending cap in Brookhaven Town. I

believe we need to do those type of things and we need to go across party lines to do that.

I certainly don't need to tell you the issues that we have in Brookhaven Town. If you take a look at Newsday, it's quite clear; businesses are hurting, people are hurting, companies are moving. And some may argue, well, this is only a few bucks, it doesn't matter. Most organizations and most individuals go bankrupt not because of one large sale, it's slow cuts, it's 20 bucks today, 40 bucks tomorrow, a hundred bucks the next day, so it's a slow cut. So in and of itself, this tax may not hurt an individual, but when you accumulate all the taxes at the State level, County level, town level, it does hurt.

So I do encourage you and I do applaud Mr. Muratore for bringing this forward, so I do encourage you to support this. And by the way, Mr. Lindsay has always been very kind to me, very professional to me and I've always appreciated that. Thank you.

**P.O. LINDSAY:**

Craig Tortora. Craig, Tortora? Craig, are you in the audience? Maybe he went to the restroom. Maryann Slutsky?

**MS. SLUTSKY:**

Good afternoon, and thank you for giving me this opportunity to speak to you. I'm Maryann Sinclair-Slutsky from Long Island Wins, and today Long Island Wins unveiled its Suffolk County Legislative score card and on immigration and other middle class issues.

The middle class is being squeezed, especially in these economic times. And we believe that better policy can be created when ordinary residents know how their local representatives are voting on issues that matter to them and when representatives know that their constituents are watching. We hope the score card can spark constructive dialogue about how the Suffolk County Legislature can most effectively support families and households who are struggling to hold on to and attain a middle class standard of living.

Long Island Wins wants to congratulate the top three champions of bills related to immigration and middle class. Legislators Vivian Vilorio-Fisher, Ricardo Montano and DuWayne Gregory have received the highest grade which demonstrates their dedicated commitment to bolster the critical contributions that immigrants make to our economy as workers, entrepreneurs, taxpayers and consumers. Of the four bills that specifically deal with immigration, only these Legislators got a perfect score. And I should mention that Legislator Gregory was only in office for one of the immigration votes.

Their voting history has truly helped to strengthen and expand Suffolk's middle class which is crucial to a stable and healthy community. The main take away here is that the Legislators are -- the Legislators are incorporating some concerns of Suffolk's families and households into the way they vote, but the majority of Legislators could be doing even more to help the middle class.

Thank you. And I would like to present the -- to -- I'll give it to Renee, the score cards and the report. Thank you.

**MS. LOMORIELLO:**

I got it.

**P.O. LINDSAY:**

Mike Kaufman.

**MR. KAUFMAN:**

My name is Mike Kaufman, I heard my name called a second ago, I believe I'm on the list. Let me just get myself together just for one second here.

Okay. I'd like to talk for a moment about IR 1705, the Suffolk County Dredging Office bill. Right now the Suffolk County Dredging Office is in trouble due to the recent retirements that have affected the office, there's really no one left to do any plans or designs in that office which can lead to some disasters. I have major operational experience with dredging. I've been a major player on primary, about eight or nine of them, primary designs and operations of a number of multi-million dollar projects in Suffolk County in the Town of Brookhaven and Smithtown. I've been involved in the design phases and the planning with State, Federal and local agencies. I've worked with many of the departments on coastal management plans, I've worked with the Feds, the State, a lot of marine scientists from Marine Sciences Research Center at Stony Brook.

Dredging is an art form, it has a huge impact on the coast and the environment. The proper design can improve the water quality of a bay, harbor or river by increasing water circulation, increasing tide flushing, enhancing scour to remove pollutants and bring oxygen in, remove sediments and toxics and generally restore habitat in many situations. By the same token, a bad design can kill a harbor and destroy the water quality. My home harbor, Stony Brook Harbor, for example, was going to be subject to that problem. Marine Sciences Research Center proved that too deep a channel would benefit a few boatmen and maybe 5% of the harbor, but kill the rest of the harbor, the other 95% would have siltation problems. We'd lose basically water quality throughout it.

As such, careful environmental design upfront is needed to preserve water quality in the design stage because permit reviews by other levels of government are often defective and they don't consider the engineering aspect that only the County dredging office has been able to supply in the past. The problem is that DEC and others are reactive, they do not understand the initial design aspects and the impact on the water bodies. They have their own criteria for permits that miss a lot of the issues of design and their personnel do not have the operational experience, for example, that I have and that the Suffolk County Dredging Office used to have. Being reactive in a review misses a lot of the engineering issues and, frankly, can have horrible impacts. As such, the County needs personnel in the design stage up-front; and again, I emphasize up-front. You cannot depend upon reviews by other agencies to catch errors and flaws. If the design is not done properly you will have a failure, and I've witnessed enough of those in dredging projects through the years.

There's another issue with the Dredging Office. The consultants used by the County are focused generally upon getting the environmental permits for DEC. They are not operations people, they're not design people, they can't necessarily do the work that is needed; and frankly, they'll need supervision by County personnel. The office has lost that supervision aspect recently and needs help.

**P.O. LINDSAY:**

Mike, you're out of time. If you can wrap up?

**MR. KAUFMAN:**

Okay. I'm here to support in part 1705. That office definitely needs, due to the recent retirements, help, otherwise you're going to have disasters on your hands and projects are going to collapse. How the funding was accomplished, that I can't say one way or the other; I know that there are issues with 477 money, etcetera. But I'm just simply telling you that that office right now desperately needs the help. Thank you.

**P.O. LINDSAY:**

Elaine Kahl?

**MS. KAHL:**

Good afternoon, everyone. Can you hear me?

**MS. ORTIZ:**

You have to hold the button down the entire time.

**MS. KAHL:**

Good afternoon. It's very nice to be back again. I say hello to everyone. I've been very busy on this immigration issue and I came here today to tell you and to present to you because I believe in statistics speak louder than words. And I have for each and every one of you, the Fair Report, the latest one, on the cost of immigration to our communities and the impact, because our group is big on quality of life and security.

We are very disappointed with the Arizona law going down, partially, because we felt that the rule of law is what this whole issue is about. It is an issue about legality, it is not an issue about anything else, and I really think truth and consequences are here with us today. We in Suffolk County have to look at what are we inviting in here? How are we inviting it, by being pushed in the corner and dictated to or because we're all following the rule of law? You are asking each and every one of us to support these people, educate their children, yet you will not verify for us whether they could work here or are they entitled to any of our programs?

You know, a lot of this does not make sense to a lot of people, and that's why we have a divide. We've never had this divide out here; I'm shocked at it. Please, do not ask us to endorse the other side's comments because, in fact, they are, in our estimation, breaking the law, or else throw out the laws and let's start all over again. This is about all the people, not just some of the people, and I'm very, very upset by the fact that people do not realize this is a legal issue, and stop mudding up the waters by saying it's something else. And by the way, all the other people that didn't get honors today, I thank you very much for holding the line. Okay?

So, I wish you would relook at what we're doing here, the impacts in our community, and I hope that the statistical report will put a lot of questions to rest. Thank you very much.

**P.O. LINDSAY:**

John Piazza.

**MR. PIAZZA:**

I guess I got the button? Okay. My name is John Piazza, and my brother Mike is not a baseball player, so don't start asking for tickets.

To follow-up on what Mrs. Kahl has just stated, we keep hearing that immigration is not a local issue; nothing could be further from the truth. The impact on our local economy, local budgets, is horrendous. Illegal immigration in the United States costs \$113 billion a year. A third of that, about 29 billion, is at the Federal level, and 84.2 billion is at the local, State and County level. I'm not going to bore you with a lot of numbers. The summary which Mrs. Kahl has just handed out gives you all these figures. A full report is available at the Fair USA Organization website.

But, quite frankly, the only thing that illegal immigration brings to the table is about \$13 billion in taxes that some of them somehow seem to pay; that means there's \$100 billion that the United States taxpayer is fronting. How long do you think we can do that? And I know you guys aren't going to do much about it, you're in Suffolk County, but again, when it comes up on a national level, it's up to the states, the cities, the counties to speak up and stand up. Thank you.

*Applause*

**P.O. LINDSAY:**  
Carol DeMangin?

**MS. DeMANGIN:**  
Is it possible for me to sit somewhere?

**MS. LOMORIELLO:**  
You just have to hold this down.

**MS. DeMANGIN:**  
Thank you very much. Sorry I can't be here later for the Foley issue, but that's why I'm here. Can you hear me now?

**P.O. LINDSAY:**  
Yep.

**MS. DeMANGIN:**  
Okay. An article in Newsday on March 24th reported that the Forbes people ranked Suffolk County the 25th richest County in the nation; an interesting item when you consider that we are now being told, with a population of nearly one and a half million people, most of whom are healthy and walking about freely, we are too poor to maintain a nursing home that houses 264 impoverished and disabled citizens.

While this may be the worst recession in your tenure, it is not the worst ever, as witnessed by two World Wars and The Great Depression of the last century. The real poverty here is not financial but moral. We are a lot closer to moral bankruptcy than financial, and it is not the fault of the sick and poor. We already know that the proposed buyer cuts staffing to the point of leaving people sitting in excrement, has stated that over staffing is bad for residents and has included in his proposal that special needs people will be placed elsewhere; that's a nice catch-all phrase for people with Alzheimer's or psychiatric problems, people needing dialysis or wound care, and anyone who is disagreeable or deemed unprofitable. That should be ample evidence that the current residents, whom he calls tenants, will be in jeopardy if this proposal is approved.

What started as an Alm's House over a century ago is still an Alm's House for those rejected by private facilities. We do not need another facility that sends special needs people elsewhere, that's what every other facility does. Foley is unique and its strength lies in its acceptance of special needs people, and in its effort to provide services to make their lives more bearable. Foley is worth the time, effort and, yes, the money to ensure that these people are not bounced between facilities and hospitals until they weaken and expire.

The public's anger towards Wall Street and the banking housing industries is being manipulated and directed towards those who cannot fight back. We are led to believe that selling this facility will change the challenges we face brought about by rampant greed; that is a lie. If there is a burden to be carried, it should be carried by those of us who can move about freely, those of us who have options and those of us who have hope because of that freedom, not by impoverished, disabled people in an institution who have no hope of a better life.

The single-minded determination we have seen to sell this facility comes from a bias against public health and a desire to maintain favor with the public. Seeing everything in terms of cost and profit is to deny the least of our brothers and sisters their very humanity. There are no magic bullets for a recession; one-shot fixes are not signs of wise management but of desperation. Black mail, bully-tactics and threats are not qualities of leadership but of cowardess. Acres of County-owned land would probably sell for more than the potential 15 million we would net from this sale, but that

would mean dealing with people who could actually fight back. And why try to rein in our school districts, the real problem, when we have easy pray in a nursing home?

**P.O. LINDSAY:**

Carol, could you wrap up, please? You're out of time.

**MS. DeMANGIN:**

Okay. The mind that thinks it's okay to sacrifice people is fertile ground for a type of fascism that cloaks itself in the American dollar and, insulated by comfort, refused to see the evil it does. What goes around comes around; not so much by divine retribution, but simply because it's what you have taught others to do by your example.

Our Judeo Christian Ethic calls us to take care of the sick and the poor; one and a half million residents in the 25th richest County in the nation should be able to manage that much. If we can't do that, we are truly good for nothing, and if you can't stand up for the least of us, what good are you?

*Applause*

**P.O. LINDSAY:**

Pete Quinn.

**MR. QUINN:**

Good afternoon. My name is Peter Quinn, long-time social activist. And I think it's high time we return to a people-first economy.

In reference to the Foley Nursing Home, I think we need dignity for those workers for the time and effort they put in rather than for them to be dumped by the County Executive. It would be prudent if we took a look at what's going on in America in rather simple terms. We've watched Wall Street for the last 23 months destroy State, County and town governments across the nation and nations elsewhere around the world. We've realized just last week in the New York Times, Goldman Sachs is paying bonuses of \$555,000 per employee; that means the clerk downstairs is getting 10,000 while those at the top are getting multi-millions of dollars of bonuses at the expense of the taxpayers of this nation. With their derivatives, collateralize, debt obligations, strategic investment vehicles, all of which appear to be fraudulent, we need claw-backs from those bonuses back to the people.

We note that in Albany, for example, the State has a huge debt and they seek to remedy it the same way County Executive Levy does; layoff workers en masse. We need some way to reconcile that by putting people to work. We can't have it with Wall Street, they don't want to provide the loans for small businesses. The State government is really the engine of economic growth because they're providing jobs through corporations that get their money from the State. We spent over \$2 billion last year in economic development and industrial development agency funding, so the government has been paying for those jobs and we need to retain them and increase them so that they become the taxpayers that stabilize this government. Thank you.

*Applause*

**P.O. LINDSAY:**

Thank you, Peter. Kyle Perry. Kyle Perry?

**MR. PERRY:**

Good afternoon. Kyle perry. IR 1474, I'm against that. My mother is a long-term resident at Foley. She was involved in a car accident a year ago, she's got a lot of special needs. We Easter-egg

around from facility to facility to find a place where she could be adequately taken care of, and we finally found that at Foley. The staff there is wonderful, excellent medical care at the facility, and I wouldn't want to have to go through that process again of trying to find a place that gives out such exceptional care to the people that are in there. 1474 is about people, it's not about money. Thank you very much.

*Applause*

**P.O. LINDSAY:**  
Sam J. Perry, Jr..

**MR. PERRY JR.:**  
Can you hear me?

**P.O. LINDSAY:**  
Yep.

**MR. PERRY JR.:**  
My name is Samuel J. Perry and I reside in North Patchogue, New York. I've been a resident there for right now about -- I'm 81-years old, and I've been a resident there since 1950. As my son told you, my wife is in there and I'm very pleased with the attention that they give her. I'm going to be short and sweet. I want to read something, quote, and I won't take anybody else's time, and I want to read -- excuse me. "Selling off public assets is stealing the wealth of the middle class. This facility belongs to the taxpayers of Suffolk County." I can't say enough of the care, and I hope when the time comes to votes that you all check your conscience. Thank you very much.

*Applause*

**P.O. LINDSAY:**  
Margaret Rosenka?

**MS. ROSENKA:**  
Hello. My name is Margaret Rosenka and I've been a nurse at John J. Foley for 15 years. For the past several years, we, the staff and residents, have been fighting to keep our nursing home County-run. We've stood up here before this podium time and time again to get our message across to you, the Legislature, who ultimately will vote to either privatize or allow us to remain County-run, taking care of the residents of Suffolk County. People who grew up here raised families here, paid taxes here and now, for whatever reason, are unable to be cared for by their families, families who find comfort in knowing that their loved ones are close to home and will be cared for in a dignified, professional manner. Today I'd like to talk to you about one of those families and the profound impact their experience at John J. Foley had on them to this very day.

Betty was admitted to my unit after her husband Manny could no longer care for her at home. Manny and their children would come to visit every day. You could see the love they had for her. They would tell stories about Betty's life. Every weekend her room was filled with Manny, their children, grandchildren and great-grandchildren; she was truly loved by each and every one of them. We were fortunate to not only know her for the person she was, but we also got to know the wife and mother she used to be before the Dementia took over her mind and body.

Betty had a son who was retired and lived in Jersey, he was the only one who wasn't able to visit regularly. He missed seeing his Mom and thought it would be a good idea to move his parents to Jersey; he had a large home and Manny would live with them and still visit Betty every day. After

much consideration, the family agreed and with the help of our Social Services Department, a nursing home was found close to their home. We all said our good-byes and off they went. Betty did not adjust well to the move and began to decline. About after six months, the family decided to bring Betty and Manny back home. They wanted their Mom to come back to John J. Foley. They knew she had little time left and wanted her in a place where they knew she would be loved and cared for. Betty passed away peacefully a few weeks later surrounded by her entire family. Several weeks after that, I received a call from Manny's daughter. She said her Dad was doing alright, but keeps asking if it would be okay to come and visit. He missed everyone on 4-South. After several visits, he expressed interest in becoming a volunteer. With the help of our In-Service Department, he was given training on feeding our residents and is now an official volunteer who helps us feed at lunch time. He no longer drives, so he has to take the SCAT bus to and from the facility. Every Tuesday and Thursday, like clockwork, you will see Manny walking down the hall, lunch bag in hand. First he waters the plants on the unit, then off to the dining room to help feed. When finished, Manny and I have a standing lunch date in the TV room where the conversation almost always ends up being about Betty and the kids. Every now and then we get a call from Manny's daughter. She says how much her Dad enjoys his time at John J. Foley --

**P.O. LINDSAY:**

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

**MS. ROSENKA:**

Okay -- and how important it is for him to come and volunteer; I'm sure the pleasure is ours. What I'm trying to say is that we're not just a nursing home, we're a family who care for and touch lives many different ways, and I'm asking you to please help us continue to do so. Thank you.

*Applause*

**P.O. LINDSAY:**

Gwen O'Shea.

**MS. O'SHEA:**

Good afternoon. I'm Gwen O'Shea, the President and CEO of the Health & Welfare Council of Long Island. And I'm not going to spend a lot of time talking about the importance of IR 499 or IR 500 because it's very clear that you get it.

We've talked about this at length and you've demonstrated your understanding of the issues and your commitment to addressing the issues by providing a super majority vote of both the prompt payments and the prompt contracting bills, and for that I want to express my gratitude and thank all of you. What I would like to do instead is address some of the lingering issues or concerns that have been brought up related to these two bills.

So number one, fact number one, the contract -- the County saves money by contracting with non-profit agencies to deliver the services that it is mandated to provide to its residents. And the majority of the agencies and the contracts that the County does business with have a long history of working with the County and together provide hundreds of thousands of Suffolk County residents with safety net services; food, shelter, child care, mental health, counseling services and senior citizen services. And together we provide high quality, professional services at a very discounted rate by supplementing the County contracts with grants and fund-raising activities.

Unlike a business that contracts with a County for-profit, non-profit agencies contract with Suffolk County government to serve the people of Long Island because it is our mission. We are morally and legally bound, as per our Suffolk County contracts, to continue to deliver services outlining our contracts even if we are not paid. How many for-profit businesses would provide the County not

only a sharp discount, but continue to provide services if they were not paid?

Doing business with Suffolk County costs us money. Dozens of Health & Human Service agencies that are contracted have experienced significant delays in contracts and payments from the County which forces them to take out high-interest loans. A quick survey of just nine agencies that are part of our efforts paid an average of \$98,000 per year for the past five years to cover the cost of these late contracts. These are dollars that are wasted. They're spent to pay interest to banks because money has to be borrowed instead of being paid in a timely fashion.

Fact number two; the County is protected by these bills. Should funding delays occur, which we know are happening consistently right now, both at the State level and at the Federal level, the County is held harmless. As long as it communicates the delays with its contracted partner, there is no interest that needs to be paid or any cost incurred by the County. The County is also given additional time if it should begin contracts with new agencies that it hasn't done business with before, and that number is small in comparison to the ongoing contract it has with long term agencies. We agree, Suffolk County taxpayers should not have to pay late fees incurred by the County due to unpaid bills, but we strongly disagree with the belief that the way to avoid taxpayers paying this is giving the County a free pass. The way to avoid it is to pay on time or to communicate why you can't do it.

And finally, the final fact; on-time contracting and payment does not cause delays to the Comptroller's Office or overwhelm County departments. What we've seen with the passage of the Child Care Prompt Payment bill is agencies have been paid on time, and agencies who are not child care providers have actually been paid faster through the Department of Social Services than prior to the passage of that bill.

So I urge you to override both these vetoes because it's good business sense and because it protects the critical services that you purchase from us and the services that are utilized by the constituents that you represent. Thank you.

*Applause*

**P.O. LINDSAY:**

Karla B. Mayer? Karla B. Mayer.

**MS. MAYER:**

Presiding Officer Lindsay, Members of the Legislature, Ladies and Gentlemen, my name is Karla Mayer. My husband and I own a house, a home in Suffolk County for over 40 years, and 15 years ago I retired from the Department of Audit & Control. I am voicing my opinion today against the sale of the Foley Nursing Home.

You're all aware that the County is in a financial difficult position as a budget shortfall. Most municipalities and private enterprises experience the same financial problem, but selling the nursing home to correct a budget shortfall is, in my opinion, not a wise idea. Once it's sold, you cannot get it back. It also sends -- sets a precedent for future Legislators that may sit here five or ten years from now. They look at you and say, "Well, you sold a property to make our financial house correct, so what are we going to do? Are we selling the Vanderbilt Museum? Are we selling Blydenburgh Park? Is there anything else we can sell?" I don't think it's a good idea.

There is talk about saving taxpayers money, and of course we all like to see our taxes go down. But will the sale of the nursing home bring any savings to the average Suffolk County homeowner? When I look at my real estate tax bill, I see that about 62% are school taxes; 11% are for the Police; for the town, the library, the highway and the fire district, each one four, four and a half

percent; and for my total tax bill, the Suffolk County taxes are less than 1%. Now, I do not know if the sale of the Suffolk County nursing home, of the John J. Foley Nursing Home will make any difference in my tax bill. We hope that you're thinking about these financial -- these aspects.

I'm also concerned about the personnel that presently work at the John J. Foley; the Nurses Aides, the therapists, the dieticians, the custodians and the kitchen crew. They all are County workers, not nursing home workers. Their checks are paid -- signed by the County Treasurer and by the County Comptroller, not by a nursing home financial officer. Their dedication to their jobs is now rewarded with uncertainty, by the threat that they may lose their jobs, or perhaps their pension. I think they deserve better.

**P.O. LINDSAY:**

Karla, could you wrap up? You're of time, Karla.

**MS. MAYER:**

Yeah. And last but not least, I'm concerned about the patients at John J. Foley. Presently, as you have heard, they receive good care. Do you think they'll get good care when a profit-seeking organization will take over this facility? Ladies and gentlemen, I hope you vote against the sale of the nursing home.

*Applause*

**P.O. LINDSAY:**

Bob Morrow? Bob Morrow?

**MR. MORROW:**

Good evening. I would like to thank Presiding Officer Lindsay and the Suffolk County Legislature for allowing me time to speak before you today about IR 1578.

CWA realized last fall that Verizon had again repeated the business practice of ignoring the proliferation of double poles in our towns and in our communities, all because -- all because this pole work would cut in to their corporate profits. We came to this Legislature back in 2006 when the number of double poles was 8,000; at the end of last year, that number totaled 12,000. In 2006, Verizon committed to removing 150 poles a month. They obviously did not live up to that commitment because the number grew by 4,000 in four years. In 2010, Verizon committed to removing 250 poles a month. How would they accomplish 250 poles a month when they couldn't do 150?

They laid off hundreds of Verizon techs, of which 50 worked in Suffolk County, and another 70 worked in Nassau. Then they began to force over 50 techs a month Upstate to the Buffalo area for 30 days at a time. This was not done because there wasn't enough work in Suffolk. Next Verizon declared over half our workforce as surplus and unneeded. These are not the actions of a company committed to addressing the blight they are responsible for. If Verizon was to keep removing 250 poles a month, it would take them four years to remove 12,000, which does not take into account any new doubles. So to make their task a little easier, they removed 6,862 double poles by claiming a County error in their records; that claim was outrageous and unbelievable and could not go unchallenged.

After this so-called adjustment, the number for Central Islip Wire Center was changed to six; Central Islip, Brentwood and parts of Hauppauge. We went out one morning and did our own survey of the Central Islip Wire Center; we found 64 double poles. It did not cover the whole wire center. Who knows what to believe from Verizon? I'll turn into records Verizon's numbers today and the list that we have of the poles we found in the Islip Wire Center.

This would not have happened 20 years ago. The phone company followed strict service standards. They ensured that the public was safe from these unsightly poles. IR 1578 will do what the phone company won't do on its own, ensure that standards are met. It will make sure that all utilities remove their plant, all the broken down poles that have come to litter the landscape of our neighborhoods, and it will ensure that these poles are removed in a timely fashion. It has an unlined form for easy notification of double-poles. There are substantial fines to help pay for enforcement and provide revenue to the County, all the while hoping to beautify our streets.

Don't let a repeat of 2006 happen. Verizon's history has shown that if no one is watching, they will not act responsible to the residents of Suffolk County. Getting a pole moved should not have to rely on a phone call from a Legislator, a newspaper or the Commissioner of Public Works. Verizon should have a plan in place that does not go away as soon as you do. Pass IR 1578 and they will. Thank you for your time.

**P.O. LINDSAY:**

Thank you, Bob.

*Applause*

Deborah McKee? Deborah McKee?

**MS. McKEE:**

Thank you. My name is Deborah McKee, I'm a resident and a taxpayer of Mount Sinai. Thank you for giving me this opportunity to voice my support of Legislator Muratore's Gas Tax Cap. We're over-burdened here, it's my hope that this passes unanimously.

That said, I also hope that Albany is listening and that they will follow your lead in bringing us more, much needed tax relief. Thank you again.

*Applause*

**P.O. LINDSAY:**

Shea Levin.

**MS. LEVIN:**

I am the Director of Every Child Matters here on Long Island. We are a non-profit organization that is funded by the Hagedorn Foundation. Our organization is eight-years old. It's a national organization, but we've been on Long Island for two years. I've had the pleasure of meeting with some of you and some of you have committed to coming to our 2010 convention, the Kids Convention. So I just wanted to tell you all a little bit about our Kids Convention and about what we do.

For those of you that aren't familiar with Every Child Matters, we advocate for children's issues like child poverty, child abuse and neglect, readiness for success, children with parents in prison, quality child care and after-school programs for all. So how we go about doing that is going into the communities, talking to residents and trying to help build their political will to want to make a change, and also by educating you guys and other elected officials about what's going on with children.

At the Kids Convention, which is going to be October 23rd from 10 AM to 2 PM at SUNY Farmingdale, we're going to have a kids -- a forum; not a kids forum, just a forum -- where all the elected officials and those running for government can come and let us know where you stand on children's issues. We'll have questions that we'll give to you beforehand and we're going to be able to give the

children a platform also near your forum so the children will be able to ask you questions as well. We're inviting children, parents, organizations, the general public, any and everyone to come and see what you guys -- to come and hear what you guys have to say. We're also inviting organizations that are doing stuff right on Long Island that have programs, to come and give out their resources so that way other parents and other constituents can just see what's out there. They're going to have activities for the children, too, so it's going to be fun for the kids. We're going to have speakers, we're going to have work shops. The biggest part of this convention, though, is going to be our kids forum where you guys can come and let us know where you stand on children's issues.

So I'm inviting every last one of you to come and let us all know where you stand. My contact information has been given out. I really hope that your office will be contacting me so that way you can be a part of our kids convention.

### ***Applause***

#### **P.O. LINDSAY:**

Patrick Lespinasse.

#### **MR. LESPINASSE:**

Good afternoon, Mr. Presiding Officer and members of the Legislature. My name is Patrick Lespinasse and I'm with Verizon. Verizon this afternoon is here to stand opposed to IR 1578 for two reasons.

Number one, we believe that 1578 seeks to remedy a problem that does not exist. Verizon stands behind its public safety response record in Suffolk County. And in two meetings before the Public Works Committee, the County's own Department, the County's own Commissioner of Department of Public Works has attested to Verizon's high level of attention and responsiveness afforded not only to him but his staff with respect to public safety issues. If for any reason, and for whatever reason, the Legislature decides to pursue this course in resolution, we'd only argue that the resolution as drafted is vague, it's uncertain and it's deficient in a number of key areas.

Number one, with respect to criteria and standards, the resolution seeks to address utility poles that are damaged and pose a threat to public safety. But the resolution fails to define the terms *damage* or the phrase *threat to public safety*. Thus, the resolution fails to provide DPW with any criteria or any standards to determine whether a pole is damaged or poses a threat to public safety.

With respect to process, under the resolution, "A utility is subject to a \$250 fine if the utility fails to remove its attachments from a damaged pole within 15 days of being notified by DPW." There are often a number of parties with attachments on these poles. The resolution, again, fails to address the manner, order and overall process of how notification will take place. Verizon, as a result of where its facilities are located on a pole, is in a unique position of being the last utility to remove its facilities. The resolution fails to provide any guidance on how notification will be given and fails to contemplate how the 15-day period will impact common and standard industry practices.

With respect to local municipalities. In a number of circumstances, municipalities attach street light facilities to utility poles. Verizon cannot act until the transfer of these street lights have been completed. The resolution, again, fails to address applicability to local municipalities and other utilities, nor does the resolution even seem to contemplate their role as a relevant party.

Verizon is committed to working with the Legislature to ensure that all issues and concerns on pole conditions in Suffolk County are fully addressed. Please pay attention to the resolution before you which has to do with damaged poles and poles that are a threat to public safety. Verizon has -- with

respect to the double-wood conditions, has gone before the Public Works Committee numerous times. We've come up with a plan, we've met and exceeded these plans. The bill before you this afternoon is not that situation. Please pay attention to the bill and we urge you to reject this bill for all the reasons stated. Thank you.

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

Tracey Edwards.

**MS. EDWARDS:**

Good afternoon.

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

Good afternoon.

**MS. EDWARDS:**

Before I start my statement, I just want to clear up the discrepancy that President Bob Morrow raised to you. Because I am absolutely not disputing his numbers, but what I will tell you is that we're talking apples and oranges.

What I provide you on a quarterly basis is what you requested for me to provide you, which is a status on the inventory as of January 1st, 2010. If any pole was placed after January 1st, 2010, it is not included in my quarterly report. Verizon has placed 525 poles this year. It also does not include any of LIPA's information, which I do not have nor do I think you have. So it is quite possible that when Mr. Morrow counted poles, he counted more than what is in the report, it's understandable. My information is accurate and I am stipulating that I'm sure his information is accurate. So I hope that that clears up that discrepancy.

He also raises very valid concerns. I appreciate those concerns, but they are collective bargaining agreement concerns. There is a grievance process and it is not, in my opinion, the responsibility of the Suffolk County Legislature to care for those particular concerns.

So two years ago I did present you with a plan, we met that plan. We've presented a plan to you again this year and we are on target as well. I'm here really to just make sure that it's very clear that the Legislative proposal in front of you has absolutely nothing to do with double-poles, but all of the questions and comments that are being bantered about are all on double-poles.

My colleague Patrick gave you Verizon's position and all of our requests for clarification. I would just like to emphasize, in my opinion and in your own Public Works Department statements, this legislation, in my opinion, is a remedy for a problem that does not currently exist. It punishes the very company that addresses your concerns the most. We are a minority owner, we own 56 -- LIPA owns 56.5% of the poles and, to my knowledge, they have not presented you with a plan.

Also, this legislation adversely impacts now what is a very rapid process and good communication within all parties. Currently today, if the Department of Public Works calls, all parties cooperate to address the issue. By passing this legislation, you will now formalize what was not broken and allow 15 days to address an issue that either needs to be addressed immediately or may not be a priority at all because you have not identified a criteria for threat to the public. With the exception of one request -- which I believe is an unreasonable request, to provide data for 12,000 pieces of information, including LIPA's information which I do not have the authority to provide you -- I have answered every inquiry. We have made every request and completed every request and I will continue to do so.

In my opinion, again, this is a waste of resources, both yours and Verizon's. I respectfully believe that Suffolk County will end up bearing additional cost to manage this issue and you will move away from being an influencer focused on what is best for the public to being a responsible party in this process. Thank you.

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

Your time is up. Good timing. Thank you.

**MS. EDWARDS:**

Thank you.

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

Tracey, will you be here later when we discuss the bill?

**MS. EDWARDS:**

Yes.

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

Okay. Chris Destio.

**MR. DESTIO:**

Good afternoon, Honorable Legislators. My name is Chris Destio, I'm an employee of the John J. Foley Nursing Home. I'm here today to present a petition to Honorable Legislators on behalf of the employees of the John J. Foley Nursing Home. This petition was gathered by the members of the facility to show in good faith that we're all -- we're willing to work with the County to stop the facility from being privatized.

Our main goal here is to protect our residents, at the same time show Suffolk County that besides being caregivers for the 264 residents that reside at Foley that we are not selfish in any one what way, that we always put our residents first and our needs second.

Here's the petition, this is a testament to our residents. We have 165 signatures here out of 240 employees, which 13 employees are not there anymore. So the bottom line is that we have 72% of the employees that say we are always willing to work this out here, okay? I'm sorry. Could the Clerk please get this petition here?

**UNKNOWN AUDIENCE MEMBER:**

We need 911, please.

*(Emergency Medical Situation Involving Audience Member\*)*

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

Okay, we're going to recess until this is taken care of. Chris, we'll call you back for your time.

*(\*The meeting was recessed at 5:15 P.M. & resumed at 5:39 P.M. \*)*

**P.O. LINDSAY:**

Okay. Madam Clerk, could you call the roll and we'll resume our meeting?

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk\*)*

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. LOSQUADRO:**

Present.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

(Not present).

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. NOWICK:**

Yes, here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Present.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

Here.

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

Here.

**P.O. LINDSAY:**

Here.

**MS. ORTIZ:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

Okay. Before we resume Chris' testimony, I wish I had a proclamation for Legislative Aide Greg Moran who jumped to the rescue there.

*Applause*

And to the nurses from the Foley home and for our Deputy Sheriff. And our AED probably saved a life tonight, do you know what I mean? We've talked about them a lot and we've seen it in action. We just saw it in action before our very eyes. They're great, great devices and we need them all over the place, that's obvious. All right?

Okay. Chris. I guess you were testifying, so why don't you start over. We'll give you a fresh three minutes.

**MR. DESTIO:**

Well, I'm done with my speech here. I just want to give this petition to Legislators. And anybody that votes against this nursing home, you don't have to be ugly from the outside, you could be ugly on the inside. And anybody that votes against this nursing home is just as culpable as the gentleman across the street. You've seen exactly what Foley people are made of right here, and this is one of our co-workers here, and I hope he's going to do fine. Thank you.

*Applause*

**P.O. LINDSAY:**

Peter Mastando.

**UNKNOWN AUDIENCE MEMBER:**

That was Peter.

**P.O. LINDSAY:**

Oh, that was Peter. I'm sorry, I'm sorry. Ken Cranell? Ken Cranell?

**LEG. KENNEDY:**

Ken Cornell.

**MR. ZWIRN:**

I'll get him.

**P.O. LINDSAY:**

Okay, I'll move on. Reverend R.L. Dickerson. Hi, Reverend.

**REVEREND DICKERSON:**

How are you? Just stand here?

**MS. ORTIZ:**

Yes.

**REVEREND DICKERSON:**

Good evening.

**MS. ORTIZ:**

You have to hold the button down the whole time.

**REVEREND DICKERSON:**

How's that.

**LEG. COOPER:**

There you go.

**REVEREND DICKERSON:**

Okay. I feel like preaching now.

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

Okay, go right ahead, we can use it.

**REVEREND DICKERSON:**

My name is Reverend Robert Dickerson. I've been a resident of Suffolk County for more than --

**LEG. LOSQUADRO:**

Make sure the light stays on.

**REVEREND DICKERSON:**

Keep holding it down? Okay. Okay, my name is Reverend Robert Dickerson. I've been a resident of Suffolk County for more than 25 years. I am a husband, a father of five adult children, two school-age pre-teens, ages 11 and 12, and the grandfather of two beautiful little girls, four and seven.

There is no doubt that in addition to my duties as a minister of the gospel, the service of -- in the service of my Lord and the community, I have a deep concern for the safety and wellness of my own family as well as the community in which I serve. But it is by reason that I am here before you today to address those concerns in support for our Police Commissioner Richard Dormer and the officers of the Suffolk County Police Department.

You see, in addition to being a minister, I am a retired New York City Police Officer and understand both community as well as Police issues regarding safety, crime and quality of life. But I am -- I can personally tell you that this Commissioner has accomplished and established many goals, programs and protocols that has not been seen since I've arrived here in 1985. Perhaps this body feels different. I can only tell you what I have observed from the -- from the efforts of this Commissioner and the men and women that serve within the ranks of the Suffolk County Police have been nothing less than extraordinary.

Police Officers in the Suffolk County are more visible now than ever before. There has been a significant increase in community outreach and involvement like never seen before in the history of this department. Programs for youth such as Law Enforcement Explorers, the Youth Outreach Juvenile Division Program which is designed to assist at-risk youth by connecting them to programs within their community, exposing them to trades and careers that interest them. The Police Smart Program, a program I'm particularly familiar with because I am an elected official myself in a local school district, it promotes -- which promotes or provides school districts with comprehensive programs geared at addressing issues confronting our children today such as gangs, drugs, alcohol abuse or safety just to name a few.

In 2004, the School Resource Officer Program was initiated to reduce gangs and violence and drugs in our schools. In addition, the Police Clergy Council, a program which I established in the New York City Police Department, was implemented in Suffolk County to open additional lines of communication between the Police and clergy and the community at large. All these initiatives and more has led to an overall crime reduction between 2003 and 2009 in Suffolk County of

approximately 15%. There is no doubt that the Police Department still has its work cut out for them, there is still much to do.

**P.O. LINDSAY:**

Reverend Dickerson, if you could wrap up, you're out of time. Okay?

**REVEREND DICKERSON:**

Okay, I'm wrapping it up right now. It is my hope that this Legislative body will work with this Commissioner, notwithstanding other forces and issues which may hamper his efforts in achieving the desired results this body, the community and the men and women of the Suffolk County Police Department seek of him which will ultimately result in this County being a much safer and better place to live and work and educate our children.

I close with this passage of scripture. The Bible of Isaiah 118 says, "Come now, let us reason together, says the Lord. Though your sins are like Scarlett, they shall be made white as snow." All of us here have a part to play in both the good and the bad that is facing our community today, either through our actions or perhaps our inaction, not just the Commissioner. Let's work together. God bless you all.

*Applause*

**P.O. LINDSAY:**

Thank you, Reverend. Ken Crannell?

**MR. CRANNELL:**

Thank you, Presiding Officer. I'm sorry that I missed my call. I rise in response to several of the comments that were made with regard to the County Executive's veto of IR 499 and IR 500. While we all value and appreciate the services these contract agencies provide on behalf of the County and its residents, we strongly disagree with several of the arguments and we would urge you to sustain these vetoes.

First of all, I want to thank this coalition for recognizing the hard work that the County Executive and this administration has put into improving the contract process and streamlining it and making improvements. You know, we've worked to include multi-year contracts which was a major reform and we have essentially improved the timeline to execute contracts through contract signing day, etcetera. However, the timeline mandated by this legislation fails to recognize the hundreds of new contracts as well as the change to existing contracts that are added to the budget every year and the administrative impact that has on the departments.

Also, the coalition, in some of their correspondence, pointed to the New York State Prompt Contracting Law which was enacted in 1999 is a model that the County should look to. You know, it's important for me to have the record reflect that that law has not been effective. In fact, the New York State Comptroller, I can give you the reference, recently highlighted in an audit that even with that law, State contracts with not-for-profit organizations were approved late 82% of the time; this was during calendar year 2009. The audit clearly illustrates that prompt contracting laws approved in a vacuum are not necessarily effective to support the not-for-profit agencies.

You know, the coalition also pointed out that they believe that the County has paid no interest with regard to the prompt payment laws for the child care providers. You know, we've worked hard to avoid interest penalties to these providers as a result of the law. But you have to understand, the Department of Social Services has had to do an all-hands-on-deck approach, they reallocate resources, they reelect each staff; they put every other activity aside to meet the demands of making those payments in a timely basis. If this prompt payment law were to be expanded across

all the other departments, it's going to be costly. In fact, the Legislative Budget Review Office estimated that we're potentially looking at 128,000 a year, 642,000 over five years in interest penalties to the taxpayers because of the deadlines here.

Also, the coalition has been arguing that there -- you know, that there's cash available to the County and that there's no cash flow issue. Our County is experiencing an unprecedented cash shortfall with the State of New York owing us approximately \$200 million. You know, statements that claim that there's money available from the State, it's inaccurate. Additionally, if you check your agenda, the Legislature is being asked to authorize a short-term Delinquent Tax Anticipation Note of \$138 million; I mean, that's an increase of \$25 million since 2009.

**P.O. LINDSAY:**

Mr. Crannell --

**MR. CRANNELL:**

You know, that clearly highlights the --

**P.O. LINDSAY:**

Your time is up, Mr. Crannell. Could you wrap up, please?

**MR. CRANNELL:**

Thanks, Presiding Officer. I guess what I would say is that I would ask that you sustain the County Executive's veto and work with us to craft a plan that's more realistic giving the very important needs of our departments and the concerns they have expressed. Thank you very much.

**P.O. LINDSAY:**

Okay. The first card was Craig Tortora; is Craig in the audience?

Not seeing him. Is there anyone else in the audience that would like to address us under the public portion? Seeing none, I'll accept a motion to close the public portion.

**LEG. ROMAINE:**

So moved.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen (Not Present: Legislator Losquadro).

**P.O. LINDSAY:**

And what I -- did you call the vote? I'm sorry.

**MS. ORTIZ:**

I sure did.

**P.O. LINDSAY:**

Okay. I'm going to apologize to everybody because I'm going to have to ask you to clear the auditorium. We have Irving Like with us who is our attorney representing us on some litigation, and I'm going to call an Executive Session so he can give us a very brief update on it. I have to get back in session pretty quick because we've still got a big agenda in front of us. So if everybody could

quietly leave the auditorium. And Mr. Like, if you could come forward.

**MR. NOLAN:**

You need a motion.

**P.O. LINDSAY:**

I need a motion to go into Executive Session.

**LEG. ROMAINE:**

So moved.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Romaine. Second by Legislator D'Amaro.

**LEG. D'AMARO:**

No, please add -- I'm recusing on this, for the record.

**P.O. LINDSAY:**

Okay. All in favor of Executive Session?

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

Kennedy was the second.

**P.O. LINDSAY:**

Okay. For? Against? Abstentions?

**MS. ORTIZ:**

Fifteen (Not Present: Legislators Barraga & Cooper - Recused: Legislator D'Amaro).

*(\*Executive Session: 5:52 P.M. - 6:31 P.M. \*)*

**P.O. LINDSAY:**

Madam Clerk, could you call the role again, being that we're back out of Executive Session?

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk\*)*

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**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:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

Here.

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

Here.

**P.O. LINDSAY:**

Here.

**MR. ORTIZ:**

Fifteen.

**P.O. LINDSAY:**

Okay. The first ***Public Hearing is IR 1474-10 - A Local Law authorizing the County Executive to execute agreements for the sale of the John J. Foley Skilled Nursing Facility (County Executive)***. We also have Procedural Motion No. 3 which has to do with the proposed sale of the John J. Foley Skilled Nursing Facility. So -- we can have them speak on both, right?

**MR. NOLAN:**

Yes, they're separate, though.

**P.O. LINDSAY:**

I know they're separate, but --

**MR. NOLAN:**

They can speak on both if they want.

**P.O. LINDSAY:**

Yeah. Instead of getting up twice, if you could just speak on both of them, I think most of the cards. First, Nanci Dallaire.

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

Go ahead.

**MS. DELLAIRE:**

Thank you for this opportunity. I have stood here before, at first adamant against the closure of our County nursing home, and now against the sale of the century. Thank God the County realized these vital services are essential to our community, but they can no longer provide them? Well, we still have residents who are under the care of dedicated County employees and who have been in the secure custody of this County for decades, long before any of the laws that are now supposed to protect them. The obligations to these precious citizens are with this Legislative body, with me and the taxpayers of Suffolk County, not just what with Mr. Levy.

The John J. Foley Skilled Nursing Facility has continued to deliver quality care to our community, despite claims of gross mismanagement, and even though they have struggled with short staff and serious cuts in supplies. It is only now receiving the help necessary, but we will not give it time to recover? It has been revealed that solutions to improve operations at John J. Foley were ignored, problems that did not get resolved and avenues that were not pursued, but we will not give John J. Foley a chance to succeed? Well, they may have slashed staffing and cut excess costs, they did not recover lost reimbursements? There was no attempt to market the Occupational and Physical Therapy Center? There was no effort made to renew or pursue any contract with any student nursing program, which at one time did train at John J. Foley? And to help these programs, there's the Suffolk County Transit Bus Service that stopped right at the facility. And if these avenues were not addressed, what efforts were really made to save, not to sell, our County Center? Maybe if we exhausted all the avenues, or if we had no other options, but our only solution is to sell off our County Nursing Home so it can become a profitable nursing home? I will never understand this.

Although this facility has been sold as-is, workers are still busy installing the state-of-the-art security and upgrades to all the brand new computers that will allow John J. Foley to operate more efficient, but we will sacrifice our facility and not see any of these benefits; why? John J. Foley can be the non-profit institution it was built to be. This County can be proud of this health care center rather than be haunted by what-ifs. If these actions continue, we'll sell off our County home, maybe get a few million dollars, but our County will still be strapped with a \$150 million deficit and we will still bear the economic burden of a jail in Yaphank which is far from finished.

So what now? Who's next? This Legislative body holds the power to protect us and safeguard these services, and I am here to ask you to please protect us.

*Applause*

**P.O. LINDSAY:**

Kenneth Duffy? Kenneth Duffy?

**MR. DUFFY:**

How you doing? My name is Kenneth Duffy, I've been an employee of John J. Foley for -- August 17th will be my eighteenth year. My biggest question is the residents, and I've been hearing a lot of talk, well, they'll still be there and this and that. You know, I just got married, I'm buying a house,

and it's pretty ironic that Levy wants to kick me to the curb and get rid of my job. You know? In today's economy, to, you know, fire a bunch of people sounds not too bright on his part. But I don't know, you know, maybe somebody should take away his job and see how he feels. That's all I've got to say. Thank you.

*Applause*

**P.O. LINDSAY:**

Flo Sharkey? Flo Sharkey?

**MS. SHARKEY:**

Again, my name is Florence Sharkey, I'm a Brookhaven Baymen's Association President. I'm a resident of Suffolk County for more than 67-years. When I was a kid, this County -- this facility you're now talking about selling was called a "poor house", and many of our older residents went there, they were glad to be there. They were well taken care of. I would like to see this facility to stay in their care for our residents of Suffolk County. I pay over \$15,000 a year in taxes on a very small piece of property; I don't mind whatever I pay for that to stay open for the residents of Suffolk County. Thank you.

*Applause*

**P.O. LINDSAY:**

Pat Rollings?

**MS. ROLLINGS:**

Good afternoon. Thank you again for listening to me. I've spent half my life at the Foley building, and as you can see we are quite the family. I was going to talk to you today about one of the residents wanting to know, "How come they're building the jail and they're going to have a place for the prisoners but there's no place for me? What was my crime, I got old? I was good. I took care of my family, I worked hard, and now I'm old and they're taking my home away from me." And I was going to get a little bit more into it, but to be quite honest with you, I'm very, very emotional right now about what happened to our brother Pete here in front of you all, and I have to tell you, we have been living this and breathing this for the last two-and-a-half years. Two-and-a-half years, I go to sleep thinking about it, I get Newsday to find out what's going on, I'm on the phone constantly calling this one, calling that one. The stress this is putting upon us. We are a great group of people here. You saw how well we work together. This is something the County should be proud of. We're a family, not only to each other, to our residents; when you hurt one, you hurt us all.

So please, please, let this stay in the County's hands. Let us continue with our lives. We're not asking for much, we're asking for our jobs. I'm not asking for raises, I'm not asking for a wonderful vacation at the end of the year. I just want to continue on with my life, 23 years, half of my life. I think I deserve it, I think my coworkers deserve it, and I know the residents of the County facility deserve it. Please, please, do not sell us. Thank you.

*Applause*

**P.O. LINDSAY:**

Mindy LaMantia?

**MS. LaMANTIA:**

Hi. I'm Mindy LaMantia and I'm a Suffolk County resident and a business owner in Suffolk County. I don't work at John J. Foley and I don't have relatives there, and I don't have anyone in my family

working there either. I'm here because I've been following this for a couple of years now and, quite frankly, I'm appalled that the County is looking to privatize something that is clearly the County's responsibility. We owe it to the residents and the taxpayers.

The people who are residents of John J. Foley, most of them are taxpayers and most of them work very hard all their lives and they deserve a place to go and there's no other place to be. And what's going to happen to them? I'm not really clear, I don't think anybody is, but if they privatize the place, some of them will probably get to stay at first but, as we all know, when something goes private and there's no money to be made with these people, these people will be shipped off somewhere else. And I'm sure none of them want to be moved Upstate or somewhere else and, quite frankly, it isn't the responsibility of where you're going to move them to take care of our Suffolk County sick. So we need to step up to the plate and take care of the people who we should be taking care of and not ship them off somewhere else, and we need to get this off the table, it's ridiculous.

And I'm also concerned, I hear the employees speaking and they're all -- I don't understand how -- how you can take employees that have had all these years as County employees and take away their pensions, after 18, 20, 25 years some of the people have worked here, I don't know, and now they're going to have no pensions? I think someone told me that they may get offered jobs at the privatized facility, but that's not a Suffolk County job, and so what happens to their Suffolk County pensions? And if you put in 18, 20 years working somewhere, would you want your pension taken away? That's all I have to say.

*Applause*

**P.O. LINDSAY:**

Harold Moskowitz?

**MR. MOSKOWITZ:**

Good evening. My name is Harold Moskowitz, I represent the Conservative Society for Action, the largest, most effective grassroots political action group on Long Island. It is always regrettable when working men and women, through no fault of their own, are faced with the possibility of a decrease in pay, or even worse, the loss of a job. However, although tenured, vested government employees presently have a contractual expectation to a pension, there's no guarantee that economic conditions will not interfere with employment; in the 1930's, New York City lowered the salaries of workers, in the early 1970s, they laid people off by seniority.

Suffolk County, due to a variety of factors, is facing financial challenges. If our County is to remain a viable place to live and work, we must work to reduce the need for high tax rates. High tax rates will drive away both taxpayers and also job-creating small businesses. At the end of the day, it is in the interest of the taxpaying residents and small businesses that we must champion. Government workers and their families are also taxpayers, and in time they will also benefit from government downsizing and cost cutting. Privatizing the Foley Nursing Home facility will remove from taxpayers the burden of paying salaries, benefits and loss of entry pensions.

In addition, they say the nursing home facilities will bring the needed revenue and put that building, the buildings on to the tax roles. We know that private ventures, which pay strict attention to the bottom line, are more efficiently run at less expense than in the public sector where there is no bottom line and the taxpayers are expected to keep the operation going regardless of its cost. There is no need for government to provide the nursing home with privately-owned and operated facilities can provide for the needs of the current residents.

**(\*The following testimony was taken &  
Transcribed by Diana Flesher - Court Reporter\*)**

Nor is there a guarantee that tenured civil servants would provide better quality care than privately paid workers. The compassion and dedication of the individual workers are the requirements for good care; however, if privatization does take place, the government and the news media should maintain periodic scrutiny of the care of these residents, because we ought to make sure that care is not sacrificed for profit.

In closing, I would like to stress that it would be unjust to sacrifice civil service union members upon the altar of public opinion. Public employees should not be singled out as the sole cause for fiscal problems. At all levels government decisions regarding spending are also partly responsible. If privatization of the nursing home is truly being considered here for the benefit of the tax paying residents of the County, then the resulting cost savings and revenues must be shown to be spent wisely for the taxpayer. The Conservative Society for Action will continue to watch to see that the money is spent wisely so that any jobs which might be lost due to privatization will not have been sacrificed in vain. Thank you.

**P.O. LINDSAY:**  
Chris Destio.

**MR. DESTIO:**

My name is Chris Destio. I'm a worker at the John J. Foley Nursing Home. There are great powers behind the scenes to push the sale of this nursing facility. A lot of facts have come out that are true and a lot of facts came out that are untrue. One thing that is true is that the residents and the staff at Foley have been tempted to make a 50 foot dive into a glass of water for the last five years. We've been pinned against the police, the police class, the retirees with the incentive, the County workers, the threat of loss of county services, major lay-offs, taxes will be raised, contract negotiations, illegal actions to stop the sale from our leadership, lag payroll that we paid but you still could have got laid off. My, God, we're just a nursing facility. We're not the big green monster in the room.

We were told numerous times that if the sale of the building goes through, all the residents could stay. But has anybody actually read that contract? Unless it was amended; I don't know. In page 27 paragraph 6.1 it's called *resident retention*. States: *Only patients requiring services not available at the facility may be eligible for transfer*. I think that's pretty blatantly clear. And a lot of the Legislators up here, that was one of the major concerns that all the residents at Foley stay in place. But his intention is to get rid of the residents. And if it wasn't, then why is it in the contract?

If you go down to 6.2, the next paragraph, it says registrant, which is day-care retention. It states *that the buyer shall continue to provide service to the registrants in adult day-care program*. So they plan on keeping them, but they don't plan on keeping the residents at the nursing home in the nursing home portion.

It mentions viable nursing room residents will go to their place such as bariatrics, pediatrics, etcetera. What happens to the residents that live there now when they go to the hospital or lose their bed? The nursing home here has been under siege since 2004. Trying to operate this facility is like trying to row a boat with no oars. I must say I got to give County Executive Steve Levy a A plus for persistence. But I give him an F for understanding the needs of the facility, and F minus for compassion for his fellow man. I see staff members at the facility on a daily basis, but not him. As a matter of fact never.

Then we heard a myth -- I call this a myth -- that the employees will be absorbed into the Foley Nursing Home. Does anybody know where there's any jobs available out in the County? I believe there's only about 20 positions that are Civil Service. And lots of employees, they have no place to go. Unless someone here can tell me different, they got no place to go.

So when you hear that they will try to absorb them, and you're going to do this for Foley members, that's actually a joke because it doesn't exist. Why would you implement a retirement incentive and why would you sell the nursing home basically to get rid of the employees, not the residents? Then you're going to backfill them? Does that make any sense whatsoever?

Then you hear *oh, everyone's getting out of the nursing home business*. Hello? Red light here. There's still 44 county nursing homes in New York State. And they understand what it is to take care of the poor and middle class. But obviously I don't think the County Executive really cares much of what happens to any of these people whatsoever.

So once again, you know, we come to you, Honorable Legislators, and ask for your support to keep us rolling here and really look into those numbers that you keep reading about, like the net of the \$20 million. Well, I think they got it down to 15 now so there's a \$5 million gap there. And, oh, yeah, that eight and \$10 million, wasn't it in the BRO report? It's three and a half to four and a half million dollars? So you should really start looking at some of these numbers because they're totally inaccurate. And, you know, we need to have honesty and sincerity here.

And the last thing I have to say here is that I hope our friend and our coworker Pete is doing okay. Thank you.

## APPLAUSE

### **P.O. LINDSAY:**

Jeffery Sicklick. Jeffrey Sicklick.

### **MR. SICKLICK:**

Hi, good evening. My name is Jeff Sicklick. "Honorable members of the Suffolk County Legislature, I apologize for my absence today as I am unavoidably out of the country. But please accept my sincere thanks for allowing me to share some observations with you through my proxy. During my last appearance before you I suggested that my team of clinical and administrative professionals and I spend a day at John J. Foley to acquire the genuine sense of the residents who live there largely due to false concerns that my organization would make arbitrary and capricious discharges of Foley residents to other facilities. We spent almost an entire day there observing and visiting with the residents. We also carefully reviewed many of the medical charts and consulted with a variety of staff members. Based on this valuable investment of time, I want you to rest assure that the Foley facility residents share the similar care and treatment issues with all our other nursing homes. They are very nice residents who need care. There are many of you who want it stated clearly so let me unequivocally state the following: While we understand the concerns that you may have had as it relates to the discharging of residents, please be assured that we have no intention of discharging the residents of Foley. There always remains the possibility from time to time that a resident may exhibit violent or inappropriate behavior that we find to be a danger to themselves or others. And in these uncommon events, may need to be discharged. It is important to note as I did when I spoke the last time that all discharges are done according to the Department of Health guidelines. Should we be given the opportunity, we look forward to not only taking care of the current residents of Foley but welcoming new residents from Suffolk County as well who may need rehabilitation and nursing care. Thank you for your attention and continued consideration."

**P.O. LINDSAY:**

Mr. Sicklick, just to clarify the record. I assume you're representing Mr. Rozenberg?

**MR. SICKLICK:**

Yes.

**P.O. LINDSAY:**

Okay. Because you said you were out of the country.

**MR. SICKLICK:**

He is out of the country.

**P.O. LINDSAY:**

And I said, geez, you look like you're right here, you know?

**MR. SICKLICK:**

Yeah, I'm right here. I'm Jeff Sicklick. He's Ken Rozenberg.

**P.O. LINDSAY:**

Okay. Thank you. Just to get that straight. Peter Busacca.

**MR. BUSACCA:**

Good evening. My name is Peter Busacca.

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

Go ahead, Peter.

**MR. BUSACCA:**

Okay, I thought he was waving at me. I am a scientist, an administrator. I have a Master of Business Administration. I also have an advanced certificate of health administration and a New York State nursing home administrator's license. I've been observing John J. Foley for many years. And I have crunched a lot of data which is provided to the average person through [www.medicare.gov](http://www.medicare.gov). And the data shows that non-profits are giving a better quality of care than for-profit nursing homes.

So my recommendation is for the Legislature to keep the nursing home. And I know you're between a rock and a hard place, between the County Executive and also the County Health Department just wants it off their financial balance sheet. So if that's the case, then you have to make the County Health Department happy, I would recommend that you do like Nassau County did and you make the nursing home a public medical corporation. And once Nassau County did that, they revitalized and rejuvenated their nursing home. I believe they had over 900 beds. They decreased and right sized that nursing home. And I believe they even added an assisted living community which would be my recommendation also for John J. Foley to build another building and have an assisted living building which would help defeat the nursing home with future patients.

So with that I hope you take my recommendations with good stead. And thank you having me. Have a good night.

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

Thank you, Peter. Linda Ogno.

**MS. OGNO:**

Good evening. I've sat here and listened to a lot of people about John J. Foley. And I understand that we're in a crisis right now, but this is not the time to put John J. Foley under the bus. What you're talking about is a minimum amount in our \$150 million deficit for John J. Foley. It's the government's responsibility to take care of its people. I know Mr. Rosenberg believes that he can come in and take care of our people just as well as we can. He is a non -- he is a profit organization. That's what he does. He's there to make a profit. He's not even in the health care business. He's just a business man.

It's important that you think about this long and hard. I know that it's been in front of everybody for a very longtime. It has taken a big toll on our Foley family, us the workers, the residents there. And I'm sure you guys are sick of hearing us, because we are certainly sick of being here. But just to tell you's that this is not going to stop here. We plan on continuing to watch you guys anyway.

I think that it would be a sad day for Suffolk County if we let this facility go because of this small amount of money for the vital job that we do and the vital job that we will do long into the future. Thank you.

**APPLAUSE**

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

Michael Sheehan.

**MR. SHEEHAN:**

First of all, if you people planned on selling this, when you walk into the facility, it says *please excuse the mess*. Well, why are you still putting money into this thing if you already plan on selling it to this guy? Which is ridiculous to me. At the last time Mr. Rosenberg, he said he went to the facility once but I heard he went there twice now. He's not worried about the lives of the people that live there or work there or the people in Suffolk. Just by him saying he could not commit to keeping all employees for the 12 months, it's all about money to him. He don't care how many lives this place affects. He does not even want to honor the man that the building is named after. I don't know about you, but his so called interview to me was wishy-washy. Just like Mr. Levy.

If this sale went through, he could do whatever he wants to. And I don't know if they found out yet if the land was donated or not, but if it was, it's meant to stay in the county facility. You should pass a bill where John J stays a county facility forever so that people living, working and the community know they will always be taken care of. Return the love back to the man whose name is on the building, Mr. John J. Foley. Thank you.

**APPLAUSE**

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

Christopher Ogno.

**MR. OGNO:**

Good evening. I'm Chris Ogno. I'm a worker at John J. Foley. And I had a speech all planned. And after seeing my coworker on the floor I kind of threw that out the window. I want to talk about the responsibility of a Suffolk County Legislature. In my opinion the Suffolk County Legislature is a custodian of fiduciary responsibility for the constituents and the assets of which it holds. Is it going to be in the best interest to sell off one of our assets? Is it?

Suffolk County Legislators, you're our elected representatives, our leaders. And sometimes leaders need to make tough choices. I think any easy out right now would be to sell the place. And if that's what you want to do, go right ahead. But let's make the tough choice. Let's make the numbers work. I understand there's a looming deficit, but the right choice would be to keep the facility. It may be the tough choice, but it's the right thing to do. Thank you.

### APPLAUSE

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

Doreen Brennan.

#### **MS. BRENNAN:**

Hello everyone. I don't work at the Foley center but I'm a taxpayer. I don't mind paying for the Foley center. I'm a volunteer worker. I work -- I've been volunteering for a few years there. I don't think there's anybody in this building right now that doesn't even know me.

So what I wanted to tell you was these people work with very minimal, but they do everything to the highest quality. Now they have a lady's garden club they do on their own. I provided the music for them. We do little tea clubs. We have tea things. We try and do everything to makes these people comfortable. There are very sad situations there. And everybody just volunteers and sticks together.

We have great East End Legislators that really work with us that we all admire that when they go and they vote -- they get voted in, they get in almost like a 100 percent because they're so good. So we're very happy. We want to keep the place as is. We don't mind -- we love the place. It's clean. It's -- I've been through New York. I'm from the Bronx. I've seen other places. And I don't want these people going there. I thank you for your time.

### APPLAUSE

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

Mary Fredette.

#### **MS. FREDETTE:**

Hi. I'm Mary Fredette. Most of you know that I'm a nurse with John J. Foley for over 20 years. I just want to really thank you guys for -- probably if it wasn't for you supporting us all this time, we wouldn't be here today. So I just really want to thank you. You've been like a retaining wall for us, really supporting us. And I really hope that you will continue to support us. Because John J. Foley, even if it is the only County facility in the State of New York, it is a gem. It's something that should really be an example to other counties. We should really show the example of the standards that we have for residents that they need health care.

We have many young adult residents that unfortunately they're in a position that they don't have health care. You know, 20-year-olds, 30-year-olds. They don't have enough time vested in jobs or they've come from families where they, you know, middle class or don't have health care insurance. And we provide a very important service to them. And I just can't stress, it's really an amazing thing that we have this County facility. Because I've been -- as a nurse years ago, I've been to other places, and it's like a horrible dream, some of these other places.

You can't really mix profit with doing health services. It's got to be something in the heart that takes a special person. You really give up a lot of things, you know, to get in the profession; because it really -- you don't really profit. If you want to profit, you get into a business, you know,

with merchandise. But you don't use residents as merchandise. And I just -- I can't stress, you know, the coworkers that I have, they're worth their weight in gold. And the residents are precious, too. They're precious gems, too. And I'm being honest with you. They're special. They have great character all of them. There are so many precious souls there. And I think it's really -- you know, I can get a better job somewhere else but my heart is in this. My heart is in this. And I think I share the same feelings with my coworkers that you really need to have a heart in it to do a good job. It can't be for -- to make a profit and for money. So that's all I have to say for now. Thank you.

### APPLAUSE

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

Thank you. Deborah O'Neill.

#### **MS. O'NEILL:**

Hi, my name is Deborah O'Neill. And I am a family member of a resident of John J. Foley. I can give you my little story quickly. I took my mother out of John J. Foley two years ago because of the threat of closing. And I thought I'd better get her in some place nice before I don't have a choice.

So I did put her in a very beautiful private facility. And I really -- that's exactly what it was; beautiful. But there was something missing. I just returned my mother back to John J. Foley. This is two years later. And for the first time in two years she's smiling again. The people from John J. Foley have something that other places may not have. It's heart. And it's the human piece that I didn't see at all for two years.

My mother was immaculately clean and well fed but she just never smiled. No one ever talked to her. She's been back at John J. Foley for a month and she has smiled. This is a woman with dementia. These people are not in her short term. They're in her long-term, but they are people that she cared about.

Another issue that I realized sitting here is with County employees they were all -- all the same people were here when I brought her back. Where in a private facility, which I can't really criticize because I -- you know, there's all kinds of facilities, they didn't seem to retain people as well. When you work for the County, you work there because eventually it will pay off for you. So I realized it was so wonderful because everybody she knew was still here.

A man stopped in her room the other day from dietary and said, *oh my goodness, I remember Louise* and made her smile. Also one of the house keeping people said to me in the parking lot the other day, *oh, you're mother's going to the dentist today*. Who would notice something like that?

I just can't -- I can't say enough about these people because it is so true, that they've given her the human piece. And I feel like they gave her her life back again; because without people talking to you, there is nothing. You can be in a gorgeous, most luxurious place; but if no one talks to you, it means nothing. Thank you for your time.

### APPLAUSE

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

Madeline Lizzol.

#### **MS. LIZZOL:**

I didn't come prepared. No speech, no nothing. But as you see a coworker go down on the floor, how can I get up here and say something? And that was pretty deep. I'm not a public speaker, nor do I speak in public a lot. But it's just a prime example of what just happened, of how we jump to

the occasion and stick together as a family.

I wrote this real quick underneath the stress so I'm just going to -- I can see how that can happen to anybody here. The stress is phenomenal. And I think there's not a day goes by that our family doesn't talk about John J. Foley and all the things that we might face the needs in the future like benefits, loss of wages. And it adds a lot of stress so I can see that can happen to our friend. And his family is by his side now because I called Michael and everything, his family is there. We contacted the family.

### APPLAUSE

I just recently learned, just recently, through all these public hearings that our building might be even possibly donated by one of the family members that I took care of, Mr. Glover. And hence the road is on Glover. And along with Mr. Glover, we have the sheer benefit of -- and the -- you know, we served a lot of people in the community: Cops, teachers, people who served us. Firemen and even recently a former County Legislator. And that was -- it's kind of nice, you know. And I just wanted to -- I'm a little nervous, pardon me, and it feels like a little personal especially with Mr. Levy trying to get us out of the business, you know, with the -- he's trying to sell the nursing home because of -- it looks like he'll go to any extent to try and get rid of us by threatening our retirement with the early incentives; and also telling us he's going to put 80 cops back on the street if we get rid of the building.

Well, we all know that 39 cops according to the paper because we all read it retired last year. And with your early incentive probably a few more of them will go. So we're replacing the cops that are going. But I don't know if you had any -- if any of you had any kind of experience with a sick family member. You know, my father recently had a stroke and is now on five tower up in the rehab floor. Going home soon on Friday. And this will be a long haul for our family, but not because I work there, because I've had the choice to go to many other facilities, but because of -- if I didn't have faith in the people that I work with, I certainly wouldn't put my father somewhere where I didn't feel he was going to get the best of care.

And I just had -- I asked my father recently, I said, *so, dad, now that you're going home, what is the biggest complaint you have? Do you have any complaints about John J. Foley?* He said, *no, the only thing I can say is the food sucks.* And everybody complains about that.

### LAUGHTER

But anyway, I have a lot of faith in my fellow coworkers and everything. And I really just wanted to give a shout out for Pete because I know he was the next to talk. And I know how he is so passionate about this because every morning, you know, he recites what he's going to say, and he tries to pick up his nerves. And then this happened to him. So I just wanted to get up on his behalf. And I know how much stress he's been under. And I wanted to just, you know, let you know how much that this speech really meant because he worked a lot for it and he didn't get through it. So I just -- we're just praying for him now. Hopefully he'll get better. And maybe he'll be at John J. Foley, too. So just when your vote, just go with a conscious heart and think of us.

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

Thanks a lot.

### P.O. LINDSAY:

Is there anyone else in the audience that would like to speak on 1474? Please come forward.

**MS. BURKE:**

Good evening. My name is Joan Burke. And I'm the Program Director of the Long Term Care Ombudsmen Program. And we're the advocacy for residents in the long-term care facilities. And so I'm here just to speak on behalf of the residents at John J. Foley. We have three ombudsmen that go into the facility. And during this transitional period, we've observed a lot of turmoil with the residents, their uncertainty, are they going to continue to have this be their home. And there's also been a lot of very, very good staff. There are still -- some remain there, but a lot of the staff have made decisions to leave. And that has been very distressing to the residents as well.

So I think that one of the most important things that we would like to see and hope for is that during this transitional period that the residents are reassured that this will continue to be their home. And if a message could be sent, you know, during this transitional period between now and the 17th when a decision is made, that they could be informed as to what's happening and reassure that this will continue to be their home regardless of what the outcome is, that would be very helpful. Thank you.

**APPLAUSE**

**P.O. LINDSAY:**

You can ask questions. Hold on, Miss Burke. Miss Burke, could you please come back? Miss Burke, come back. There's a question for you.

**LEG. KENNEDY:**

Thank you for coming out. The ombudsmen is a program that actually is a program through the state that goes out to all of our nursing homes throughout Suffolk County; is that correct?

**MS. BURKE:**

Yes, that is correct.

**LEG. KENNEDY:**

Okay. So you've had occasion, then, to see John J. Foley and perhaps compare it to some of our other nursing homes throughout the County?

**MS. BURKE:**

Yes.

**LEG. KENNEDY:**

Okay. And having had that opportunity, what's your sense regarding -- I understand that we've had some duress regarding what the ultimate long-term status is going to be. But what's your overall sense of the facility or the care or actually what your charge, how the residents fair there? How do the residents do at John J?

**MS. BURKE:**

I think the care at John J is very similar to the care that we see at other facilities. I think over the past two years when Lowell Fine had been appointed as the administrator, we saw tremendous improvement in changes in the care and the responsibility towards the care of the residents.

**LEG. KENNEDY:**

Okay. So in the recent past, then actually we've had a uptick in the bar and an improvement to the conditions, huh?

**MS. BURKE:**

Yes, absolutely.

**LEG. KENNEDY:**

Okay. Thank you very much. I appreciate it.

**APPLAUSE**

**P.O. LINDSAY:**

Is there anyone else that would like to speak at this public hearing? Please come forward, identify yourself.

**MS. CUELLO:**

Hi, my name is Yira Cuello. I'm a worker at John J. Foley. I never get up to speak on these things because I'm very nervous and I feel sometimes that my English is not too good. But I came to this country a longtime ago. And I've been working at the John J. Foley for a few years now.

I'm a single mother. And like me, there is a lot of coworkers in there. And I have a teenage daughter that goes to college that I'm paying for. I have no help from anybody else. Just my job and my pay check. And if John J. Foley is sold, what is going to be for all of my coworkers and me that have been working there so hard?

Since I came to this country I've been living in Suffolk County. And I had a few family members that moved out because the cost of living was so high. I choose to stay here because I love my job and I grew a feeling for this town. I just don't know what it will be for all of us that work at John J. Foley. And I'm a single parent. If we lose our job, if I cannot get another job, how am I going to support my family?

I always felt that the Legislators who support people that are willing to work honestly hard to keep a good living for their family, and if I lost my job, what is in for me? Maybe going to welfare? I really don't feel comfortable for that. I been raised knowing that I should work, have an honest job and provide for my family. And that's what I have been doing all these years that I've been in this country. I never have been in any assistant program since I came here around when I was, like, 20 something years old. I always work very hard. I been having three jobs in order to raise my daughter to make her a good citizen, to provide for her and to help her to get an education; that probably if I lose my job at John J. Foley, I won't be able to do. So I just want to, please, all of you that have the -- in your power to keep John J. Foley as a county place to consider all the single parents that work in there that don't have anybody else to support them.  
Thank you.

**APPLAUSE**

**P.O. LINDSAY:**

Thank you very much. Is there anybody else that would like to speak on this subject? Please come forward and identify yourself.

**MS. HOPKINS:**

I'm really nervous. I've been coming because I work at John J. Foley. My name is Deborah Hopkins. And I just can't leave John J. Foley without telling you I work in activities. I worked in many places. I worked with the handicap, the special children. But I work on the fourth floor, the Alzheimer's dementia patients. And there's 78 of them. And we've had to work with one and two people. And I'm tired. I'm really spent. I go home at night and my husband is like, *here you come again*. I would not give up one single day of being tired because I found the job after 30 years of working with special children and adults at John J. Foley, I found what I loved doing. And if you could just see their faces in the five minutes, ten minutes that I get them to smile at me and call me my name and remember what we've done.

And one of the family members is right back there. And she is so right. She brought her mother back. And the day she came back, I walked in that room and I looked and I said *Louise, oh, my God, you're back*. And she smiled at me. And she has been out in my dining room with my activities every single day. And I just want you to know that there isn't a better bunch of employees at John J. Foley. And we can't let this go. And we won't let this go. Thank you.

### APPLAUSE

**P.O. LINDSAY:**

Alex?

**MR. STRAUSS:**

Good evening. My name is Alex Strauss. I'm a Suffolk County resident. I've been listening to this probably for at least two years. I understand the County has a problem. And -- to pay its bills, to have money come in. And it's always somebody goes, you know, we got to save money, you know. And as long as I been paying taxes, I've never had my taxes go down. They stay the same. Always inch up a little bit. And it's the same thing with anything. The cost to live, everything goes up. A person's salary goes up, trying to catch up with the cost of living that go before them.

I'd like to know what does it cost -- you hear these big numbers, \$50 million, \$100 million, how much we're in the hole. How much does this facility cost the average taxpayer? How much do I have to pay on my taxes to keep this facility? Is it \$2 a year, \$3 a year? What does it amount to? If that's what we're talking about, you got to be kidding me. If it's \$3 a taxpayer to keep people working and take care of our poor? There's not a person in Suffolk County that wouldn't give you that three bucks. I have more faith in our people than that.

You want to save money? I don't know how can save money that way. That's what's going to stop us from going in a hole? You know, everybody want to cut taxes. And they always say, *well, you know what, I don't want to do that. Let's cut that out*. And the person that's getting cut out over there is going, *whoa, whoa, wait a minute, not me, how about him?* And he's going to go, *no, no, not me. How about her?* We'll be running around in a circle.

Everybody wants to save. Maybe if you put some people in there that know how to run a place -- I heard that the last two years it's gotten better and better and better. Maybe that's why you should have invested it in a long time ago instead of just eliminating people. You don't get nowhere by eliminating people. Let's do it the right way. I mean -- I don't know. Thank you very much for your time. I appreciate it.

### APPLAUSE

**P.O. LINDSAY:**

Thank you, Alex. Somebody else that wants to talk?

**MS. SNYDER:**

Hi, my name is Gail Snyder. And I'm an RN for John J. Foley. I've been employed for John J. Foley since 1983 so I have walked this walk for years and seen my building be destroyed. Now it's to the point where my patients are not cost effective to Suffolk County, so we'll get rid of them because we're all dollars and cents now and we're not human beings.

50 percent of the population of John J. Foley is under the age of 50. They're younger than I am. Who's going to care for these very heavy not-cost-effective patients? The private sector is not going to. They're going to ship them off 75 miles from where the nursing home is because that is the law and they're allowed to do that when they're no longer cost effective to the private facility. Would

you like to be considered not cost effective? Maybe your family member will not be cost effective one day and we will ship them some 75 miles away from you and you will not have contact with them.

It's to nauseam the way Mr. Levy has held us hostage, I guess, all negotiations against the retirement, against the cops, against our own coworkers that work for the County; he's playing all of us in order to get rid of the nursing home so he can have a nice feather in his cap that he saved you money, but in the long run he's not because they're going to be sent away out of the County. I work on the Alzheimer's unit. I look at my charts. I know the patients they're not going to keep. They're not going to because they take twice as long to take care of as little mom and pop takes care of. They will, I guaranty you, you will look back at this in three years where you're saying -- I'm going to look back and I'm going to check to see if Mr. Rosenberg kept those patients. What are you going to do when he doesn't keep them? You're not going to be able to do anything. He's just going to say good-bye to them. And you're sitting here telling me *we'll watch Mr. Rosenberg. We'll make sure he takes care of them. We'll make sure that he keeps them.*

What are you going to do when he doesn't? So Suffolk County workers -- Suffolk County views human beings are not viable because we're not cost effective? We have to be shipped away? It's by the grace of God you're not looking for a nursing home for your child. It is by the grace of God that you're not looking for a nursing home for somebody in your family. These patients that are in this nursing home, if you speak to these families, they've tried to get them into two or three nursing homes and have been turned down from the private sector because they are not cost effective patients. They take twice as long to give care to. They're not patients for the private sector.

What will happen to the HIV beds? No one is speaking about what's going to happen to the HIV patients that Suffolk County has taken care of with such pride. No one's talking about -- how can you sell off this land if you don't even know yet if it was donated or not? This is so quick in shoving all this down their throat without you even getting to look at it. When the nursing home is gone, and Mr. Rosenberg is making a lot of money because now he'll get to pick and chose who he can take, where he won't take the 50-year-old patient that takes two hours to give care to, he'll take the 90-year-old patient who sits in the corner and doesn't say anything. You've yet to hit the tip of the baby boomers. We're all going to be at looking nursing care. So when you go to look for a nursing home for yourself or for your loved one, John J. Foley will not be there for your needs because it doesn't fit Mr. Levy's cost effective needs for today.

I have spent a long time at John J. Foley where I could have worked at other places and made more money than I made at John J. Foley. But I chose to stay at John J. Foley because I believe in what it stood for. I can't -- it's to nauseam how Mr. Levy has pitted everybody against us, take the incentive from us, put the cops against us, play Mr. Rosenberg against us. It's -- I can tell you now that I will be back in three years and you're going to tell me that those patients are going to be at John J. Foley. They're not. They're going to be 75 miles away from that building. 75 miles for very poor people that will never see their loved ones again. And that is your decision. Thank you very much.

## **APPLAUSE**

### **P.O. LINDSAY:**

Thank you. Is there anybody else that wants to speak? Seeing none -- do you want to speak, Madam?

### **MS. LUGO:**

Hello. Hi, you guys. My name is Jennifer Lugo. I'm not an employee but my mom is. I'm 19-years-old. I'm in college. It's going to be my sophomore year and I've been volunteering at

John J. Foley since 8th grade. And I just want to say that when you guys take away their job, you're not only affecting them, you're affecting their kids. I go to school with a lot of these people's kids and it's not fair that I'm 19, I have to stress about I can't go to college, I can't pay for college. It's not fair that my friends are stressed, they can't go to college. You're affecting them. They can't go to school, they can't get their education.

I look around at you guys and most of you guys have wedding rings on your fingers. That means you have a family. I'm sure you're grandpas, mothers, fathers and everything. Like shouldn't I get the same opportunity that your children have? I want to go to college. I want to become successful. I'm a business major in college. I want to be able to finish college, I want to get a good job, I want to give my kids an opportunity that I didn't have.

My mom's a single mother. My father wasn't around when I was a kid. Like, I'm very grateful for everything she's given me. And if you guys take away her job, like not only is she going to be in the hole, I'm going to be in the hole, my kids are going to be a hole, my friends are going to be in the hole, my friends' parents are going to be in the hole. You guys are just not affecting them. You're affecting them.

I've been volunteering since the 8th grade. And most of these people that are residents there, I know them. They're like my grandparents, they're like my mother and father. I care for them. They know me. They know how I've grown up. You're just not taking away their job, you're taking away a family. We're all a family. We're all connected. All my mom's coworkers, they're like my aunts and uncles. I love them. I give them kisses when I see them. They come to my parties. I go to their parties.

You guys, you need to like actually think about what you're doing. And I just want to thank you for paying attention. I notice some of you guys aren't really paying attention to what these people are saying. If I can sit through a class for 45 minutes when I was in elementary school and not take out my phone and not write on a piece of paper, I think you guys can sit up there and pay attention. I want to thank you guys that are paying attention, you guys are listening. And I notice you guys. But I notice others that are not paying attention. I mean I went to elementary school -- William Floyd Elementary School, William Floyd Middle School, William Floyd High School; now I go to Adelphi University. And I can last 45 minutes without taking my cell phone. I'm addicted to my cell phone. I think you guys can manage like an hour listening to us. And I just want to thank you and I respect you guys a lot. I look up to you guys.

And I know that Kate Browning, I have talked to her personally; because I needed to get her to speak, I was a student ambassador and I went to Europe. And I just want to thank her personally because she helped me go there.

But I just want you guys to know that their jobs really mean a lot to them. And even though I don't work there, that job means a lot to me. I volunteer. I give them my Saturdays, I give them my holidays, I give them my day offs to go and help them do activities. I hang out with old people. People think, like, I'm weird for hanging out with older people, but they're cool, they're my family and I love them a lot. And I don't know what you guys are going to do with them, but just don't take them away. And that's it. Thank you.

## **APPLAUSE**

### **P.O. LINDSAY:**

I'm almost afraid to ask, is there someone else that wanted to speak?

**MS. DUFFY:**

Hello. I'm Katie Duffy. I live in Patchogue. I'm a taxpayer. But I'm really up here because my mother worked for John J. Foley for 32 years. She loved her patients. She loved the people she worked with. That was her family. It was my family. She was so proud to be a county worker. And as a taxpayer now, I don't care if it's two, three dollars a year, because I always complain about taxes and how they're going up. And I don't want to pay for it. But to keep this place open and to keep these people to have their jobs and those people to stay there is worth it. And I'm willing to pay it. Thank you.

**APPLAUSE**

**P.O. LINDSAY:**

Okay, one more, come on.

**MS. KUSS:**

Hello. I'm Pattie Kuss. I'm one of the nurses at John J. Foley Skilled Nursing Facility. You have to excuse me. I'm a little nervous. I just want to say that we are a unique facility. Like Gail pointed out, my coworker, we're unique. This new guy is not going to keep everybody. He's not going to guarantee they have a home.

I'm also very concerned about my coworkers, their health. As you saw today, many of us cannot sleep, eat; you have no idea how we feel. You're not in our moccasins. All I ask of you is to be sincere and very careful with your decision because of all the lives you're affecting. And not only are you affecting us, but our families. My 81-year-old father who has lived in Suffolk County pays taxes is retired 18 years already. My dad is worried about the situation and my retirement. My father's enjoying his retirement. And I'd like to -- I'd like myself and the rest of my coworkers to be a part of that, too. I don't see that happening unless you make the decision in favor of us. There is so much at stake here. So please be careful and compassionate and sincere in your decision. Thank you.

**APPLAUSE**

**P.O. LINDSAY:**

Is there anybody else that would like to speak on this subject? Seeing none, I'm going to make a motion to recess this public hearing, second by Legislator Barraga. I know that the -- did you want to comment, Mr. Zwirn?

**MR. ZWIRN:**

I was just going to ask if we can close the hearing.

**P.O. LINDSAY:**

No, we can't.

**MR. ZWIRN:**

Not the A-96 hearing.

**P.O. LINDSAY:**

No. But we have to go through the procedural motions really next time so it doesn't suit anybody's purpose to close this one now.

**MR. ZWIRN:**

We just thought at least on the 17th this would be an up and down vote, have everything done.

**P.O. LINDSAY:**

Yeah, but you got to realize something, you going to need 12 votes to get this anyway. You's are more than likely going to have to come over with a CN. Because even if I close the hearing, I don't know whether it's going to get out of committee.

**MR. ZWIRN:**

Okay. Thank you.

**P.O. LINDSAY:**

All right? Does everybody agree with that? Okay. Okay. So there's a motion to recess and a second. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Seventeen. (Leg. Romaine not present)

**P.O. LINDSAY:**

Moving right along, **IR 1688, a Local Law mandating compliance with financial disclosure requirements.** And I have one card, Craig Tortora. He was here earlier for the public portion so I appreciate his perseverance.

**MR. TORTORA:**

Good evening, Mr. Lindsay, and all of you. I appreciate you giving me the opportunity to speak on behalf of the Ethics Commission. My name is Craig Tortora. I am one of the -- I am the newest member of the Ethics Commission. And obviously you're all well aware of everything that's been going on, everything that's been written in the paper and quite frankly, a lot of the uncertainty surrounding the Ethics Commission.

However, in as much as this Ethics Commission is comprised of individuals who are devoting their time to the service of the taxpayers of this County and they're devoting this time unpaid, we all believe that it was about time that at the very least the Ethics Commission should speak. So we have agreed to draft a letter which I will -- which has been e-mailed to all of you. I have hard copies for all of you. But I would like the opportunity now to just briefly read this brief letter into the record.

"Honorable Mr. Lindsay and members of the Suffolk County Legislature: Due to recent statements by members of this Legislature regarding the Ethics Commission, and the fact that this body is contemplating legislation to appoint an attorney to investigate the Ethics Commission, the members of the Commission are compelled to make a statement regarding the unsubstantiated and spurious charges being leveled against them.

As you are well aware, the Legislature appoints two of the three members of the Commission. The Presiding Officer appointed Dr. Joseph Laria, and I myself was appointed by the full Legislature. Therefore, it is with frustration and disbelief that we have been forced to endure reading newspaper articles in which the Commission's integrity and impartiality is questioned by members of the very body that appointed us.

All members of the Commission are outraged that our personal integrity has been publicly questioned without one shred of factual proof that any impropriety has taken place. It is an affront to the members of the Commission and the Suffolk County taxpayers that this body is contemplating the hiring of outside counsel to investigate the Commission; especially in light of the fact that at least two of the State's foremost experts on the financial disclosure laws have already opined that there was nothing unethical in the least about the Commission's decision regarding Mr. Levy's filing

of the state financial disclosure forms. The suggestion that the decision by the Commission was done due to pressure from Mr. Levy's office to *give him a pass* is an accusation that explicitly accuses the members of the Commission of acting unethically. Such a scurrilous and unsubstantiated accusation is nothing less than contemptible.

The members of the Commission serve on the Commission out of a sense of community service in order to provide guidance to any and all employees of Suffolk County. We devote long hours to the issues that are brought before us and do not receive any compensation whatsoever. The hours that we spend doing the Commission's work are, in fact, hours that we cannot spend working at our full-time employment.

The Commission has *never, ever* on any occasion been pressured by anyone from the County Attorney's Office or the County Executive's Office, including Ms. Malafi and Mr. Levy, regarding the matters before us and, quite frankly, we resent the implication that we would permit that to happen under any circumstances or that we would be swayed from such pressure. Such an allegation tarnishes our professional and personal reputations.

To turn the Ethics Commission into a political football is both wrong and shortsighted. This body has not been provided with one shred of evidence to justify statements which suggest that the confidence in the independence of the Ethics Commission has been lost. Egregious public statements such as those are a personal affront to the members of the Commission who deserve better than to be slandered by members of this body.

We are individuals with excellent professional and personal reputations who have been used as pawns in a game which we cannot control. The besmirching of our professional and personal integrity has been treated as nothing more than collateral damage and we find it unconscionable that we have been placed into this position when our only goal was service to the County. Thank you and very truly yours, Thomas G. Nolan, Chairman, Craig J. Tortora, Commissioner and Joseph A. Laria, Commissioner." Thank you.

**P.O. LINDSAY:**

Before you go, Craig, Legislator Losquadro has some questions of you, too, but --

**MR. TORTORA:**

Absolutely.

**P.O. LINDSAY:**

Did you draw straws for this role and you lost? I mean, you're the newest Commissioner and they sent you over here to read that statement? First of all, that statement is inaccurate. You know that's inaccurate. There hasn't been any accusations made here. There's some questions about some of the decisions. Nobody's questioned anybody's integrity. And the purpose of the Special Committee is to see how some of these decisions were made and if they were the proper decisions. And you can get all the people you want to opine on a law that's passed by this body; but it's this body's legislation.

And the purpose of the Committee is to see if the law the way it was passed is being followed. And maybe it is being followed as it is passed. But maybe we have to tweak the law because maybe the intention is wrong. So the presumptions that you read in that statement from the three of you is presumptive.

**MR. TORTORA:**

Well, with all due respect, Mr. Lindsay, the feelings and whether or not anything has being uttered directly by anyone or any --

**P.O. LINDSAY:**

I can't help the feelings. I can't help what gets printed in the press. I'm telling you what the purpose of this Committee is. All right? And I really object to them sending over the newest member that wasn't even there when any of these decisions were made.

**MR. TORTORA:**

And I certainly understand that. I am the newest member. And I also understand that none of these accusations per se are made against me; however, with regard to being --

**P.O. LINDSAY:**

No accusations have been made against anybody. We want to see how a Commission that was duly constituted by this body is working, because there's some questions.

**MR. TORTORA:**

Have the questions themselves, and I haven't seen, and I've been through the opinions going back for five years now, have the opinions been addressed directly to the members of the Commission?

**P.O. LINDSAY:**

Maybe that's what we're going to do.

**MR. TORTORA:**

But would that require an act of the Legislature or just a simple question because a lot of these --

**P.O. LINDSAY:**

I think that decision is our decision to make.

**MR. TORTORA:**

It may be. But when the assertions are made and certainly --

**P.O. LINDSAY:**

What assertions?

**MR. TORTORA:**

When assertions that perhaps things have not been done properly, if the Ethics Commission and the integrity of the Ethics Commission is undermined, then the taxpayer themselves would not believe in the --

**P.O. LINDSAY:**

And that's exactly why we formed this Committee; is to reenforce the purpose of the Ethics Commission; and to clear their name, if it deserves to be cleared, to tweak the law, if it needs to be tweaked, or to ask the question of why the law hasn't been followed, if it hasn't been followed. They're all questions.

**MR. TORTORA:**

Fair enough.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. Thank you, Presiding Officer, for putting those comments on the record, as to what his intents are. I just wanted to ask you, without putting you on the spot too much, I know you are the newest member, but in your dealings how have you felt that the County Attorney's Office has

handled requests from the Ethics Commission?

**MR. TORTORA:**

The County Attorney's Office has supplied individuals who not only show a great deal of understanding with regard to the issues and the opinions themselves that are quite thorough and touch on any possible contingency regarding any questions asked not only by members of this Legislature but by County employees, I believe that they have worked at this job with the utmost professionalism. And quite frankly, even as a newer member, I don't sense the -- any sort of ulterior motive or any predisposition to any of these issues.

So I have confidence in the decisions that I've read. And, again, if there are questions, that certainly could be addressed directly to the Commission. But without a specific question or a specific issue, I can just leave it that the work that's been done by the County Attorney's Office is thorough and professional.

**LEG. LOSQUADRO:**

Thank you very much. I appreciate that.

**MR. TORTORA:**

You're welcome.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Good morning, sir. I mean good afternoon, right. Good evening.

How long have you been on the Ethics Committee? Didn't we approve you recently?

**MR. TORTORA:**

About two months ago.

**LEG. MONTANO:**

Two months ago. Are you -- did you follow what transpired -- are you aware of what transpired during -- with respect to the State Ethics Committee during the time that Governor Spitzer had the issue with respect to the state police involving Senator Bruno? Do you know about that?

**MR. TORTORA:**

I'm well aware from reading it in the paper, certainly.

**LEG. MONTANO:**

All right. And do you know what transpired there; the outcome of what transpired there?

**MR. TORTORA:**

In terms of? With regard to Governor Spitzer or --

**LEG. MONTANO:**

It terms of whether or not -- whether or not there was any inappropriate actions by anyone in the Commission? And whether or not anyone was forced to resign? And anyone was disciplined because of what was going on there? Are you aware of any of this?

**MR. TORTORA:**

Which Commission are you referring to?

**LEG. MONTANO:**

The Commission in the State. And I believe it was the Public Integrity Commission but I'm not sure of the name. But there's an extensive file on that. And what I'm asking you is are you privy to that?

**MR. TORTORA:**

Not to that file, no, sir.

**LEG. MONTANO:**

All right. Well, what I'm suggesting, then, is that you make yourself privy to it, all right? And as a fellow attorney you've been on the Commission for two months. And I, quite frankly, find it very, very displeasurable, if I may use that word, that after two months of being on a Commission on issues that go back many years -- and by the way, I was the sponsor of the legislation that passed providing for an independent counsel, which has been pending for over two years, it has nothing to do with the present issues involving the Ethics Committee, a bill that was sponsored by me and endorsed by the League of Woman Voters. All right? And for you to come here and make a statement with respect to a bill that's on the table and read a letter that has nothing to do with the bill, I think, is a little bit disconcerting, you know.

And I agree with Legislator Lindsay, you are the newest member there and you come very, you know, very well qualified. I remember your, you know, your presentation before the Committee. I believe that you served on the Bar Association Disciplinary Committee, etcetera, so you should know how these things work. And as attorney to attorney I have to tell you that I find it very inappropriate that you would, if you were in fact sent here by the other members to come and make a self-serving statement, all right, when we have not as a Legislature had an opportunity to review what, if anything, has been going on, is totally inappropriate. So I think, you know, I'll leave it at that. But I find it disconcerting that you would actually come here and read that statement.

That statement should not be read. We have a responsibility, you have a responsibility. We're going to follow through on our responsibility. And it's seems to me, again I'll repeat, I agree with Legislator Lindsay totally that to send the newest member, who wasn't even involved, and no one under any circumstances has made any statement with respect to your reputation, I just find it why -- you know, why are you here?

**MR. TORTORA:**

Well, may I just add?

**LEG. MONTANO:**

Sure you may.

**MR. TORTORA:**

From my position the way I see it is that I accepted the nomination and ultimately this position because I feel very strongly about full disclosure and transparency in government. And the Ethics Commission from its resurrection some years ago, I believe, in reading the opinions has done a -- gone over and above in terms of what's been issued in terms of opinions for all of you and as a resource. And certainly if there are considerations for making that Commission better or work better, I can tell you that at least myself, and I would imagine the other members of this Commission would certainly be happy to hear it, but all of the innuendo and whatever the source, whatever is printed in the paper, if you accept the position, which I did two months ago, from what you read you would think that the Ethics Commission is something that you would not wish to be associated with.

I'm certainly not blaming any one of you there. But the climate itself has turned fairly hostile. And I accepted this position two months ago hoping to carry on the tradition. And now I stepped into this and I say to myself, *well, does anyone in the Legislature have, you know, any use for this Ethics Commission as it's constituted now?* And if not, I sort of feel well what would then be the point of the Ethics Commission? And again, as an attorney I know you understand that. But that would be my personal feeling. Again, I'm not the one who was attacked. I'm not the one who drafted these opinions. But as the newest person stepping in, it gives one pause. And certainly the other two members who are holdovers, I would think that any other qualified individual would certainly give pause before stepping into this pot of stew.

**LEG. MONTANO:**

I understand your situation. And I can't speak as to whether or not you feel you made the right decision or the wrong decision in terms of accepting the responsibilities. But I also feel that --

**MR. TORTORA:**

And I'm sure that I did. I'm not --

**LEG. MONTANO:**

Excuse me?

**MR. TORTORA:**

And I feel that I did. I'm not --

**LEG. MONTANO:**

And I'm glad. I think that you with your background bring a certain level of expertise, and that's why you were approved. That's certainly why I voted for you. But I'll go back to the statement you're a member for two months. You were not there prior. You may have read the decisions, but that's probably the extent of your knowledge. And I don't think it's appropriate for you to come here and defend something when you weren't even there.

And by the way, I don't know of any statements that you're referring to other than what appeared in *Newsday*, and those are reports that came from *Newsday*. I don't think anyone here has made any disparaging remarks about you or any member of the Committee. I think what was questioned was in *Newsday* was why a certain disclosure form by a public official was not filed and other issues.

So, you know, you shouldn't take offense at that. We all -- you know, this is a rough business and we all have to develop a thick skin and it comes with the territory. You've been there for two months. You have to reassess on your own whether or not you want to continue with this. But nobody is making any personal attacks against you or the Commission.

The bill that was passed at the last session, you know, does not make any attacks on the Commission. In my opinion it seeks to make it a situation where it is -- it gives a separation between the County Attorney's Office and the Ethics Committee by having independent counsel. You already have, and I have here an outstanding bill or bills from the Comptroller's Office amounting to \$10,000 for independent counsel, which I'm not even sure why that was done. I have the dates here. We'll get into that when we discuss the override. But my point to you is that having been there two months, you maybe should have passed on this and let one of the people that was here earlier during the time in question make the appearance. I think you've been sent to the wolves unnecessarily.

**MR. TORTORA:**

Be that as it may, Mr. Montano, I would just like to conclude that I would hope that you could all continue to count on the Ethics Commission. And certainly if there are questions or concerns, we

have and at least I know that I will make myself available to any -- to address any of these concerns or questions that you may have and offer whatever expertise I have, however limited it is in these particular areas.

**LEG. MONTANO:**

We will. And what I think is going on here is that whatever facts are uncovered will be done so in a manner that is fair, that is appropriate, and in the end, whatever facts are there will come forward. And that is the process that I believe should be followed. And I don't think there's anything wrong with that.

And I want to thank you for coming here, and I want to thank you on behalf of everyone else for, you know, agreeing to serve. I looked at your resume. It's a very impressive resume and I hope that you continue to serve. But also understand our position as Legislators with respect to what's going on in terms of the media and the questions that have been raised with respect to the actions or inactions of certain individuals.

**MR. TORTORA:**

I certainly do.

**LEG. MONTANO:**

Thank you.

**MR. TORTORA:**

Thank you.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Just one or two comments. First of all, I want to thank you very much for being here today, whether you've got two months in or twenty years. I think it's important that you present in letter formation, as you did, the position of the Ethics Commission. And I can understand their sensitivity. And I would agree with some of my colleagues in terms of what has or has not been said by the Legislature. But certainly from a media perspective, if I was sitting on that Commission, I'd have great concerns about what people were thinking of me on that Commission when I look at headlines like *Panel To Be Probed; Panel To Probe Commission*. The word *probe* is not a good word. Not a good word for me, not a good word for you, not a good word for anyone else. So when the general public is reading something like that, they begin to form assumptions, if not conclusions. So I think it's important that you come down here and you present that. And I can understand where you're coming from. Thank you.

**MR. TORTORA:**

Thank you.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Counselor, as a colleague prior I am glad to see you here. But I'm just going to caution you with some of the advice that you offered. And maybe it's due to some of your newness on the Commission from the procedure. The way this Commission is constructed at this point almost everything about it is confidential. A query is confidential. An opinion is confidential. A contact is confidential. Almost everything about this body is confidential. It was designed that

way so that it would be something that people could routinely go to and get the same kind of advice that you and I know that practitioners seek from the Bar Association when they have a question. Practice question, ethics question, any other kind of thing. Good, clean, generic untainted advice. We can't discuss opinions here right now unless everybody that they were rendered to stands here and waives. I don't know if that's going to happen. I don't know if any of my colleagues know if that's going to happen.

So there is, I think, a need for this Committee, of which I'm a member, to take a look at process, function, whether or not a simple set of facts gets the same response on a consistent basis. Because there may even be a question as to that. And any time there's a question as to functionality, it's a good thing to look. Sunlight is a healthy process and a healthy cure. So bring the concerns that you might have, but understand you joined the body that in essence is confidential by nature. Do you agree?

**MR. TORTORA:**

Absolutely.

**LEG. KENNEDY:**

Okay. Thank you.

**MR. TORTORA:**

Thank you.

**P.O. LINDSAY:**

That's it, Craig. You can sit down. I'm sure you're happy that you came here with that message.

**LAUGHTER**

**MR. TORTORA:**

It was a pleasure. Thank you all.

**LAUGHTER**

**P.O. LINDSAY:**

Is there anyone else in the audience that two like to speak on 1688? And before Legislator Cooper makes a motion, 1688, the way I read the bill, is to tweak it to make it crystal clear that the intent here was to file the local form. It was not to take or to criticize anything that was done in the past. It seems to be an open and shut bill, but I guess it's misconstrued a little bit. What would you like to do, Legislator Cooper?

**LEG. COOPER:**

I'll make a motion to recess, please.

**P.O. LINDSAY:**

And I'll second that. The reason, and I just to clarify it, I asked Legislator Cooper to recess the bill for the simple reason that I would hope at some point that the Committee that looks at Ethics will come back with a set of recommendations instead of doing it piecemeal. Maybe this will be the only recommendation. I don't know. Maybe they'll be five recommendations. Maybe they'll be no recommendations. But -- I mean and Legislator Cooper has the ability to move the bill any time he wants. But I was hoping to do it in one piece instead of piecemeal. But motion to recess and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**(IR 1709) a Charter Law to implement a one-year Rolling Debt Policy under 5-25-5 law to mitigate Budgetary Shortfall. (Co. Exec.)** I don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? Mr. Dumas, do you want to speak on this subject? Okay. I'll make a --

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion to recess? Motion by Legislator Romaine to recess.

**LEG. SCHNEIDERMAN:**

Motion to close.

**LEG. LOSQUADRO:**

Second to close.

**P.O. LINDSAY:**

Second to recess? Motion to close and a second to close. And I'll second the motion to recess.

**MR. LAUBE:**

Who do we have the second to close?

**P.O. LINDSAY:**

We have a motion by Legislator Schneiderman and a second by Legislator Losquadro. On the motion.

**LEG. LOSQUADRO:**

I thought we were waiting for a one-year turn around on this instead of the two that we were initially offered. What's the hold up now?

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

**LEG. ROMAINE:**

Yes, this is the -- this applies to 2010. We're in the eighth month of 2010, even if the committee acted and this was charged out, there's four months left. Again, what we're doing is suspending a law where we go out and we take debt on for things that are small. And the perfect example was the last Capital Budget where we went through things as small as \$4,000 that we were going to go out to debt. This is a kind of requirement for pay-as-you-go. If anything should remind us of this financial crisis, pay-as-you-go is a pretty good program. Going into debt is probably for the small items, for the less than important -- not less than important, but less than capital items. For the small tiny items probably makes very little sense. Capital Budget items, things over 25,000, absolutely; things under 25,000, we should be able to pay as we go. For the remainder of the year, I'd like to pay as we go and not go deeper into debt. So I move to recess.

**LEG. KENNEDY:**

Second.

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

There is already a second.

**P.O. LINDSAY:**

Does anybody else want to talk on this? Legislator D'Amaro.

**LEG. D'AMARO:**

I just want to ask a point of inquiry; is there a motion pending to close as well? I missed that.

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

Yes.

**LEG. D'AMARO:**

And it received a second?

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

Yes.

**LEG. D'AMARO:**

Okay, thank you.

**P.O. LINDSAY:**

The question I have for Ms. Vizzini, this is for this year; didn't we do this last year for this year?

**MS. VIZZINI:**

Well, no; we've done this every year since 2002.

**P.O. LINDSAY:**

Okay.

**MS. VIZZINI:**

We didn't get around to exempting ourselves for 2010. This is --

**P.O. LINDSAY:**

So what have we been doing all year long up till now?

**MS. VIZZINI:**

Well, there is no pay-as-you-go money. There is no General Fund transfer in the 2010 Adopted Capital Program, or for 2011. So this resolution is for the remainder of 2010 and the next one is for 2011.

**P.O. LINDSAY:**

But if there's no pay-as-you-go money, what difference does it make?

**MS. VIZZINI:**

We still have a law that requires us to do it, so what we have done since 2002 is waive that law.

**P.O. LINDSAY:**

So we don't waive it, we just don't buy anything under the 5-25-5 policy.

**MS. VIZZINI:**

Correct, and there is no General Fund transfer money in the 2010 Adopted Capital anyway.

**LEG. ROMAINE:**

So it doesn't matter.

**P.O. LINDSAY:**

Legislator Romaine, did you want to --

**LEG. ROMAINE:**

Yeah, a quick question. Again, just to reeducate people like me, sometimes I'm a little dense, 5-25-5 means exactly what?

**MS. VIZZINI:**

Typically it's items that are \$5,000 in the aggregate, 25,000, and have --

**MR. LIPP:**

Aggregate costs are 25,000.

**MS. VIZZINI:**

PPU, a use-for-life of less than five years; computers.

**LEG. ROMAINE:**

Most of these we usually don't go out to bond. In the past, before 2002, we'd usually try to pay-as-we-go. Instead of buying items 5,000 or even less, like we were going to do at Gabreski for \$4,000, even less, we would go to bond for this. This is like taking out the credit card and going to bond and adding more to the debt.

In my view, the 5-25-5 issue was put in place a long time ago by a law of this County. And because we find it convenient, before -- because we can put off these expenses by bonding them out, we have since 2002 forgone a law, a policy that was put in place. When you forgo it for eight years and you have the ability to spend it, obviously you've legislated de facto. Either this is a good policy or a bad policy. Gail, were you in favor of this policy when this was suggested?

**MS. VIZZINI:**

Well, Budget Review has advocated for pay-as-you-go for as long as I can remember, and we continue to do so as soon as the fiscal climate allows that. And if I may just add the aspect, the law does cover what we can define as recurring expenses, and the magnitude of those expenses can be a little bit larger; roof tops, you know, some degree of dredging and what have you. So, but you do have to have the matching funds in the Operating Budget.

**LEG. ROMAINE:**

Well, hopefully that's provided come budget time. And we obviously don't have those funds this year, so it really is almost immaterial. Thank you.

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

May I just --

**P.O. LINDSAY:**

Go ahead, Legislator Fisher, and then I'll hear from Mr. Zwrin.

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

And I think I've mentioned this before, and of course it's been moot since we haven't had the money to do it, but we can, on a case-by-case basis, say that we want to pay cash for it.

**MR. ZWIRN:**

Absolutely.

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

That's -- you know, we've done that in the past where we have said that we will not vote for something that's bonded when it's a small amount of money.

**P.O. LINDSAY:**

And we take up a collection.

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

We pass the hat. We pass the hat.

**P.O. LINDSAY:**

Legislator -- no more Legislators, right? Mr. Zwirn.

**MR. ZWIRN:**

Thank you, Mr. Presiding Officer. The only point I would make is, one, that there was no money in the 2010 budget for pay-as-you-go or in the 2011 Capital Budget. There was no money provided, so there are no funds there, first of all.

And second of all, the Deputy Presiding Officer is correct, any bill that comes back for any purchase that the County is going to be making is going to come back for a particular vote. So if the Legislature is unhappy with the amount of money being spent, a small amount, then they can always vote no.

**P.O. LINDSAY:**

Okay. We have two motions before us, a motion to approve and a motion to recess.

**LEG. EDDINGTON:**

Close.

**P.O. LINDSAY:**

Recess and close, recess and close. And recess goes first, so roll call.

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

**LEG. ROMAINE:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

No.

**LEG. GREGORY:**

No.

**LEG. HORSLEY:**

No.

**LEG. NOWICK:**

Yes to recess.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

(Not present).

**LEG. CILMI:**

No.

**LEG. MONTANO:**

(Not present).

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

No to recess.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

No to recess.

**LEG. BARRAGA:**

No to recess.

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

Did you forget somebody?

**MR. LAUBE:**

Viloria-Fisher? I was just making sure I had everybody.

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

No.

**MR. LAUBE:**

Eight.

**P.O. LINDSAY:**

No Montano.

**MR. LAUBE:**

Eight.

**P.O. LINDSAY:**

Okay, so eight to recess, so it fails. Okay, to approve.

**LEG. LOSQUADRO:**

No, close.

**LEG. EDDINGTON:**

Close.

**P.O. LINDSAY:**

Close, I mean close. Go ahead.

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

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. LOSQUADRO:**

Yes to close.

**LEG. COOPER:**

Pass.

**LEG. D'AMARO:**

Yes to close.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

(Not present).

**LEG. EDDINGTON:**

No.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. ROMAINE:**

No.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**MR. LAUBE:**

Fourteen.

**P.O. LINDSAY:**

Okay, *Public Hearing on IR 1710-10 - A Charter Law to implement a one-year Rolling Debt in 2011 under 5-25-5 Law to Mitigate Budgetary Shortfall (County Executive)*, this is for next year.

**LEG. LOSQUADRO:**

Jay, same motion?

**LEG. SCHNEIDERMAN:**

Yeah, close.

**P.O. LINDSAY:**

I don't have any cards on this subject. Anybody in this audience who would like to speak on this subject? Seeing none, I'll entertain a motion.

**LEG. GREGORY:**

Motion to close.

**LEG. SCHNEIDERMAN:**

I'll make a motion to close. Just send it to committee and we can deal with it there.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Okay, second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***Public Hearing on Procedural Motion No. 13-2010 - Proposed sale of John J. Foley Skilled Nursing Facility (Presiding Officer Lindsay).*** I think we're all talked out on that, right?

Anybody else want to talk? Nobody else wants to talk? We have to recess this for another public hearing in Riverhead which will be on the 17th. So I'll make a motion to recess.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

Okay, setting the date for the following Public Hearings of August 17th, 2010, 2:30 PM, Maxine Postal Auditorium, Riverhead, New York: IR, 1752, a Charter Law to provide notice of appointments to boards and commissions; IR 1753, a Local Law to safeguard the integrity of sales made at precious metal and gem exchanges; IR 1782, a Local Law to register prepared cell phones purchased in Suffolk County; IR 1824, a Local Law to clarify the residency as a requirement for service on the Hispanic Advisory Board; IR 1827, a Local Law adding new invasive non-native plant species to the County's do not sell list; IR 1834, a Local Law to standardize home energy audits in Suffolk County; IR 1835, a Local Law amending Chapter 8 of the Suffolk County Code; and IR 1836, a Local Law to amend the Suffolk County Code in regard to the sewer system refunds. Okay, that was a motion.

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

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, the **Consent Calendar**. Do I have a motion on the Consent Calendar?

**LEG. BARRAGA:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Barraga, second by Legislator Gregory. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**Resolutions Tabled to August 3rd, 2010:**

***1370-10 - Adopting Local Law No. -2010, A Charter Law to increase the accountability of department heads (Cilmi).***

**LEG. CILMI:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Cilmi.

**LEG. D'AMARO:**

Bill, please note my recusal once again for the record.

**P.O. LINDSAY:**

Okay. You got that? We have a motion and a second to table.

**LEG. MONTANO:**

Who's the second?

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

I did.

**LEG. MONTANO:**

Oh, Vivian.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Recused: Legislator D'Amaro).

**P.O. LINDSAY:**

It stands tabled.

***1371-10 - Removing Richard Dormer as Commissioner of the Suffolk County Police Department (Cooper).***

**LEG. COOPER:**

Motion to recess.

**LEG. MONTANO:**

Table.

**P.O. LINDSAY:**

Table.

**LEG. MONTANO:**

Second.

**LEG. COOPER:**

Motion to table.

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

**P.O. LINDSAY:**

You have the same confusion I do.

**LEG. COOPER:**

Thank you. Motion to table.

**P.O. LINDSAY:**

Second that. All in favor? Opposed? Abstentions?

**LEG. MONTANO:**

I was the second.

**LEG. BROWNING:**

I'm opposed.

**LEG. ROMAINE:**

Opposed.

**P.O. LINDSAY:**

We've got two opposed.

**LEG. MONTANO:**

Two opposed to tabling?

**MR. LAUBE:**

Sixteen (Opposed: Legislators Romaine & Browning).

**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. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper.

**LEG. D'AMARO:**

Mr. Presiding Officer, please note my recusal on the record.

**P.O. LINDSAY:**

Okay.

**LEG. STERN:**

On the motion.

**P.O. LINDSAY:**

Did anybody --

**LEG BROWNING:**

Second.

**LEG. LOSQUADRO:**

Motion to table.

**P.O. LINDSAY:**

Seconded by Legislator Browning. Motion to table by Legislator Losquadro.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga.

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

Mr. Chair, I have a question, because I think this was amended. I would just like to know, if it was amended, what the changes were.

**P.O. LINDSAY:**

And then I'll get to you, Legislator Stern.

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

I'm sorry, I didn't know you had a list.

**P.O. LINDSAY:**

That's all right.

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

I'll wait.

**P.O. LINDSAY:**

No, that's all right. You asked what the changes are; that's very pertinent before we start discussing it.

**MR. NOLAN:**

It was amended once about six weeks ago. I don't recall the precise amendments that were made at that time; I don't believe they were major changes.

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

Okay, but they were substantive enough.

**P.O. LINDSAY:**

Legislator Cooper, do you know what the changes -- any changes were made?

**LEG. COOPER:**

Nothing recently; it was a minor change that was made six or eight weeks ago.

**P.O. LINDSAY:**

Okay. Okay, Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Chairman. I guess a question for our Counsel.

The standard here, George, is "*for cause*". Let me just get your take on how "*for cause*" is defined, is it purposely not defined? And going forward, ultimately, I guess procedurally, who makes that determination?

**MR. NOLAN:**

Well, ultimately the Legislature would make that determination through a resolution if somebody should be removed *for cause*. Sometimes in removal statutes, *cause* is defined and sometimes it's not; a decision was made here not to define it, but the Legislature would have to make that determination on a case-by-case basis as the need arose.

I should mention that the law makes it clear that removal would -- a resolution that removed a department head or a board member would be subject to a County Executive veto and subject to the usual override provisions for any other type of resolution.

**LEG. ROMAINE:**

Question.

**LEG. STERN:**

And if there is a determination down the line that someone has been removed *for cause*, what type of precedential value does that have? If there is someone later on that is accused of doing the same type of activity, does the prior removal of somebody else on a completely unrelated matter have any type of precedential value going forward?

**MR. NOLAN:**

Not like a court decision or a court determination would have, I don't believe so. I think a Legislature would probably be mindful of precedents that occurred in the past, and if they remove somebody for a reason and then the same exact thing happened a couple of years later or eight years later, I think they would be mindful of that but they would not be bound by it.

**LEG. STERN:**

So it might be persuasive but not binding.

**MR. NOLAN:**

Correct.

**LEG. STERN:**

Thank you.

**P.O. LINDSAY:**

Legislator Cooper.

**LEG. COOPER:**

Thank you. What precipitated my introduction of this resolution was the position by Legislative Counsel that the Suffolk County Charter already grants this authority to the Legislature, that we currently have the ability to remove appointed -- elected officials that were appointed by the County Executive and confirmed by the Legislature as a coequal branch of government. The problem is that the County Attorney took a contrary position, she looked at a different part of the Charter that she felt conflicted with the part that George was looking at, and she felt that the Legislature does not have the ability to remove appointed officials.

So in an effort to clarify that once and for all, I drafted this bill. And it simply says that if the Legislature, as a coequal branch of government, believes that an appointment -- appointed Commissioner or department head should be removed for cause, and charges will have to be brought, there will be evidentiary hearings, opportunity for the Commissioner to defend himself or his self, but if the Legislature feels that there is cause to remove that appointed official, it confirms that we have the ability to do so.

If we were not to approve this resolution, it will be ceding authority of the Legislature that we currently have to the County Executive, and I don't believe that that's something that would be wise for us to do. I think it benefits the residents of Suffolk County and certainly Suffolk County government for the two branches to remain coequal, and if this resolution is not approved it will weaken the authority and the power of the Suffolk Legislature.

**P.O. LINDSAY:**

Legislator Cilmi?

**LEG. CILMI:**

I guess question to Counsel. Is there -- are there any other instances in Municipal Law where *cause* is explicitly defined? And if, so would -- if this law passes, would our definition then sort of revert to that definition?

**MR. NOLAN:**

There are places in State law that I saw where, you know, *cause* was defined and, you know, malfeasance, misfeasance, maladministration, things like that. This law just says *for cause*. I would expect that if the Legislature ever removed a department head or a board member, it would be for something, you know, fairly substantial, you know, malfeasance in office or misfeasance. Even if you put those type of terms in, I'm not sure how much guidance that gives to Legislators. I think you're going to have to take them on a case-by-case basis.

I do want to point out that currently in the Charter it says that the County Legislature has the authority to remove any appointed officer, and only for termed officials is there a necessity to develop charges and have a hearing. The County Attorney opined at one of the committee meetings that because the County Executive appoints people to serve at his pleasure, she thought there was an inconsistency, and I agree, there's a disharmony and that's why this bill came forth. This Charter change actually narrows the Legislature's authority; we can't remove just any appointed officer now, it's only department heads and board members.

For anybody who's going to be removed, there has to be charges developed and the person who is going to be removed is going to be given an opportunity to be heard. And we've also clarified that any resolution removing a department head would have to go to the County Executive, and if the County Executive disagreed with the removal of the person he could veto it and then it would take a super majority of the Legislature to override and actually finish the removal process.

**LEG. CILMI:**

I'm just a bit concerned about the ambiguity of the word *cause*. I'm wondering, through the Chair, if I could ask the sponsor if he has any inclination at all to adopt the New York State definition in the New York State Code of the word *cause*.

**LEG. COOPER:**

Well, I would have no objection to doing so, but in my discussions with Counsel, I honestly didn't see the benefit. I mean, George, what is your feeling on this? If you think it would be advantageous to more clearly define *for cause*, I would be more than willing to do so, but as I recall, you didn't see any real benefit accruing.

**MR. NOLAN:**

I didn't see a lot of benefit to it because a lot of the terms are themselves, you know, maladministration, misadministration, malfeasance, those type of terms are used typically in these statutes. And also, I didn't think -- by putting in those types of terms, there was a possibility you could not address every situation that might arise. You cannot foresee every situation that might arise with a board member or department head. The Legislature is, you know, a coequal branch of

government, 18 people coming together can look at a situation and make a determination if somebody should be removed or not. And again, we made it subject -- we put in more protections for department heads than is in the Charter now and made it clear that it has to go to a County Executive for signature. So I think those changes make it -- make it clearer and fairer.

**P.O. LINDSAY:**

Legislator Romaine, and then I'll come back to you, Legislator Stern.

**LEG. ROMAINE:**

The Counsel and the sponsor have answered all my questions to my satisfaction that I was going to raise. Thank you very much.

**P.O. LINDSAY:**

Thank you very much for your brevity. Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Chair. Just to be clear, because when we make a record, and particularly when we're talking about a term that can be viewed as vague and open to interpretation by other members that serve, you know, years from now they're going to be looking back on Legislative history, particularly to define what a vague term means going forward. I mean, we could spend hours and hours or days, George, talking about what this definition should include.

**MR. NOLAN:**

And I'll just point out, Legislator, that in the Charter now it just says *for cause*, and there is no definition of that term. So it's --

**LEG. STERN:**

Understood.

**MR. NOLAN:**

Okay.

**LEG. STERN:**

But for the record, it's just as important to define what it doesn't mean as it does perhaps to leave it as open-ended going forward, and that is certainly *for cause* would mean misfeasance, malfeasance, you know, some of the terms that you utilize and not mere policy disagreements going forward, but that we would suspect that it would rise to a much higher level than that.

**MR. NOLAN:**

Right, I would agree with that, it should be something substantial, something serious. But on the issue of the -- with the policy, yeah, it shouldn't just be because you have a different policy idea than a Commissioner or a board member. But I should state for the record that if the Legislature establishes a clear County policy that a department head just then decides not to carry out, you know, that's a different situation that I think the Legislature could consider as a possible grounds.

**LEG. STERN:**

Thank you.

**P.O. LINDSAY:**

Okay. Mr. Zwirn, you're speaking for the team.

**MR. ZWIRN:**

Yes. Thank you, Mr. Presiding Officer. The County Exec's Office is also concerned about the vagueness of *cause*. And we agree with Legislator Cilmi, I mean, you can have a scenario without this County Executive going forward. You have a County Executive who gets elected, gets appointments to department heads, and then in the next election the Legislature changes hands and you have a 12-member majority and they don't like the department heads or they want to fight with the County Executive and take away some of the powers. Where it says just cause, you can have almost any cause and it becomes debatable, what is a cause without any kind of definition whatsoever? And you can see yourself tying up, you know, the County government on a day-to-day basis indefinitely.

So we think at least there should be some, you know, some specificity, at the least, you know, adopting the State guidelines so that there is some -- you know, a department head comes in and goes before the Legislature for approval, whether it's a Commissioner, and they have to have some sense of, you know, that they're going to have some stability, that they can't be brought up on charges of *cause* without having any idea what they might be. We just think that in the sense that it would be much fairer and much more reasonable going forward is to have some sort of definitions of *cause*.

**P.O. LINDSAY:**

The only thing, Mr. Zwirn, again, we hear your remarkable words and we'll tell your boss that you were remarkable with your comments --

*(\*Laughter\*)*

But here's what the problem is, is we think we've had this power for 40 years and there's a disagreement between the County Attorney's Office and our Counsel, so this is simply to clarify an authority we think we already had.

**MR. ZWIRN:**

We're not dis -- my only suggestion is is that we just spell out what *cause* would be so a department head -- and not all the department heads are going to be subject to this because you have certain terms, I guess, with Social Services where they have a five-year term, so I don't know how that plays into this legislation. But at the very least, if we could just have some definition of *cause* so that a department head coming forward for a confirmation hearing or a Commissioner for a confirmation hearing has some sense of what might be grounds for termination.

**MR. NOLAN:**

If I just could --

**P.O. LINDSAY:**

Go ahead.

**MR. NOLAN:**

-- just say that this has been in the Charter for 40 years. I don't think any department head has ever been removed under that and I don't think there was ever an attempt to remove a department head. I believe there was just a couple of occasions where proceedings were started to remove people who were on boards, so it's been rarely used. I would expect it would be rarely used in the future and really only for very serious situations.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Yes, I just wanted to get a clarification from Counsel. This bill, as I understand it, emanates from the different interpretations between our Counsel and the County Attorney; correct?

**MR. NOLAN:**

That's where it started, yes.

**LEG. MONTANO:**

And the provision that you cited that says that we have the authority to remove a department head, I guess other than a termed department head, is a less stringent requirement than this particular legislation; is that what you're saying?

**MR. NOLAN:**

The existing Charter says the County Legislature has the authority to remove any appointed officer. Termed officers can be removed, but for those people there has to be written charges and there has to be a hearing and an opportunity to be heard.

**LEG. MONTANO:**

Right. But those -- those Commissioners that are not term appointment, under the existing Charter section, are subject to removal by the Legislature at this point without going through a hearing and without specifying any particular charges; is that accurate?

**MR. NOLAN:**

That's correct.

**LEG. MONTANO:**

So this change actually makes it a more involved procedure, and I would argue probably a more cumbersome procedure in terms of removing a Commissioner.

What I'm curious about now is that assuming that we bring charges against a Commissioner and we go through a hearing, do you have any idea of the procedural mechanism that we're getting ourselves involved with? And what happens if we go through the process of going through a hearing, you know, submitting charges, going through a hearing, substantiating the charges and then eliminating or terminating the Commissioner, what rights, if any, does the Commissioner have to appeal that particular -- that particular decision, either through an Article 78 or some other legal proceeding? What I'm trying to get -- what I'm getting at is are we creating a procedure where this could take a long time and a long, drawn-out process to fire a Commissioner that we think is not doing an appropriate job?

**MR. NOLAN:**

Well, it certainly is going to be longer because under the current Charter you would just pass a resolution and, you know, that would basically be it.

In discussions with the sponsor of the bill, it was thought and decided that removing somebody from office is a very serious step to take, and that before doing that the charges, the problems with that Commissioner or board member should be articulated and put in writing and that person should be given an opportunity to be heard.

**LEG. MONTANO:**

Right, but that right, while it would apply to us, doesn't apply to the County Executive, because the County Executive could fire any Commissioner --

**LEG. ROMAINE:**

At any time.

**LEG. MONTANO:**

-- at any time for any reason. If he doesn't like the color of his hair, if he wants to just appoint someone else, he can unilaterally, without hearing, without any reason say, "I don't want you anymore, good-bye."

**LEG. EDDINGTON:**

He just did that.

**LEG. MONTANO:**

He just did that, I know that, that's what I'm getting at, but we don't have the authority to do that. We do have the authority under the existing law, we're now eliminating that authority because of an interpretation or a dispute between your -- between our Counsel and the County Attorney, and I'm just wondering why we would want to do that. Is there another way of ascertaining whether or not -- or ascertaining how this dispute between your opinion and the County Attorney's opinion can be resolved without passing a bill? Because that's what's central here. We say one thing, you know, we say yes, you say no, and the question is, well, how do we resolve it. And I don't know that making a bill that makes it more cumbersome on us and not on him is the way to answer it.

**MR. NOLAN:**

Well, I think the County Attorney's position is we do not have the authority to remove Commissioners who are appointed to serve at the pleasure.

**LEG. COOPER:**

Bill?

**MR. NOLAN:**

And I don't know how we resolve that without making some type of amendment to the law. I don't believe the County Attorney is going to change her position if we do nothing.

**LEG. MONTANO:**

Well, you're not changing your position, are you?

**MR. NOLAN:**

Absolutely not.

**LEG. MONTANO:**

Well, so we're in a stalemate. What I'm saying is that --

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

Checkmate.

**LEG. MONTANO:**

Well, it's check, it's not checkmate yet, but we're close to it. I don't think that -- I don't think that I could support a bill that makes it more restrictive than the language in the Charter without looking further into the Charter and without ascertaining if there is another mechanism for resolving that dispute, other than her -- you know, her decision or her interpretation and your interpretation. Because we also have other members on the board who are lawyers and they're members outside and the old cliché is if you ask ten lawyers the same question, you're going to get ten different answers. So there's got to be some way, maybe a declaratory judgement would be a way, maybe if we fired a Commissioner and he or she challenged it and then it went to court that would resolve the

matter. So I don't know that we need to pass a law at this point, and I'm certainly not prepared to do it without further study.

**MR. NOLAN:**

That, of course, is a determination for you and the rest of the Legislators.

**LEG. MONTANO:**

Thank you.

**P.O. LINDSAY:**

Just to weigh in, I'd rather change the law than fire somebody, you know, just to see if we're right.

**LEG. MONTANO:**

I'd rather fire someone and worry about it later.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Okay. We've got Legislator Cooper, I know the County Attorney wants to weigh in and I'm going to just hold off and let you have the last word, how's that?

**MS. MALAFI:**

Everyone keeps talking about the County Attorney's opinion. And I didn't want to reiterate the whole long discussion we had had, but I figured I would stand up here. If anyone has any questions, I could give a brief overview of my position just so you -- just to refresh everyone's recollection.

**P.O. LINDSAY:**

Okay, Legislator Montano was going to take you up on your offer.

**LEG. MONTANO:**

There's no recollection to reflect on my part because I wasn't privy to your opinion. What I'm asking you is have you submitted your opinion orally or is this a written opinion that I just haven't seen?

**MS. MALAFI:**

No, I stood here, I believe, at least two other Legislative meetings and gone through it.

**LEG. MONTANO:**

All right. Well, my point is, and we've had this conversation before, you know, I respect your opinion, but when it comes to issues like this -- and I have asked this in the past -- if you are going to give a legal opinion, then I would expect and I would request that your legal analysis be put in writing so I can read it, I can review it and I can study it. The oral presentation of an opinion like this, from an attorney's perspective, you know, it's just like being in court; the Judge is going to tell you, you know, "I've heard your arguments, but I want to see your brief."

So I think it's incumbent, I don't know how the other Legislators feel, but I would like to see your analysis, you know, citing the law and citing your precedent and citing your cases so I can make an informed decision. And I'm not being -- you know, I'm not being picky because I have asked for this on other occasions when it comes to a legal opinion. So this is of such import that I would ask that, you know, you give to me something in writing that tells me where you stand, why you stand there and how you reason that, and then intellectually we can argue whether or not I agree with you or not attorney-to-attorney.

**MS. MALAFI:**

That's not a problem. I only write down my legal opinions when someone asks me for it, and no one has asked me --

**LEG. MONTANO:**

You have been asked, thank you very much.

**MS. MALAFI:**

No one has asked me for it up till now.

**LEG. MONTANO:**

I'm asking you as a courtesy and as a Legislator. Thank you.

**MS. MALAFI:**

That's not a problem, I can put it in writing. But does anyone just want me to do a little quick refresher as to the reasons that --

**LEG. MONTANO:**

Not me.

**MS. MALAFI:**

Okay.

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

Legislator Cooper.

**LEG. COOPER:**

I just wanted to explain. I understand the concern that Legislator Montano expressed over the fact that by requiring cause to remove an appointed department head, we're making it a little bit more difficult, at least on paper, to fire a Commissioner or a Director, but practically, I honestly don't think that's the case.

The fact is that over four decades we've never fired a department head. We have another resolution before this body right now to remove Police Commissioner Dormer. When I speak to individual Legislators, there are more than ten votes, more than twelve votes, I believe, that feel that he is not doing a good job, that he's not carrying out policy appropriately, etcetera, etcetera, but there are some Legislators that despite that fact are not willing to pull that trigger and actually fire him.

So I think that without being required to show cause and go further and have evidentiary hearings and an opportunity for the Commissioner to defend himself against charges, if you take that away, I don't think that we're ever going to fire anyone or remove anyone from office. So I think that in a more egregious case where there is cause to remove somebody, I think it's very important for us to make it clear that we do need to have that authority, the County Attorney's position is that we don't, and that's extremely troubling to me.

So I've been working with Legislative Counsel, I've been attempting to strike a balance here. I have -- this has been drafted so that instead of requiring only ten votes, the County Executive has the ability to veto the bill and we would need a super majority to override. So I've really bent over backwards to be as fair and balanced as possible. And I think that this is simply a reiteration of the authority that I believe this Legislative body currently has, our Counsel agrees with that. And I'm -- I would be greatly concerned if, as a body, we don't support this in a bipartisan fashion. I think it would send a very troubling message and I think it would be allowing the County Executive to usurp some of our authority as a Legislative body. So once again, I hope that all of you will support this

measure. Thank you.

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

Legislator Schneiderman. Ric, you want to be back on the list?

**LEG. SCHNEIDERMAN:**

The County Attorney feels that we don't have this power and our Legislative Counsel feels that we do have the power to remove these individuals.

Before being a Legislator, as many of you know, I was an administrator, a Supervisor in the Town of East Hampton, and there were occasions where we dismissed department heads. And a lot of those discussions, because they were personnel-type of discussions, happened in executive session, and sometimes, you know, an individual's reputation or whatever may be on the line and it was done in a more quiet way.

I'm a little bit concerned here that because of this -- these public types of hearings, this public record, you know, in terms of showing cause that we may be making it extremely difficult, more difficult to remove a department head, and that sometimes the less said is better.

So I guess my question really is for Counsel; would we be required to -- you know, if it's a personnel type of matter, employee/employee type of relationship, to have all this in open session or could this be done in executive session, these public hearings, and have a more -- have a process that may protect the individuals involved?

**MR. NOLAN:**

Well, if a town can do that under probably an Open Meetings Law exemption where it's a personnel matter, I'm sure the County could as well. So I think we'd have the same ability to do that as you did at the town level, because you operate under the same Open Meetings Law.

**P.O. LINDSAY:**

Is that it?

**LEG. MONTANO:**

One more.

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

Legislator Montano.

**LEG. MONTANO:**

Yeah, I think Legislator Schneiderman makes a good point, and I'm just going to speak from personal experience. I don't want to beat this to death, but when I first came to Suffolk County, I came as a Commissioner-level appointment and I served at the pleasure of the Board of Commissioners. And my arrangement -- when we take Commissioner-level appointments, we understand that, you know, because these are policy positions and things change, there really isn't a great amount of job security. And the only job security that I had was that I could be terminated for any reason except they would have to give me 90 days notice, and I was fine with that. And I served for seven years and then when a new commission came in they said, "We just want to go in another direction," our reputation, my reputation wasn't ruined, there was no need to go through a hearing. I got my 90 days notice, I thanked them for service and I went on my way, and I think that's the way it should remain.

I don't like the process that you indicate of dragging someone here, saying you did something wrong, telling them, whether it's a Police Commissioner or the Social Service Commissioner, that you did something wrong, because we have policy changes. And then that person has to go apply

for another job in another jurisdiction, and at a Commissioner level they ask you, "Why did you leave?", "Well, change in administration." But if we now find that he did or she did something wrong, we have really tarnished that person's reputation and that person is going to be, in many cases, unable to get employment when, in fact, we're talking policy decisions and not necessarily -- you know, stealing money is one thing, you know, doing things that -- when you talk about cause, you're talking about issues that sound very serious. And sometimes we may want to, you know, let a Commissioner go because it's not the direction that we feel we want to go as a body and that person isn't complying or isn't able to carry out the policies that we want. So I would ask -- I think that it's appropriate to table this bill until we further study it and, you know, I just want to make that clear.

**P.O. LINDSAY:**

Anybody else? All right. We have -- oh, Legislator Schneiderman, did you want to --

**LEG. SCHNEIDERMAN:**

No, I got to speak.

**P.O. LINDSAY:**

Okay. All right, what motions do we have before us?

**MR. LAUBE:**

You have a motion to table and you have a motion to approve, and you have seconds on both of them.

**P.O. LINDSAY:**

Okay, motion to table first; roll call.

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

**LEG. LOSQUADRO:**

Yes to table.

**LEG. BARRAGA:**

(Not present).

**LEG. COOPER:**

No.

**LEG. STERN:**

No.

**LEG. GREGORY:**

No.

**LEG. HORSLEY:**

No.

**LEG. NOWICK:**

Yes to table.

**LEG. KENNEDY:**

Yes.

**LEG. CILMI:**

Yes to table.

**LEG. MONTANO:**

Yes to table.

**LEG. EDDINGTON:**

No.

**LEG. MURATORE:**

Yes to table.

**LEG. BROWNING:**

No.

**LEG. SCHNEIDERMAN:**

No to table.

**LEG. ROMAINE:**

No.

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

No.

**P.O. LINDSAY:**

No.

**LEG. BARRAGA:**

Yes to table.

**MR. LAUBE:**

Seven (Recused: Legislator D'Amaro).

**P.O. LINDSAY:**

Okay, to approve; roll call.

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

**LEG. COOPER:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

No.

**LEG. KENNEDY:**

Pass.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

No.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. MURATORE:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. KENNEDY:**

Yes.

**MR. LAUBE:**

Eleven (Recused: Legislator D'Amaro).

**P.O. LINDSAY:**

Okay.

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

The out of order ones.

**P.O. LINDSAY:**

I'm going to recognize Legislator Eddington for the purpose of taking a bill out of order.

**LEG. EDDINGTON:**

Yeah, I would ask to take 1574 --

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

Your mic, Jack.

**LEG. EDDINGTON:**

Excuse me?

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

Your mic.

**LEG. EDDINGTON:**

Yes, I'm going to ask to take 1578 out of order, it's a Local Law regulating utility poles. We have --

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

We have a motion to take 1578 out of order and it was seconded by Legislator Romaine. All in favor of taking it out of order? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

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

It's in Public Works.

**P.O. LINDSAY:**

It's on page eight, down the bottom, the first one under Public Works. And you called the vote, the motion -- the reso is before us; am I correct, Mr. Clerk?

**MR. LAUBE:**

You are correct.

**P.O. LINDSAY:**

Okay. All right, we have -- do I have a motion on 1578?

**LEG. EDDINGTON:**

I make a motion to approve.

**P.O. LINDSAY:**

Motion to approve --

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

-- by Legislator Eddington. Seconded by Legislator Browning.

Any other motions; that's it? Anybody want to speak on the subject? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

You know, as Chairman of the committee, let me say that to me this arose out of the double wood problem, which is rampant. There's no question that these utilities have been irresponsible in terms of removing the double woods, and it is a blight throughout Suffolk County. And thanks to Legislator Eddington's initial bill and this bill, they have, Verizon in particular, has come to the table and has

worked with the committee, and myself in particular, in trying to set a standard for removing these double woods.

They have provided each month, each committee cycle a list of the numbers of poles removed. We had set a standard of 250 poles per month, they at least claim to be exceeding that; there have been people who have questioned their numbers. So the effect has been very positive, having this hammer, basically, out there in terms of having Verizon actively removing the poles.

This bill in particular deals with public safety hazards. The Commissioner did testify that the utility has been very responsive whenever there has been a situation where a pole, utility pole was a threat to public safety. So I felt I should let all my colleagues know, at least from my opinion, they have been acting in good faith, this utility. And I would like to see a schedule continue where we can see the elimination of these double woods? And so far -- to me, they've acted in good faith by upping the numbers; if 250 a month isn't enough, 300 a month, whatever it is. But it's hard for me to support a punitive -- what I see as a punitive bill when I believe that they're acting in good faith, and I think that was, in essence, the genesis of the bill.

**P.O. LINDSAY:**

Okay.

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

Can I ask him a question?

**P.O. LINDSAY:**

One minute. Legislator Losquadro?

**LEG. LOSQUADRO:**

Thank you. I just wanted to really echo Legislator Schneiderman's comments. I think this is a little too early to be moving in this direction. I think a little more time given for compliance on this would be something that would be prudent. So, you know, maybe at some point in the future, if we're not happy with the results over a longer period of time, you know, but right now I think we need to give it a little more time.

**P.O. LINDSAY:**

Okay, Legislator Browning.

**LEG. BROWNING:**

Yeah, I -- you know, I think we -- some of us remember about four years ago, Verizon and CWA both came and sat at the table at a Public Safety meeting and spoke about the double pole issue and how they were going to work with our communities. And I will tell you, I have called Verizon many, many times for my district to have poles removed and they have responded. However, things have seemed to slack off a little bit. There are staffing issues where the staff is not to what it was four years ago to get the work done. And I think this bill, while you're saying let's give them time to do this and you think that they're doing the right thing, I think that what we're just saying here is making sure that they can continue to do the right thing, and that's why we need to support this bill. Because I think if we don't pass this bill, they may go back to their old ways and not do what they need to be doing.

**P.O. LINDSAY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I'm taking a look at the departmental notification process and I see that it looks as if it's the Department of Public Works which has to act in the first instance. And then this appears to be directed to the County Attorney's Office, if the utility fails to go ahead and act within 15 days and it actually charges them, I guess, with bringing a cause of action against the utility.

Through the Chair, I'm curious. Not being a member of the committee, I don't know if either the County Attorney's Office or the Department of Public Works spoke about their ability to actually carry this -- these directives out, or is it something they do in the normal course of their personnel going up and down County Roads; and/or how about the County Attorney's Office, are they going to go into court and bring actions?

**P.O. LINDSAY:**

I think Legislator Eddington, the sponsor, might have some answers for you; all right?

**LEG. KENNEDY:**

Sure.

**LEG. EDDINGTON:**

Yeah, this is -- actually, anybody that says give a little bit more time has been asleep. We started in 2006 on this legislation, so we have been trying to -- you know, I always am a proponent for educating, not legislating. And every time we threaten legislation, there's a flurry of work. I don't care if it's Cablevision or Verizon, but people start paying attention. But I don't like threats, that's not where I'm coming from. And that's why I've changed this, so that we have DPW and they're going to make an on-line location so the public can notify DPW and then DPW will check to make sure that it is, in fact, a hazard. And when I talk hazard, I mean we have poles in your neighborhoods that are hanging from a wire. Now, I'm not saying it's Verizon, it could be Cablevision, I don't care; as the Chair of Public Safety, they are hazards. Or there are ones that are splintered and literally cracked and have a wire hanging on there. We're saying that within 15 days of notification, you should be able to get there and take it off. You should -- there should be a better system. And if you can't do it on your own, we will take responsibility to notify you, but then it's going to be a fine if you don't do it. And that's really what this is all about, the safety of our citizens. And I know everybody here has seen these poles.

**LEG. KENNEDY:**

Through the Chair, actually, I know you've worked on this for quite some time, Legislator Eddington, and I commend you for addressing it. Because you're right, as a matter of fact, there are public safety issues with this.

My only question, actually, is not to necessarily look at stretching it out anymore, as a matter of fact, I don't have a reluctance to support the measure or act. I'm just curious from the mechanic's perspective. I see that we have Public Works here in the audience, I'd like to hear from them that they have the ability to go forward with it. And I know we had our County Attorney here, I'm just curious whether or not she would speak to bringing a cause of action if that's where this goes. That's my only two questions, through the Chair. We have Mr. Hillman here. Hi, Bill.

**MR. HILLMAN:**

Hello. We are definitely not looking forward to becoming the pole police.

*(\*Laughter\*)*

However, as Legislator Eddington indicated, we have come up with a procedure that may work fairly effectively. It puts a lot of the onus back on Verizon, or whoever the utility pole owner happens to be. As indicated by Legislator Eddington, there will be an on-line process that someone -- that the public could file a complaint with us and we will require that it be fairly specific, include photos, specific locations, dates as to when the photo was taken. It can't be, you know, "I saw a pole three months ago." But if it's filled out properly and relatively current information, we will then take that information and transfer it to Verizon with a notification and a cc to the County Attorney's Office. We do not have the staff to go out and check every pole complaint, but we will transmit the information to Verizon.

**LEG. KENNEDY:**

Well, you have personnel that routinely are on our County roads for a variety of different functions, whether it's, you know, basement cleaning or street sweeping or things like that. So I'm convinced that you don't have to now retask people to actually be pole police, and they can pretty much, I guess, pick out whether you're looking at, you know, a LIPA stick or Verizon or what have you. The other question that I have is, as you know, Portion Road, we have a fairly expansive project right now and we have at any given time 20, 30 poles hanging out there that were involved with a whole system swap. You're comfortable with this language? Wouldn't you be looking at things such as that?

**MR. HILLMAN:**

No, this has nothing to do with the relocation of utility poles during a construction project. There's actually separate legislation, I think from the 90's, that addresses that issue, and there is punitive damages for -- I believe punitive damages for not relocating those poles in a timely manner.

**LEG. KENNEDY:**

Oh, okay. All right. I don't have any other questions for you, then. It sounds like there's a system put in place.

**P.O. LINDSAY:**

That's a wonderful thing if you don't have any more questions.

**LEG. KENNEDY:**

Okay.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Legislator Stern.

**LEG. KENNEDY:**

I could ask some more, though, Mr. Chair.

**LEG. STERN:**

Thank you. Bill uses the term pole police, but for our Counsel, just to be clear, although we might be putting a system in place that relies on the public to let us know if they've identified such poles, it may be a dangerous position. But by implementing this kind of system, we're not taking on any additional duty here or standard of care by inviting the public to let us know if there are dangerous poles; correct?

**MR. NOLAN:**

No, I don't believe we are. I do want to point out that the law says that the department has to make a determination that the situation poses a potential danger to the public. So that

determination is going to have to be made, and then of course the communication goes to the utilities. I don't think that exposes us to any potential liability. From what the testimony was in committee, when the department finds that out now, they communicate that information to the utilities when there's a bad pole or a dangerous situation in a County Road right-of-way.

**LEG. STERN:**

Thank you.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

I just wanted to say, it's funny entering -- you know, I'm in my fourth term now, I guess I lose track of the time involved sometimes. I was just having a discussion with Legislator Eddington and I actually thought that the -- that that last piece of legislation was more recent than it was. So after just having a discussion with him and discussing some of the numbers, I'll be supporting this legislation.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Can I ask Mr. Hillman, in your experience, what is the typical response time from the utilities when the department contacts them about a dangerous pole situation?

**MR. HILLMAN:**

It's usually relatively quickly. I don't have a whole lot of experience with this immediate issue, but I can tell you that if the department contacts the utility company and says this is a dangerous situation, they -- I think they address it fairly quickly.

I think the issue is that the department is not aware of many of the poles that are out there. So I've been shown plenty of photos that -- poles hanging by wires and things like that, not necessarily on County roads so they may not be our issue. But if we reach out to a utility company, they have typically been very responsive.

**LEG. SCHNEIDERMAN:**

And does the bill -- I know one of the things that Verizon testified earlier is that there was -- it wasn't clear from the bill in terms of defining what a public safety hazard is. But in terms of your department, that's a judgment call I think that you guys can make and would not abuse.

**MR. HILLMAN:**

No, I think if a pole is in jeopardy of falling, if a -- if two poles are lashed together with rope and one is damaged, you know, the clear public safety issues, you know, rope -- one rope tying two poles together that are up in the air is not really the correct way to have utilities strung within a County right-of-way.

**LEG. SCHNEIDERMAN:**

All right, thank you.

**P.O. LINDSAY:**

Legislator Cilmi.

**LEG. CILMI:**

Just real quick. This issue of double poles was discussed before I was on this body, so it's sort of new to me. But in looking into it, the question was raised or the statement was made to me by some folks from Verizon that they worked cooperatively with members of this Legislature to increase the number of poles that they're removing on a monthly basis to 250. And so I asked the question, well, how many poles is LIPA installing on a monthly basis, because if LIPA is installing X-number of poles and Verizon is removing X-number of poles and we still have a backlog of between five and 10,000 poles, depending on whose estimates you believe, then they're not going to make too much headway on their backlog.

I received an e-mail from LIPA today and they assert that they're installing roughly 150 poles per month, which means that if Verizon is only removing 250 poles per month, there's a hundred difference. So it's going to take a very long time at the current rates for Verizon to get rid of all of the backlog of double poles that exist in the County. So it might be something that this body wants to address cooperatively, once again, with Verizon so that we can take care of this problem that's not only a public safety issue but also an aesthetic issue in our communities.

**P.O. LINDSAY:**

Legislator Browning.

**LEG. BROWNING:**

Yeah, just quick. Legislator Schneiderman asked about how long it takes; I can you the tale of the pole on Mastic Road and Shinnecock and three utility companies who would not remove their utilities, and the pole was smack dab in the middle of a newly paved paper street, smack dab in the middle of a street, it was painted orange by the Town of Brookhaven so people wouldn't crash into it; that pole took six months to be removed. So you want to know how long it takes? It can take up to six months, and I'm talking about royal danger.

**LEG. SCHNEIDERMAN:**

Okay, you've convinced me.

**P.O. LINDSAY:**

Come on, we're just starting on the agenda. Legislator Eddington.

**LEG. EDDINGTON:**

Yeah, I just wanted to say that, you know, part of the idea of working with DPW is if you watch Newsday every week they have Community Watch, and almost every week one of the issues is a pole. So rather than calling Newsday, they're going to be calling us, and maybe we can get it and have -- talking to Verizon, I truly believe they want to do the right thing, and I think we've tweaked this legislation so that now they're going to address the most dangerous of the double woods right now. And I believe that they will make head roads into eliminating more, because I think they'll figure out what Legislator Cilmi said, you can't do it if you do 250, and maybe they will hire more people and get more done. But now we'll work together to get the most dangerous ones, the ones like Bill mentioned that are tied or hanging and so on. So I definitely will appreciate the support on this.

**P.O. LINDSAY:**

I'm not going to ask again if anybody wants to speak, we've heard enough.

**LEG. ROMAINE:**

Let's vote.

**P.O. LINDSAY:**

We have a motion and a second. You want a roll call?

**LEG. SCHNEIDERMAN:**

No.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. LOSQUADRO:**

Congratulations.

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

We're on a roll.

**P.O. LINDSAY:**

Okay, back to page six, *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. BROWNING:**

Motion to table.

**P.O. LINDSAY:**

What does their team want to do with this.

**MR. ZWIRN:**

We'd like to have it passed. I just want to explain what the position is. It's the individual who is in the booth at the range. It's not somebody on the line giving instructions on firing a weapon, it's somebody who is at the range, they automatically turn the targets around and they will shout out commands like, you know, "20 shots" or "five seconds, 20 shots," and that's all the role they have. And that's why we're looking to civilianize that as opposed to using a uniformed officer.

**P.O. LINDSAY:**

Okay. Do I have a motion?

**LEG. BROWNING:**

I made a motion.

**P.O. LINDSAY:**

Motion to table, second by Legislator Muratore. Any other motion? Okay, we have a motion to table and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1606-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with reconstruction of spillways (CP 7099)(Kennedy).*

**LEG. KENNEDY:**

Motion to table, Mr. Chair.

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

Second.

**P.O. LINDSAY:**

Motion to table, second by Legislator Viloría-Fisher. God, I appreciate that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

1606A; skip it, we don't have a bond.

**Introductory Resolutions for August 3rd, 2010:**

**BUDGET & FINANCE:**

Okay, page seven, *1629-10 - Of the Suffolk County Legislature electing a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel fuel, in lieu of the percentage rate of such taxes pursuant to the Authority of Article 29 of the Tax Law of the State of New York (Muratore)*. Do I have --

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

Motion to table.

**P.O. LINDSAY:**

Motion to table.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. That's the only motion?

**LEG. MURATORE:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Muratore.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Second by Legislator Romaine. Okay, so we have a motion to table and a second and a motion to approve and a second. And I know we've got a report from Ms. Vizzini on that; or Mr. Lipp, do you want to explain the multiple pages you wrote?

*(\*Laughter\*)*

**MR. LIPP:**

We've ended our fiscal impact based on a request from Legislator D'Amaro, and we basically found that what happens, simply, is it would change the sales tax from a tax on the price, an ad valorem tax, to a per gallon tax, actually. And what would happen is the State would set every three month period a number of cents per gallon. As a result, the price that they set is based upon Statewide prices not local, and typically local prices tend to be a little bit higher. So even with the \$3 cap, if prices were under \$3, there would be a very small loss in terms of sales tax revenue.

Our fiscal impact, we looked at different prices because gas prices are very volatile. So for instance if you look at the most recent gas prices from the downstate region for last month of two ninety -- two dollars and ninety-four cents point two for regular gas, we estimated that the 2011 loss would be a little over 400,000, or a full year loss of a little more than a half of million. If prices went up say, let's just pick one more example, let's say it goes up to \$4 just to ratchet it up, then because of the \$3 cap on the tax, it would be nine and a half million dollars in 2011, a full year loss would be over \$12 million.

**P.O. LINDSAY:**

Could I just ask this, Robert? I mean, this -- we've seen legislation like this in the past, and one of the problems with the prior legislation, it was on the wholesale price our taxes were levied. And we could never be assured that if we did lower the tax that the oil companies would pass on the savings to the consumer; this would change that, is that right?

**MR. LIPP:**

No, it wouldn't. It would still be on the wholesale price, except that it would be -- the calculation by the State would be based on the wholesale price, but it would come down as instead on the price, it would say, "Okay, charge X-cents per gallon, period." So that the gas stations could see what that tax is, whether it's a per gallon tax or not, they could see it. And then if they were going to pass it on or not, they would have that same ability. Because prices are inelastic, there's a tendency to -- that the consumer would get the benefit if it's a lower price and the consumer would get the cost if it's a higher price.

**P.O. LINDSAY:**

Did you -- I don't know whether you answered me.

**MR. LIPP:**

The answer is --

*(\*Laughter\*)*

**P.O. LINDSAY:**

Do the oil companies still have the ability to fudge the numbers and not pass it on to the consumer?

**MR. LIPP:**

Correct, yes.

**P.O. LINDSAY:**

Yes, okay.

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

Yes, that was the problem.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. I want to go back to the revised impact statement, I also want to go back to the passing on of the savings to consumers. The way I see it is the gas station industry is extremely competitive. And although I cannot say with any certainty whether it would be passed on to consumers, I'd be willing to bet that it would be given the fierce competition from station to station that we see. I mean, prices right now vary because of that competition. Any comment to that, Robert?

**MR. LIPP:**

Yes, you basically put it better than my response to Legislator Lindsay. In particular, because the demand for gasoline is pretty inelastic, what will happen in a competitive market is that the full decrease in the price situated to the tax would be passed on to the consumer in a perfectly competitive environment.

**LEG. D'AMARO:**

Now also, the fiscal impact statement that -- thank you for revising that; I did request that in committee and I appreciate the Budget Review Office doing that.

The impact based on the up-to-date numbers seems to have gone down rather than up. I'm talking about the impact to the County as a source of revenue; is that true? I mean, just to complete my thought, you said almost a half of a million dollars, it's really about 409,000 per year of revenue stream to the County that's projected based on current price.

**MR. LIPP:**

The 409 is the 2011 number that's based on a part year. The over 500,000, actually 528,000, is based upon a full year's revenue.

**LEG. D'AMARO:**

Okay. But the 409 is based on actual information. It's a projection but it's based on real numbers; is that correct?

**MR. LIPP:**

Correct.

**LEG. D'AMARO:**

Okay. So what your chart shows is if the price of gas goes up, there will be a cost in that revenue stream, there will be -- there would be an enhancement to that revenue stream.

**MR. LIPP:**

I'm not sure what you mean by enhancement.

**LEG. D'AMARO:**

If the wholesale price of gas increases and the County is taxing the entire wholesale price, as the cost goes up we would experience more revenue to the County.

**MR. LIPP:**

No, no, no, no, just the opposite, there would be a loss.  
The sales tax revenue --

**LEG. D'AMARO:**

No, no, I'm saying if there's no cap.

**MR. LIPP:**

The sales -- oh, when there's no cap. Well, the cap -- the legislation here, the cap would result in a loss.

**LEG. D'AMARO:**

No, no, I'm not to that yet. All I'm saying, if there's no cap and gas prices skyrocket --

**MR. LIPP:**

Yes, correct.

**LEG. D'AMARO:**

All right, the consumer is going to be paying more and more in gas tax without a cap.

**MR. LIPP:**

Clearly.

**LEG. D'AMARO:**

Okay. So right now Suffolk County is getting about or projected to get about 409,000 from this -- from the sales tax on gasoline above \$3 a gallon, wholesale.

**MR. LIPP:**

No. Maybe I'm misunderstanding your point, but we get in excess of \$50 million --

**LEG. D'AMARO:**

Right. No, no, I understand that.

**MR. LIPP:**

This would be -- we would get -- yes, if we didn't -- I think what you're saying is if we didn't pass this we'd get an additional 400,000 in 2011.

**LEG. D'AMARO:**

Right, right.

**MR. LIPP:**

Correct.

**LEG. D'AMARO:**

So we're saying the same thing.

**MR. LIPP:**

Yes, okay.

**LEG. D'AMARO:**

But if the gas price goes up, right now the County is not really too dependent on this revenue -- this tax above \$3 a gallon as a source of revenue because it's, relatively speaking to the entire budget, rather low.

**MR. LIPP:**

Correct.

**LEG. D'AMARO:**

Okay. But if those gas prices skyrocket, that's exactly when the Suffolk County consumers are going to need the break from the tax.

So that's why I have consistently supported this bill. The State of New York capped it at \$2 a gallon, that would severely impact revenue to the County. But when we get to \$3 a gallon, we're not dependent on it now, we're going into an operating budget season now where we can go in and craft our budget and not depend on this revenue, and if the prices happen to skyrocket, well, that's exactly when the consumer is going to need the relief. So I think this is very timely, I think this would be a good time to pass this bill.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I thought I understood this bill until you explained it, Robert.

*(\*Laughter\*)*

And now I'm not sure that I do. When we talk about a \$3 cap, it sounds to me like if gasoline goes above \$3 then there would be no additional County tax applied, but that is not the case, right? Based on your testimony. It's not calculated that way, it's calculated with some kind of average?

**MR. LIPP:**

Conceptually there wouldn't be an additional cost because of the cap. However, because of the way it's implemented, it's based upon Statewide prices as opposed to local prices. So if you compare that Statewide price to the local price, it's a cost even at less than \$3, but a small cost.

**LEG. SCHNEIDERMAN:**

But the machines aren't set up. In my district, there are a lot of gas stations now that are charging more than \$3 on the east end, and I suppose a lot of that money is being paid by people who aren't from Suffolk County but who are traveling here. But my district maybe would get a benefit at a \$3 cap that other districts might not because prices are above \$3; is that true or is it not true?

**LEG. LOSQUADRO:**

But what about wholesale?

**MR. LIPP:**

The cap is based on the wholesale price, not the price at the pump, okay, which is like a base price plus two excise taxes.

**LEG. SCHNEIDERMAN:**

So basically nowhere in the County is the wholesale price above \$3 now.

**MR. LIPP:**

Correct. But the problem is if the cap law is passed, the way the State makes the calculation is based upon Statewide numbers, not local numbers. So therefore, they're going to tell us based upon -- let's say it's \$1, they're going to go \$1 times four and a quarter percent, or you have to charge four and a quarter cents per gallon, period. Whereas locally it may be more than a dollar and, therefore, we would receive with the current approach more than four and a quarter cents. So therefore, there would be a small loss, even at a lower price than \$3.

**LEG. SCHNEIDERMAN:**

Can I ask you, I guess this is more of a theoretical question, but based on something that Legislator D'Amato said in times of, you know, helping the taxpayer when it jumps up, you know, when gas jumps up. People only have so much money to spend, right? So if they're spending more on gasoline because gasoline is now at four or \$5 a gallon, they have less disposable income to spend

on other retail items in Suffolk County. So therefore, those other things, since they're not getting taxed on that money at the gas pump -- in other words, are we getting hurt by that?

**MR. LIPP:**

We will get hurt by that clearly. And what will typically happen is since demand for gasoline is inelastic, if the price goes down, people will have more discretionary income to buy other stuff, which may be good for the economy. However, what they'll wind up doing is because of the lower price from the tax, they'll substitute gasoline for other things and we'll wind up not getting as much money from other things at a higher rate and from the gas at a lower rate. So we won't do good. It's from a pure fiscal budget point of view, we lose revenue. The County is not in such great shape and, therefore, it's not great from a fiscal point of view. From an economic point of view, there are a lot of different competing issues.

**LEG. SCHNEIDERMAN:**

And as you know, I've been pushing for a rollback of the home heating tax, the energy tax, which I felt would help everybody across the board who was an energy consumer in Suffolk County, whereas the gasoline tax --

**LEG. GREGORY:**

Your mic.

**LEG. SCHNEIDERMAN:**

Anyway, I'll end my comments there.

**LEG. HORSLEY:**

We didn't hear the last part anyway.

**P.O. LINDSAY:**

Legislator Cooper.

**LEG. MONTANO:**

Put me on.

**LEG. COOPER:**

I can't even believe that we're considering voting for this for so many reasons. And we had this debate a couple of years ago and I hate rehashing all this, but BRO was talking about, you know, if we have a competitive market competition we'll make sure that the tax savings will be passed on to consumers. The problem is we don't have a competitive market. In Huntington where I live, there's one company that owns virtually every gas station in Huntington Village. And it's not just the Mobile stations, he owns the other gas stations as well, other brands, one person.

You can -- when the State capped the gas tax, I had my Legislative Aides go to 12 gas stations around the Township of Huntington for about a two-week period, they photographed prices at the pump. And yes, it's true that for a day or two after the cap went into effect prices dropped, but by the third or fourth day they were higher than they were beforehand. And there's one part of my district that had four gas stations at four corners, there were 10, 15 cent differentials in the price for regular from one gas station to the next across the street from each other.

So the gas stations can charge whatever they want. It's not a competitive market, for the most part. There's no guarantee that any of these savings will be passed on to motorists. But even assuming that I'm wrong on that and every penny is passed on to consumers, let's say -- and no one can project what gas prices will be, but let's say it is only \$409,000, which was the lowest estimate of what the loss in revenue would be; if that's the case, the savings, if indeed passed on to

consumers, would be about 25 cents per year per Suffolk resident, a quarter, 25 cents. Now, let's say it's not \$209,000, let's say it's more than that, it's \$3.9 million, which is if the price at the pump was 350, the \$3.9 million. Well, do the numbers, what does that work out to divided by 1.5 million, so that's about two bucks, less than --

**MR. LIPP:**

Actually, we have numbers in the chart, for the current price it would be \$61 per driver per year. And for 350 -- for \$3.50 it would be \$4.81, 61 cents -- I'm sorry, 61 cents at current prices and the savings would be 481 at a price for 3.50.

**LEG. COOPER:**

Right. So this is not going to drive anyone from Suffolk County, it's not going to keep anyone in Suffolk County, we're talking about a few pennies. But when you add it up collectively, we're talking about \$3.9 million, \$9.5 million. For God's sake, we're thinking about selling the Nursing Home? Levy's threatening to not hire the 70, 80 cops in the second recruit class unless we can come up with alternate savings? And we're thinking about cutting revenue by a half million or four million or \$10 million next year? This is ridiculous. It's ridiculous, I can't believe anyone is seriously considering doing this. And as someone pointed out, if we're going to do it, let's cut home heating oil tax, at least in that case we know that Suffolk residents will benefit. In this case, number one, I don't think one motorist will see a penny of the savings. But even if they do, they'll be Nassau residents that will benefit, they'll be visitors from New York City or Connecticut that drive out to the Hamptons, and a few that will benefit -- this is not the way to pass on tax savings. On top of that, we just can't afford it next year.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Actually, Jon said a lot of what I was going to say which was that it would be a minuscule savings to the individual driver, a very tiny savings. And in a budget where we're cutting nurses and cops and trying to close down nursing homes, it seems to me that 400,000, three million, is not chump change. We're always asked to tighten our belts and we're willingly giving up money which isn't going to impact anybody's quality of life.

And besides, as the gas price goes up, our costs go up, too, the County's costs go up. And while our cost is up, we're relieving taxpayers of their share, because we're capping it. And so I think that we need an aggregate cost to us. You're saying in a straight mathematical formula that it's over 400,000, but if you were to add the extra cost to the County, to that 400,000, it becomes a much greater deficit for us.

So we're not in the position to give up this kind of revenue during these difficult economic times when we're talking about people losing their jobs and we're talking about cutting our services. It's pennies. In fact, if I were to go to the gas pump and this were capped at \$3, Robert, and I've got ten gallons of gas, how many pennies would I be saving at the pump? I'll give you a couple of minutes, I'll come back to you.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

My questions were asked and answered. Thank you.

**P.O. LINDSAY:**

Okay. Legislator Montano.

**LEG. MONTANO:**

In all honesty, we sat through this issue back in -- I'm now really confused. When Legislator D'Amaro explains it I understood it, when you explained it I didn't understand it. So are we saving money, Robert, or what? Are we losing the three million? You know, just could you sort of summarize it, or maybe Legislator D'Amaro, you could summarize it.

**LEG. D'AMARO:**

I would be happy to.

**LEG. MONTANO:**

I'm actually serious. And the last time we debated this, did we not defeat the bill, Legislator Cooper --

**LEG. COOPER:**

Yes.

**LEG. MONTANO:**

-- because we weren't sure that the money would go to the consumer?

**LEG. COOPER:**

Correct.

**LEG. MONTANO:**

Legislator D'Amaro, would you explain it to me again?

**LEG. D'AMARO:**

Well, again, just on that first issue of whether or not it goes to the consumer. I mean, no one really knows sitting here what the free market is going to dictate and what gas stations are going to do. And no one really knows sitting here right now whether or not that savings will be passed on, fully passed on, passed on in part. My theory, based on my own experience and watching competing gas stations from even from across the street from one another, is that it's a highly competitive industry, station-to-station. The profit margin on gas prices is very small to the station owner and there's an awful lot of competition. So my theory is the marketplace itself will dictate that those savings will be passed on, and I think Mr. Lipp tended to agree with that assessment.

Now, going to the other part of your question, bottom line is the County is allowed to tax on the wholesale price of gasoline; right now for the most part, that wholesale price is below \$3 a gallon. So we're not getting any revenue to the County right now from this tax because the wholesale price hasn't hit \$3.

**LEG. MONTANO:**

Okay.

**LEG. D'AMARO:**

So my argument is that's a good time to cap the tax. Because we're not depending on it going into crafting our Operating Budget, okay. And as kind of a circuit breaker for consumers, if, you know, God forbid there's some kind of national crisis where the cost of gas skyrockets, I believe this regressive tax, which hits people equally so it hits those who could least afford to pay the hardest, this would be the opportune time to cap it out and give relief precisely at the time when the costs are going up.

**LEG. MONTANO:**

Okay, and I got that and I appreciate that. But I guess, Legislator Cooper, if I may, your position and what we had resolved the last time was that if we did cap the tax, there was no guarantee that the consumer would benefit from this and that the savings or the profit would go to the oil companies as opposed to the consumer?

**LEG. COOPER:**

Right, either the oil companies or the oil distributors or the gas station, but not the motorists. But as I said, Legislator Montano, even if I'm wrong on that and even if a hundred percent is passed on, if you look at the chart that BRO prepared --

**LEG. MONTANO:**

Yeah, I got that, I'm going to look at that.

**LEG. COOPER:**

Okay. So let's say it goes up to three and a half dollars a gallon next year; according to this chart, the savings to the average driver for the entire year, for the entire year, filling up twice every two weeks for 52 weeks, is a total of \$4.81, \$4.81, but the cost to the County is over three million bucks. I mean, how many cops could we get for \$3 million? And over five visits, \$18 million. Let's say it's not 3.50, let's say it goes up to \$4; wow, the motorists will save over the course of a year seventeen bucks over the course of an entire year. What is that, four Big Macs or something? And it's going to cost Suffolk County almost \$10 million. How many cops can we get for \$10 million?

**LEG. MONTANO:**

Well, that's the point. If I'm understanding this correctly, Legislator D'Amaro is saying that this \$10 million really becomes a windfall to the County because we haven't -- we haven't been getting it and we haven't factored it into our budget. So if the price does go up, we're going to benefit -- the County is getting a windfall and either way you spin it the taxpayer is paying more; is that what you're saying, Legislator D'Amaro? I just want to understand this.

**LEG. D'AMARO:**

Well, I would basically agree with what you said. And -- and just to piggy-back on what your thought is, you're absolutely right, I think that proper use of the word -- I think it's called for to use the word windfall here.

**LEG. MONTANO:**

Because we're not getting it now and we'll get it later.

**LEG. D'AMARO:**

Right. But my point is that -- and I think you understood this already, is that, you know, if those prices -- you know, maybe we're talking \$4 now, but if the price is really spiked, this is a good stopgap, this is a way to protect consumers. You know, remember, the State of New York did this at \$2 a gallon. We're beyond the State of New York, we're up to \$3 a gallon. No one is paying it now, there's no revenue now, I just think it's a very opportune time to do this.

**LEG. MONTANO:**

Interesting. Thank you very much. I appreciate the explanation.

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

Ric, I want to go a little further with this. And that is that as I just said, if the prices were to spike, our cost would go up because we have vehicles that are fueled. We pay for fuel and our costs would go up.

**LEG. MONTANO:**

Is there an analysis that gives us a break-even point on that? In other words, where do we break even? If it goes up to \$4 or \$5, all right, this windfall, but we're paying more now for oil. Is there an analysis done that gives us the break-even?

*(\*The following testimony was taken &  
Transcribed by Diana Flesher - Court Reporter\*)*

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

Well, I don't know if that analysis has been done. But --

**LEG. MONTANO:**

Robert, Do you know? I hear what you're saying. I do hear it.

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

And I also think when we're looking at saying, "Well, we don't have" -- "In our clinics we don't have family Planning counselors because we can't afford that. Our budget is looking for money. We have holes." And so when someone says, "Well, we have it budgeted for, so it's a windfall," how can we say that when we're looking at a budget where we're seeing hundreds of millions of dollars short where we have to cut services to people in the County?

**LEG. MONTANO:**

Well, when I say windfall, what I mean is that it's money, it's sort of like money that we weren't anticipating in getting, but you're -- what I'm understanding from your argument is that our costs are going to go up.

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

Yes.

**LEG. MONTANO:**

So, what I'm asking is, then, it's not really a windfall because at that point -- at some point it's going to cost us money.

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

It's going to cost us money, yeah.

**LEG. MONTANO:**

And where is that break even point? Where is that diminishing returns, or whatever?

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

And I don't know if that's been established but --

**LEG. MONTANO:**

Has that been established, Robert?

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

But we certainly have enough holes to fill in our budget.

**LEG. MONTANO:**

No, I understand -- no, I understand we can use the money. I mean if we hit the lottery, we'd be in good shape. And that's what I think Legislator D'Amaro is saying. But, you know, we can't budget based on money that we're not getting now. But what you're saying is, and I just want to understand this, you're saying that if it goes up for the consumer, we are a consumer so it's also

going up for us. So what I'm asking Robert is, is there a break even point that, you know, maybe instead of capping it at three, we cap it at this point. Or you haven't gotten that far yet?

**MR. LIPP:**

The problem is we have -- if you look at our March projections for the General Fund, we had a \$231 million budget shortfall coming into 2010 and 11.

**LEG. MONTANO:**

No, but it has nothing to do with this tax.

**MR. LIPP:**

Yes, in the sense that, you know, we need to correct that budget shortfall. It is a factor. Now that being said --

**LEG. MONTANO:**

You mean correct it by getting more revenues?

**MR. LIPP:**

Right. As opposed to slightly less revenue now. And if prices go up, then considerably less revenue. Offsetting that considerably less revenue is --

**LEG. MONTANO:**

Right. But you can't factor in this revenue because the price hasn't gone up yet. If it goes up, then you could factor it in is what I'm --

**MR. LIPP:**

Correct. And then we would be able to do a -- the budget would be more structurally sound if -- assuming prices go up, which is a high probably scenario, when, it remains to be seen. Okay?

**LEG. MONTANO:**

Okay.

**MR. LIPP:**

But energy prices are highly likely to go up in excess of whatever the general inflation rate is.

**LEG. MONTANO:**

Is there a motion to table on this, Renee? What are the motions outstanding?

**MS. ORTIZ:**

To table.

**LEG. MONTANO:**

To table and approve? Okay, thank you very much. I don't want to monopolize this.

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

There's a motion to table and there's a motion to approve. Table takes precedence. Roll call. Okay, roll call.

**(ROLL CALL BY MS. ORTIZ, CHIEF DEPUTY CLERK)**

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

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

No.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

No.

**LEG. NOWICK:**

No.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

No.

**LEG. EDDINGTON:**

No.

**LEG. LOSQUADRO:**

No to table.

**LEG. MURATORE:**

No to table.

**LEG. BROWNING:**

No.

**LEG. SCHNEIDERMAN:**

No.

**LEG. ROMAINE:**

No.

**P.O. LINDSAY:**

No.

**MS. ORTIZ:**

Three. Motion to table fails.

**P.O. LINDSAY:**

I asked Vivian to take over. She was eating. And now I'm eating.

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

There's a motion to approve. Roll call.

**(ROLL CALL BY MR. LAUBE, CLERK)**

**LEG. MURATORE:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. COOPER:**

No.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

This is to approve, no.

**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. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

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

No.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

**1701, amending the 2010 Operating Budget and appropriating funds in connection with bonding a settlement for a Bus Liability case (Co. Exec) Motion by Legislator Gregory.**

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**1701A, accompanying bond resolution (of the County of Suffolk, New York, authorizing the issuance of \$425,000 bonds to finance the cost of the payment of a judgment in an bus liability case. Bond resolution of the County of Suffolk, New York, authorizing the issuance of \$425,000 bonds to finance the cost of the payment of a judgment in an bus liability case) same motion, same second. Roll call.**

**(ROLL CALL BY MR. LAUBE, CLERK)**

**LEG. GREGORY:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. STERN:**

Yes.

**LEG. HORSLEY:**

Pass.

**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.

**LEG. HORSLEY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay **1453, Amending the Adopted 2010 Operating Budget to transfer funds from Water Quality Protection (Fund 477) and amending the 2010 Capital Budget and Program and appropriating funds in connection with stormwater system discharge remediation and stream water silt removal and remediation at the Nissequogue Tributary Headwaters North from CR 76, Townline Road, to Miller's Pond, Smithtown (CP 8710) (Kennedy)**

**LEG. KENNEDY:**

Motion to approve.

**P.O. LINDSAY:**

We have a motion and a second. On the question, how much do we have in 477?

**MR. LIPP:**

We have an outstanding balance of over \$3.8 million, 2.3 from the New Program and 1.5 still remaining from the Old Program.

**P.O. LINDSAY:**

And what will this take out of?

**MR. LIPP:**

250,000. 250,000. And it was approved by the Water Quality Review Committee.

**P.O. LINDSAY:**

Any other questions? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

All right. I'm going to switch in the interest -- we have a number of people from the college here. I think they're the only ones left here. There's a procedural motion in the folder. It's number **1 of 2010. It's adopting 2010/2011 operating budget total for Suffolk County Community College (Presiding Off. Lindsay)** I'll make a motion to approve.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Horsley.

**LEG. ROMAINE:**

Which number?

**P.O. LINDSAY:**

In the manila folder, one of the last documents. Anybody have any questions? Seeing none -- yes, Legislator D'Amaro.

**LEG. D'AMARO:**

I just want to make sure I'm looking at the right bill. This is in the manila folder. This is --

**P.O. LINDSAY:**

Suffolk Community College, budget resolution 1 of 2010.

**LEG. D'AMARO:**

Okay, thank you.

**P.O. LINDSAY:**

Is everybody set now? Any questions? Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Back to the agenda, page seven, **1553, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Four Boys X LLC property – Town of Brookhaven)**

**LEG. MURATORE:**

Motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Muratore, seconded by Legislator Losquadro. On the question, anybody? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

I have been asked to take **1843 out order**. It's a CN. Our FRES Commissioner is here. He's been with us all night long and we'd like to see him go home. It's **1843, accepting and appropriating one hundred percent Federal pass-through grant funds from the United States Department of Homeland Security/Federal Emergency Management Agency for the recruitment and retention of volunteers for the Volunteer Fire Departments serving Suffolk and Nassau Counties. (Co. Exec.)**

**LEG. COOPER:**

Co-sponsor.

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

Second.

**P.O. LINDSAY:**

But the question I have is why is he here? Do you want to say something, Joe?

**COMMISSIONER WILLIAMS:**

No, thank you.

**P.O. LINDSAY:**

Okay, okay. On the question, Legislator Eddington.

**LEG. EDDINGTON:**

I just want to say that I did speak to the Commissioner --

**MR. NOLAN:**

Commissioner, there's no motions yet.

**LEG. EDDINGTON:**

And Suffolk County is getting this. And I think we're the only volunteer in the country that are getting this grant. Most of them are paid. So it's a great honor that he got this for us.

**LEG. ROMAINE:**

Is that true, Joe?

**COMMISSIONER WILLIAMS:**

That's true.

**P.O. LINDSAY:**

You want to come up and say something, Joe, being that you sat there all this time?

**COMMISSIONER WILLIAMS:**

Yes, it is. It's a real great honor to get this. What happened is we competed across the country. And we are the only volunteer fire service, also Nassau County, to get this grant. And actually the Department of Homeland Security felt so great about our application, it is the reason why Nassau County is in it; we're actually administrating the grant for Nassau County because they liked our program.

**APPLAUSE**

**P.O. LINDSAY:**

Congratulations, Joe. Okay, we have a motion and 17 seconds.

**MR. LAUBE:**

I need the motion and the second. I heard several voices.

**P.O. LINDSAY:**

This is under Public Safety; put Eddington down. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. LOSQUADRO:**

Altogether now, cosponsor.

(All Legislators cosponsored)

**P.O. LINDSAY:**

Okay, I'm being asked to take **1845 out of order, authorizing an intermunicipal agreement between the Counties of Suffolk and Nassau pursuant to Section 119-0 for the General Municipal Law for the provision of Vector Control Assistance.** I'll make the motion to take it out of order.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

It is before us. **(1845, Authorizing an intermunicipal agreement between the Counties of Suffolk and Nassau pursuant to Section 119-o of the General Municipal Law for provision of Vector Control Assistance)** Do I have a motion?

**LEG. KENNEDY:**

I'll make a motion to approve.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Motion to approve, second by Legislator Losquadro. On the question? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Back to the agenda, page seven **1697, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Grausso property - Kings Park Greenbelt - Town of Smithtown - (SCTM No. 0800-029.00-02.00-001.000)**

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

Motion.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

We have a motion and a second. Right? Is that right? Do you have that, Mr. Clerk?

**MR. LAUBE:**

Yes, I do.

**P.O. LINDSAY:**

All right. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**1698, authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Rottkamp property - Rottkamp Farm - Town of Riverhead - (SCTM No. 0600-061.00-02.00-008.001)**

**LEG. ROMAINE:**

Motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. ROMAINE:**

Clerk, please list me as a cosponsor.

**LEG. LOSQUADRO:**

Myself, too.

**P.O. LINDSAY:**

**1705, amending the Adopted 2010 Operating Budget to appropriate funds from Fund 477 Water Quality Protection for a Senior Environmental Planner to assist with dredging operations in the Department of Public Works.**

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Losquadro.

**LEG. SCHNEIDERMAN:**

On the motion.

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

On the motion.

**P.O. LINDSAY:**

Okay, on the motion Legislator Losquadro; and then Viloría-Fisher.

**LEG. LOSQUADRO:**

I seconded it. I don't have a question.

**P.O. LINDSAY:**

Oh, Schneiderman.

**LEG. SCHNEIDERMAN:**

My first question was to BRO, in terms of how much of our 477 funds are now going towards salaries? Do you have that figure?

**MS. VIZZINI:**

Yes, we do. Of the 7 plus million dollars that come in in revenue, about 3.12 is salaries with an additional one and a half million for equipment and supplies and funds associated with supporting those salaries. There are currently 53 positions funded with Water Quality money; 35 in Parks and 16 in Energy and Environment.

**LEG. SCHNEIDERMAN:**

Do you know as a percentage what percentage of our 477 Funds are going towards salaries?

**MS. VIZZINI:**

41 percent for salaries and benefits. An additional 18 percent for other operating expenses not including Cornell.

**LEG. SCHNEIDERMAN:**

So about 60 percent.

**MS. VIZZINI:**

Correct.

**LEG. SCHNEIDERMAN:**

It's just frustrating. I know that DPW needs this Senior Environmentalist Analyst. I want to support them having it. Although this isn't for environmental dredging, it's basically for, you know, for all the analysis -- environmental analysis associated with our regular navigational dredging. But it's getting really frustrating to see all this money that was intended for brick and mortar projects going towards salaries and expenses that were normal county expenses. That, I don't believe, is the way this fund was intended. And if somebody cares about the environment as we all do, I think we probably all share this frustration.

**MS. VIZZINI:**

You're absolutely correct. The Water Ways and Dredging Division was -- is and was funded with General Fund proceeds. There is no doubt that Water Quality is now replacing that if you make this policy decision. And there's no doubt in my mind that beginning with this one position, you will see that there will be necessary clerical support and other positions and will again erode the Water Quality Funding which is from sales tax, which is currently not coming in as well as we would like it to be coming in.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

I made the same argument, Legislator Schneiderman, in my Committee. You know, in sixteen months I'm not going to be sitting here, but many of you are. And there's going to be more and more erosion into the Water Quality budget.

**LEG. LOSQUADRO:**

No pun intended.

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

And, you know, I remember Dave Bishop was always fighting for the integrity of the 477 account. And he said what I'm saying now, you know, he was term limited and we're going to see more -- we're going to see this happening more and more. And, you know, I talked about this with Bill Hillman and I understand the need for this. It's very, very -- it's a very important position; but, again, we're being held over the barrel by an administration that won't sign the SCIN. And, you know, it's in the General Fund. And we know how important -- you as well as I, represent districts with dredging as an important part of our communities.

I still cannot support this. I am going to vote against this; because although we need the position, I don't think we should be held hostage and our water quality should not be held hostage to a County Executive who will not sign SCIN forms for General Fund funded positions that are critically, critically needed. Because I have so much dredging that's necessary in my district, I know the kind of permit process that DPW has to go through. I know how Fish and Wildlife and the Corps of Engineers and DEC, etcetera, etcetera -- it's a very hard permitting process and you need experts to do it.

But we should not be taking it out of 477. We really shouldn't. And it's disgraceful to see this happen. Because once you're committing this to salary, it'll continue to be committed to salary. We're just -- you know, drop by drop we're dwindling -- we're just getting rid of all of our 477 money. And people voted for this. People voted for this tax, to tax themselves in order to protect our environment. And this is a lie. And we're doing this right after this body ostensibly wants to protect the consumer on their gasoline tax which is something that hurts our environment.

So you're saving people money on their gasoline tax. Maybe they can drive fewer SUV's; instead we're going to take the money that they have voted to tax themselves to protect our environment and you're taking it and misusing it in the General Fund. It's extraordinarily frustrating because we are supposed to be serving the people of Suffolk County who said *we will tax ourselves to protect our environment*. And in two votes we have said the environment be damned. *We'll save you money on a pollutant and we'll take the money that you gave us to protect your environment and use it elsewhere*. So I'm voting no on this.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Gail, just very quickly. The senior -- where is it? The Whereas Clause I was looking at says that the Department has prescreened the Senior Environmental Planner list and identified several excellent candidates. So this position is being filled from the top three on that list? Is that way it's working? In other words, there's a list for this position already?

**MS. VIZZINI:**

I would defer to the Department who would be doing the hiring. But if you take the resolution at face value, yes.

**LEG. MONTANO:**

There's a list. And the person that's being hired is coming off the list. It's not an exempt?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. MONTANO:**

And it's not a provisional appointment; am I correct in that?

**COMMISSIONER ANDERSON:**

That's correct, yes.

**LEG. MONTANO:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes, Legislator Fisher's arguments are compelling. So here's the choice. I'll be happy to sponsor a resolution with you that after a date certain 477 money can never be used for salaries. That's option one.

Option two, I'll be happy to sponsor a resolution with you to allow it to go to the voters to declare 477 money ineligible to pay salaries. I'm willing to cosponsor both of them if you're willing to go forward with this. Pick any date certain that you'd like and we can move forward. Because essentially -- and I agree with you a thousand percent, I don't know if we have the votes here, but that's the way we find out. It's not only the Executive, some of my colleagues.

So let's put it to a vote. You pick your poison. We can either do a straight out flat resolution for a date certain, for which after that date 477 money can't be used for salaries; or we can do it by referendum this year selecting any date we want to. 2011, 2012, whatever you wish, 2013; where after that date 477 money cannot be used for salaries.

So let's do it. I'm willing to cosponsor it. You can tell George right now to draft one or the other and then we can put it to a vote of our colleagues. You can make the compelling arguments. And then we'll see where everyone's at. Because let's talk about this. I think you made compelling arguments. I happen to agree with you one thousand percent. But you know what? You're one. I'm one. There's two of us. There's 16 others. Let's see where they are and then -- particularly the one for the referendum, let's see where the people are. Who would disagree with giving people a voice? Should this be used for salaries or should this be used for projects to improve water quality? Let's go. I'm ready to rock and roll. Thank you.

**P.O. LINDSAY:**

Can I just ask a question before I go on? Are you saying as of now or to revert it all back to Water Quality?

**LEG. ROMAINE:**

Revert it all back to Water Quality at a date certain, whatever date you want to pick.

**P.O. LINDSAY:**

Because then the problem we have is trying to find the funding for the 50 or 60 people that are funded already, facing them being laid off. I'm all with you if you want to start now.

**LEG. ROMAINE:**

Right.

**P.O. LINDSAY:**

I just don't know where we're going to find the money to keep the 50 people.

**LEG. ROMAINE:**

Well, then, let's pick 2013 to give us enough time. You know, I don't want to be unreasonable and you make excellent points as well. But at some point you got to make a decision. What do we need this fund for? Was this a slush fund for positions so we don't have to draw on the budget? Or was this supposed to be for special projects to clean our water quality? I know when I voted for it, what I thought I was voting for. I think most people in Suffolk County, when they voted for this, thought that this money was going to go to clean our waters. And it hasn't.

By staffing, this is staffing that is a normal county General Fund operation. So I mean let's put it up for referendum to clarify that this money after a certain date, say 2013/2014, whatever date you want to select, so there's enough phase in. Maybe -- wait, let's see. 2015 maybe we won't get a veto then.

**LAUGHTER**

**P.O. LINDSAY:**  
Legislator Kennedy.

**LEG. KENNEDY:**  
Thank you, Mr. Chair. I'm equally concerned. And as a matter of fact just a short while ago, although it keeps getting longer, we just voted on a 477 project in my Legislative district that's actually going to go towards groundwater improvement and chronic flooding and non-point source pollution problems. And I attended both Groundwater Quality Review Committee meetings. And now as Legislator Vilorio-Fisher heard, there are probably in excess of \$5 million worth of projects that were put forward. And we're speaking about, I believe, BRO there is a balance being carried forward. But in the chart that you put forward for me, the 7.7 million total collected was netted down to 1.86 million available for implementation money for projects; is that correct?

**MS. VIZZINI:**  
Yes. That does not include the carry-over fund balance, which was 2.3 last year. So that chart showed you what happens to that new revenue.

**LEG. KENNEDY:**  
Right. But as we also now and you've worked with me on an approval from back in 2005, in this category there are carry-overs that go back for multiple years prior, I guess.

**MS. VIZZINI:**  
But you have done a commendable job of addressing that and trying to --

**LEG. KENNEDY:**  
No doubt. Yes, absolutely.

**MS. VIZZINI:**  
-- appropriately expend these monies. As you know, there was about \$2.7 million approved by that committee in terms of projects that are likely to take the form of a resolution.

**LEG. KENNEDY:**  
Absolutely, yes. And as a matter of fact many, many important projects throughout the County. Here's my point. There is an early retirement program that we have now. Are any of these 53 people going to come off of this salary stream? Have you folks heard from the administration yet what any of the retirement requests are that are coming out of Parks or Public Works or any place else yet? Anybody? Anything?

**MR. ZWIRN:**  
We believe a couple will be coming off from early retirement who are funded through 477. I don't have the exact number, but there are probably a couple.

**LEG. KENNEDY:**  
Okay. So that perhaps, then, what we're looking at is not further eroding or expanding the salary piece, but maybe at least keeping it where it's at if the retirements are going to occur; yes, no, maybe?

**MR. ZWIRN:**  
It's possible. I can't tell you as of today.

**LEG. KENNEDY:**  
All right. I'm going to defer. I think Legislator Romaine makes a good point. And I think -- I recall Legislator Alden speaking vividly over and over and over again about the bricks and mortar intent of

this program. And it's probably incumbent on us to go ahead and try to move it towards that. Thank you.

**P.O. LINDSAY:**

Before I go on, I see you, Mr. Zwirn, and I don't know if you want to comment at this time or you'll wait 'til the end you want to comment?

**MR. ZWIRN:**

I came up to answer some questions but I --

**P.O. LINDSAY:**

Okay. So you just want to stay there. Could I just ask a question? Do you have more guys here than we do?

**LAUGHTER**

**MR. ZWIRN:**

I doubt it.

**P.O. LINDSAY:**

You think we still have more than you?

**MR. ZWIRN:**

I think you got the home court advantage, yeah.

**P.O. LINDSAY:**

Okay. The Deputy Sheriffs, you can go home. Okay? If you're listening to me out there, there's no sense in you staying. I think we're safe from these guys.

**LAUGHTER**

Legislator Nowick.

**LEG. NOWICK:**

I was actually going to ask just what John -- Legislator Kennedy brought up. Do you think it's possible and, I don't know who would know the answer, never mind somebody retiring that's being paid through the 477 Fund, but is anybody in Public Works itself retiring where if we waited to do this, maybe this position could be filled -- could be slotted into someone that is retiring from Public Works, but not from the 477 Fund. I mean you think there's a possibility and should we wait? Maybe we should wait; it would behoove us?

**MR. ZWIRN:**

Well, I think what we're trying to do is where we can find a position that is in line with the use of the 477 money is to try to take the pressure off the General Fund, if possible. We did have a number of people at one time who were in the Labor Department and we transferred in to do work that otherwise we would have hired outside consultants to do that work. So we saved those jobs. We got those people working.

You know, with the debate that's gone on, if the Legislature when the budget comes out had decided that they didn't want to use 477 money for salaries, they could eliminate it. But as the Presiding Officer has stated, there'd be about 50 or 60 people who would be looking for work. And that's not what we want to do at this time. So, we've used this money, we think, in a way that the public would say okay. Again, we're trying to take pressure off the General Fund because we have a cash

flow problem. You know, it's still tough economic times. This is an important position.

**LEG. NOWICK:**

So, Ben, then, what you're saying is even if somebody did retire in Public Works you would --

**MR. ZWIRN:**

We wouldn't be looking --

**LEG. NOWICK:**

-- you would rather not fill that that way?

**MR. ZWIRN:**

Yes, that's correct.

**LEG. NOWICK:**

Because it enhances the General Fund, and just stay with the 477?

**MR. ZWIRN:**

Yes, because that's -- it's a break for the taxpayers and we get, you know, somebody -- we would have to hire through a consultant to do the work. Instead we're using a County employee but we're not using a revenue source that's related to property taxes. And people who spend money out here also don't live in -- necessarily live in Suffolk County. So we're using their sales tax revenue as well to try to, you know, improve our harbors and do the dredging, especially in this particular case.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

You know, I think you can debate what percentage of 477 funds should go to salaries, but I don't think we can debate the fact that those positions that we do fund ought to be doing work that's in line with the programs. And I'm looking forward to hearing your explanation of what the nexus is here because the navigational dredging, you know, we know that -- you know, dredging primarily that the County's been doing is for navigational purposes to get boats in and out of inlets. There are environmental concerns that arise from dredging in terms of stirring up sediments and various spawning areas, winter flounder, whatever it is.

So explain to me how -- why 477 Funds which are supposed to be for water quality are going towards promoting a function that may not be for water quality, but actually detrimental to water quality.

**MR. ZWIRN:**

Well, I think you mentioned some of the points. He hear dredge spoils and things like that, they have to be properly removed and placed in a -- we had the Sammy's Beach incident out in -- right before you got elected out in East Hampton where the spoils were placed in a preserved area. You know, those are issues that have to do with water quality because we get, as we all know, our water's from underneath the aquifers below us. So there are issues. We have issues with, you know, that have to deal with the wildlife as well. But you know, these are areas where you have marshes, you have -- you know, there are all sorts of environmental concerns about the water quality involved with the dredging process. Look, it's the Legislature's call. We think this is a good use. Ultimately it's up to you folks to either concur or not.

**LEG. SCHNEIDERMAN:**

You know, we know that -- I mean one day the County hopefully will start doing some dredging that is associated with improving water quality, you know, the intention is to get flushing rates restored and improve shellfishing areas. But this is not for that. This is not associated with just the environmental dredging. This is for all of the dredging. So I understand your argument. It's an environmental function, but I'm not sure it's a water quality function.

Let me ask one other thing. Because we did pass a bill. I tried multiple times to pass bills that would set some kind of cap, whether it was 30 percent for salaries, 40 percent, 50 percent. We weren't able to do any of those things. The one bill that we did pass had to do with the budget, whatever salaries were funded with 477 Funds, would have to be detailed within the County Executive's budget, the percentage of their time going toward water quality. Has that actually been in the budget that have been prepared since we passed that law?

**MR. ZWIRN:**

I think the Commissioner has come in and gone before the Committee and explained because there's also, I think, legislation that's been approved and in effect where they have to describe what positions and what they're doing to make sure that we're in conformance with using the money for the right reasons. So I think Commissioner Gallagher has been before the Legislature, at least the Committee.

**LEG. SCHNEIDERMAN:**

The budget itself -- the County Executive's proposed budget is supposed to contain like an appendix explaining all the 477 funded positions. Does anybody know, has that been contained in the proposed budget from the County Executive?

**MS. VIZZINI:**

Yes, they've been very cooperative about that.

**MR. ZWIRN:**

I believe we have.

**LEG. SCHNEIDERMAN:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator Browning.

**LEG. BROWNING:**

Okay. You know, Vivian, I think, she is right in what she says because the way I see it is we're raiding 477 money when it should be in the General Fund like Legislator Romaine said; however, this is a position that needs to be filled. It needs to be done. So what I would propose is looking at the operating budget this year and looking at putting that position in our operating budget this year. But I can guaranty you that position will never be filled. And I think we all know that. So this is -- to me it's like a smoke and mirrors game. You're using 477 money to fill positions so you don't have to touch the General Fund money, taxpayers' money. It's all taxpayers' money.

I did have a question for Bill because I know somebody there received permit applications? Correct? And how many? A couple questions. How many permit applications are you working on right now just trying to get the dredging done for this upcoming season? And what do you pay per -- how much does it cost per application and how many are being done inhouse and how many consultants?

**MR. HILLMAN:**

It costs about \$25,000 per application in total to have a consultant do that. We're probably doing -- we probably have ongoing 40 to 50 applications with consultants presently. And we probably only have a very small handful being performed inhouse.

**LEG. BROWNING:**

So \$25,000 times 40 applications. And this is all being contracted out with consultants?

**MR. HILLMAN:**

Yes. We typically -- there have been some changes in the regulations that have increased that recently. So we had budgeted about 10 to 15,000 per location, but the DEC has now changed something that has increased it, within the last, say three or four months to 25,000. So there has been an increase. But typically we've in the past before this increase had occurred, we were budgeting about 3 or \$400,000 annually for consultant assistance to do this application work.

**LEG. BROWNING:**

That's a lot of money. And we are not using -- I mean, I just wonder if we were to hire county workers to do this work, would we save money?

**MR. HILLMAN:**

If we were to hire County workers, we would -- to do the entire process, yes, we would eliminate that 3 or \$400,000. I don't know how much the County staff would then have to be paid. But I can tell you that this one person would be overseeing consultant work and in-house work. And I believe that there are several good candidates from that list that could oversee all those types of tasks and functions. And without that person, it would be very difficult to continue the dredging program.

From a standpoint of managing our resources, you know, everything is based on safety. And from the -- dredging is under my group. And we have thousands of people traveling the highways every day, and that's 365 days a year. So obviously there's huge safety issues that need to be addressed on the highways. Our waterways conversely are used seasonally and, you know, you cannot say that hundreds of thousands of people are traveling our waterways every day.

So when we're applying our resources to take care of safety, in tough economic times when our staffing is a little less than desirable, we have to apply our resources to where we're going to get -- make the most improvements on safety. And unfortunately dredging comes up towards the bottom on the list. That's just how it is. I wish we had the staffing to staff it better. In future years as the economy turns, I hope we will. But right now we're down to one senior person who has 20 years experience. He will be retiring with this retirement and we'll be left with one engineering aide to perform the work.

**LEG. BROWNING:**

Thank you, Bill.

**MR. HILLMAN:**

That's the reality of it.

**LEG. BROWNING:**

Thank you, Bill.

**P.O. LINDSAY:**

Anybody else? Okay. Let me ask you guys something. We have some people retiring that are on the 477 payroll. Do you intend on filling those positions?

**MR. ZWIRN:**

I would doubt it, unless it's something that's critical because we have a 20 percent refill.

**P.O. LINDSAY:**

I know. But I mean --

**MR. ZWIRN:**

So actually the cost would --

**P.O. LINDSAY:**

Yeah, I don't want the 477 two people be the twenty percent refill.

**MR. ZWIRN:**

I understand.

**P.O. LINDSAY:**

You know. That would make it a little bit more palatable if you's didn't fill those positions; at least the overall number isn't going up then, you know.

**MR. ZWIRN:**

I understand what you're saying. That I don't know the answer to.

**P.O. LINDSAY:**

All right. We have a -- where are we, Mr. Clerk? I don't even know what reso --

**MR. LAUBE:**

You have a motion and a second.

**P.O. LINDSAY:**

A motion and a second. And I have a lot of trepidations about the whole thing, too. And I agree with Legislator Romaine, we really should draw a line in the sand or pretty soon there'll no money going to infrastructure at all. And -- but if we don't fill this, I know he's not going to sign a SCIN to hire this person. We're not going to be able to do any dredging.

**LEG. ROMAINE:**

I will vote for it but I'll send George a memo we're going to do a referendum.

**P.O. LINDSAY:**

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

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

Opposed.

**MR. LAUBE:**

Sixteen. Nope, seventeen. Sorry.

**P.O. LINDSAY:**

**1672, mandating implementation of comprehensive plan to house homeless sex offenders. (Schneiderman)** Motion by Legislator Schneiderman. I will -- this is to extend the time lines? Yeah, I'll second that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen. No.

**LEG. D'AMARO:**  
Opposed.

**LEG. STERN:**  
Opposed.

**LEG. HORSLEY:**  
Opposed.

**LEG. GREGORY:**  
Opposed.

**LEG. BARRAGA:**  
Opposed.

**LEG. CILMI:**  
Opposed.

**LEG. MONTANO:**  
Opposed.

**MR. LAUBE:**  
Eleven. (Vote Amended to 10)

**MR. NOLAN:**  
It's already called so you'd have to make a motion to reconsider.

**P.O. LINDSAY:**  
You'd have to make a motion to reconsider. You had a hard date before; this is just extending it to give the department a longer time frame. Well, somebody make a motion.

**LEG. MONTANO:**  
Well, it passed any way, right?

**P.O. LINDSAY:**  
Yes.

**LEG. MONTANO:**  
So let's move on. You passed it.

**P.O. LINDSAY:**  
**1694, amending the Consultant Services Procurement Policy for child day care center providers, group family day care home providers, and school age child care providers.**

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

**LEG. BROWNING:**  
Second.

**P.O. LINDSAY:**  
Motion by Legislator Viloría-Fisher.

**LEG. LOSQUADRO:**

Explanation.

**P.O. LINDSAY:**

Second by -- who was the second? Legislator Browning. Explanation.

**MR. NOLAN:**

This is all those -- those particular entities that are named in the title. When they -- DSS goes to find people to provide those services, they wouldn't have to do an RFP or an RFQ. They'd be exempted from those requirements.

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

Can I add to that? I'm sorry, Kate.

**LEG. BROWNING:**

No, I was just going to say hopefully I can do this right, but this is because they're already qualified by the state that they -- that we're doing this. There are some entities that are already, I guess, approved.

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

Right. They have to have the state certification and qualifications. And also the rates are set by the state. So that wouldn't -- so they don't need to have, you know, the costs.

**LEG. BROWNING:**

It's really not for an RFP. It's more of an RFQ. So if we have any RFQ because they're already approved by the state, and there's a set fee any way so it's pretty much --

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**1702, appropriating additional funds for the Brownfields Program Gabresky Airport APDD site (CP 8223) (Co. Exec.)**

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Maybe I should ask what the APDD site is.

**LEG. SCHNEIDERMAN:**

It's Airport Plan Development. That's where --

**P.O. LINDSAY:**

I knew that.

**LEG. SCHNEIDERMAN:**

Something like that.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

On the accompanying bond resolution **1702 A (Bond resolution of the County of Suffolk, New York, authorizing the issuance of \$1,037,700 bonds to finance a part of the cost of remediation of a County-owned site (Gabreski Airport APDD site) under the County's Brownfields Program (CP 8223.315 and .413) same motion, same second, roll call.**

**(ROLL CALL BY MR. LAUBE, CLERK)**

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

**IR 1726, adopting Local Law No. -2010, A Local Law amending Local Law No.35-2010, to enlarge the open period and the number of employees eligible to participate in the Retirement Incentive Program as authorized by Local Law No.35-2010, and Part A of Chapter 105, Laws of 2010 (Co. Exec.)**

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Who made the motion? Legislator D'Amaro made a motion.

**LEG. BROWNING:**

I'll second.

**P.O. LINDSAY:**

Second by Legislator Browning. Any questions? Legislator Nowick.

**LEG. NOWICK:**

Brief explanation by Counsel.

**MR. NOLAN:**

This has to do with the early retirement incentive which we passed, I believe, at our last meeting. This would extend the open period from 30 to 60 days. The open period is going to expire now around August 20, 21st. This would extend that period by 30 days conditioned, though, on this Legislature approving the sale of the Foley facility. That's the one.

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

Okay, I'm going to be voting no on this because it's, again, the County Executive holding us over a barrel with a condition here that these people cannot be included in the incentive; and that the time will not be extended unless we vote to sell J J Foley. And I'm not planning on voting to sell the John J. Foley facility and so I don't see any reason why I should support this.

**P.O. LINDSAY:**

Before I recognize you, Legislator Browning, I don't know what I'm going to do with the Foley vote. But if we should decide to sell the place, I would hate to cut off the opportunity for those employees to retire. So I'll be voting for it. Legislator Browning.

**LEG. BROWNING:**

I pretty much was going to say the same. And I notice that we got some information from the County Executive's office. I think there's something like 54 people who have applied for that retirement. And, again, I'm not voting for John J. Foley to sell it. But if we don't have the votes and we don't vote for this, we have 54 people who will not be able to retire. So that's why I'm voting for this but I will not vote to sell.

**P.O. LINDSAY:**

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

**LEG. ROMAINE:**

Clerk, please list me as a recusal.

**LEG. EDDINGTON:**

Abstained.

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

Opposed.

**LEG. MONTANO:**

I'm going to abstain, too. I don't like conditional resolutions.

**MR. LAUBE:**

Thirteen. (Leg. Schneiderman not present)

**P.O. LINDSAY:**

Okay, **1689, authorizing the use of Smith Point County Park property, Cathedral Pines County Park, Southaven County Park, and Smith Point Marina by the Long Island 2 Day Walk to Fight Breast Cancer, Inc., for breast cancer walk in 2011 (Browning)**

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Leg. Schneiderman not present)

**P.O. LINDSAY:**

**1707, authorizing use of Southaven County Park for the Craig Elberth Cross Country 5K Run. (Browning)**

**LEG. BROWNING:**

Same motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Leg. Schneiderman not present)

**P.O. LINDSAY:**

**1716, authorizing the use of Smith Point County Beach property by the American Cancer Society for the Amazedness Kite Fly. (Eddington)** Amazedness, is that a word? Okay, that doesn't stop us from passing it, though. We have a motion by Legislator Eddington, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Leg. Schneiderman not present)

**P.O. LINDSAY:**

**IR 1691, accepting and appropriating additional federal funding in the amount of \$33,806.50 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the Safe Streets Task Force FY10 with 83.37% support. (Co. Exec.)** Motion by Legislator Eddington, second by Legislator Losquadro. All in favor? Opposed? Abstentions.

**MR. LAUBE:**

Seventeen. (Leg. Schneiderman not present)

**P.O. LINDSAY:**

**1692, accepting and appropriating Division of Criminal Justice Services (DCJS) funding in the amount of \$30,000 for Suffolk County's participation in Operation Rolling Thunder 2010 with 83.32% support (Co. Exec.)** How about same motion, same second, same vote?

**MR. LAUBE:**

Seventeen. (Leg. Schneiderman not present)

**P.O. LINDSAY:**

**1700, appropriating funds in connection with improvements to the County Correctional Facility C – 141, Riverhead (CP 3014)** Motion by Legislator Eddington, second by Legislator Gregory.

**LEG. KENNEDY:**

On the motion, Mr. Chair.

**P.O. LINDSAY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

Do we still have somebody here from Public Works? No. Okay.

**P.O. LINDSAY:**

One guy on the team left. The rest are still here, though.

**LEG. KENNEDY:**

So there's nobody to listen to this anyhow. When we talked about it in committee, there were a variety of different things that had been put into place with the capital budget schedule. And they still have some severe leaks out there. My request for Public Works was going to be that they prioritized the roof work and some of the other leak work before they go into the POD supervision or modification. I'll leave it at that, I guess, just for the record and through the Chair.

**P.O. LINDSAY:**

Mr. Zwirn, why is there two different resos?

**LEG. ROMAINE:**

One for Riverhead.

**P.O. LINDSAY:**

But they're both for Riverhead.

**MS. VIZZINI:**

I asked the Budget Office the same thing. The planning money is not specifically related to the 1.25 million in construction.

**P.O. LINDSAY:**

But they're both the same CP number.

**MS. VIZZINI:**

Yeah, that's because they're for the same building. That's okay.

**P.O. LINDSAY:**

So one is for planning; the other's for construction? Is that it?

**MS. VIZZINI:**

Yes, but not -- the planning is not for that construction. The planning is for other construction. So bond Counsel would -- did not --

**P.O. LINDSAY:**

So we plan one thing and build something different?

**MS. VIZZINI:**

We've already done the planning. We've already done the planning for the 1.25 million. It took a while for me to figure that out, too.

**P.O. LINDSAY:**

Okay. You would think we'd have a different CP number, right?

**MS. VIZZINI:**

No, no, no.

**P.O. LINDSAY:**

Okay. I won't complicate this any more. All right, we have a motion on 1700 and a second. Correct, Mr. Clerk?

**MR. LAUBE:**

That is correct.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay, same motion, same second on 1700A the accompanying bond resolution. **(Bond resolution of the County of Suffolk, New York, authorizing the issuance of \$350,000 bonds to finance the cost of planning and engineering for improvements to the County correctional facility C-141, Riverhead (CP 3014.115)).** Roll call.

**(ROLL CALL BY MR. LAUBE, CLERK)**

**LEG. EDDINGTON:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

(Not present)

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay, **1704, appropriating construction funds in connection with improvements to the County Correctional Facility C -141 Riverhead (CP 3014) (Co. Exec.)** Motion by Legislator Eddington, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Leg. Schneiderman not present)

**P.O. LINDSAY:**

Same motion, same second on the accompanying bond **resolution 1704A (Bond resolution of the county of Suffolk, New York, authorizing the issuance of \$1,250,000 bonds to finance the cost of improvements to the County correctional facility C-141, Riverhead (CP 3014.320)**, roll call.

**(ROLL CALL BY MR. LAUBE, CLERK)**

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**1721, Reappointing Robert J. Hartmann as a member of the Suffolk County Vocational, Education, and Extension Board 12 (Romaine)** Motion by Legislator Romaine, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

We did 1578. **1706, authorizing transfer of surplus County computer systems and hardware to RSVP (Kennedy)**

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy. I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**1714, amending the 2010 Capital Budget and Program and appropriating funds in connection with strengthening and improving County roads (CP 5014) (Co. Exec.)**

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine, second by Legislator Schneiderman. It's in the capital budget. We're bonding it. Oh, they're moving it. Do you have that, Gail, the answer to Legislator Montano?

**MS. VIZZINI:**

What was the question? What are the offsets?

**LEG. MONTANO:**

Yeah.

**MS. VIZZINI:**

It's 300,00 from Lane Removal and 185,000 from Guard Rails to do the strengthening and improving.

**LEG. MONTANO:**

Okay.

**P.O. LINDSAY:**

Okay. Do we have a motion, Mr. Clerk?

**MR. LAUBE:**

You have a motion and a second.

**P.O. LINDSAY:**

All right. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Accompanying bond resolution **1714A (bond resolution of the County of Suffolk, New York, authorizing the issuance of \$485,000 bonds to finance a part of the cost of strengthening and improving County roads (CP 5014.350)** Same motion, same second. Roll call.

**(ROLL CALL BY MR. LAUBE, CLERK)**

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. **1686, sale of County-owned real estate pursuant to Local Law No. 13-1976 Scott and Cheryl Dimperio (SCTM No. 0500-244.00-01.00-027.000) (Co. Exec.)**

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**1687, sale of County owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-283.00-01.00-002.000) (Co. Exec.)** Do we have a motion?

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro, second by Legislator Browning. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Let's stay with the manila folder and go through some of this procedural stuff. And then we got overrides. Oh, that's in here, too. Okay, **procedural motion number 15, to set a public hearing for the inclusion of new parcels into existing certified agricultural district of County of Suffolk. (Lindsay)** I'll make a motion.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Schneiderman. Anybody want to comment? All in favor? Opposed? Abstentions?

**LEG. BROWNING:**

Co-sponsor.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, **procedural motion number 16, procedural resolution authorizing funding for community support initiatives. (Lindsay)**

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Vilorio-Fisher, second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, **procedural motion number 17, authorizing retention of Counsel to assist Special Legislative Committee reviewing the operation of Suffolk County Ethics Commission. (Lindsay)** I'm not going to move this at this time. I'm just going to hold it in abeyance. So I'll make a motion to table, second by Legislator Cooper. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**Procedural motion 18-2010, authorizing a Special Legislative Committee reviewing the Suffolk County Ethics Commission to administer oaths. (Lindsay)** And I will hold that at the same time we're meeting yet on this stuff. So I'll make a motion to table.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

## **VETOES**

**P.O. LINDSAY:**

Okay, let's go into vetoes. First one is **resolution number 634-2010, Adopting Local Law No. -2010, A Charter Law to strengthen the independence of the Ethics Commission (Montano)** The County Executive vetoed. Do I have a motion?

**LEG. MONTANO:**

Motion to override.

**P.O. LINDSAY:**

Motion to override by Legislator Montano, seconded by Legislator Cooper. Any discussion? All in favor of overriding? Opposed? Abstentions?

**LEG. CILMI:**

Abstained.

**LEG. BARRAGA:**

Opposed.

**P.O. LINDSAY:**

Put your hands up. One opposition, one abstention.

**LEG. LOSQUADRO:**

Opposed.

**P.O. LINDSAY:**

Two opposition, one abstention.

**MR. LAUBE:**

Legislator Cilmi, abstain?

**LEG. CILMI:**

Yes.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

**Resolution 527, adopting Local Law No. -2010, A Local Law to streamline procedures for selecting the County Legislature's Presiding Officer and Deputy Presiding Officer (Cooper)**

**LEG. COOPER:**

Motion to override.

**P.O. LINDSAY:**

Motion to override by Legislator Cooper.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Second by Legislator Browning. Roll call.

**(ROLL CALL BY MR. LAUBE, CLERK)**

**LEG. COOPER:**

Yes, to override.

**LEG. BROWNING:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

No.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. MURATORE:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

No.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eleven.

**P.O. LINDSAY:**

Override fails.

**503, adopting Local Law No. -2010, A Charter Law to guarantee continuity and stability in County Law Enforcement and ensure adequate resources for public safety. (Eddington)**

**LEG. EDDINGTON:**

Motion to override.

**P.O. LINDSAY:**

Motion by Legislator Eddington to override. Resolution number 503. Everybody on board now? We know where we are? I'm glad. We have a motion to override and a second.

**MR. LAUBE:**

No, I did not get a second yet.

**P.O. LINDSAY:**

Who made the motion to override? Legislator Eddington made a motion to override. I'll second it. Roll call.

**(ROLL CALL BY MR. LAUBE, CLERK)**

**LEG. EDDINGTON:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

No.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**MR. LAUBE:**

Thirteen.

**P.O. LINDSAY:**

Okay, **resolution 664, achieving cost savings through effective use of light duty police officers (Lindsay)** is the resolution. And it was vetoed. And I will make a motion to override.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. Roll call.

**(ROLL CALL BY MR. LAUBE, CLERK)**

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

No.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. MURATORE:**

Abstain.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Abstain.

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

Yes.

**MR. LAUBE:**

Eleven.

**P.O. LINDSAY:**

It fails. What that means is that we hire civilians instead of using light duty people. That don't make any sense.

**LEG. ROMAINE:**

That issue that can be re-visited.

**P.O. LINDSAY:**

**Reso 653, the IR is 1412, adopting Local Law No. -2010, A Local Law establishing fair and objective procedures for contracting title insurance work. (Kennedy)**

**LEG. KENNEDY:**

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

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

We have a motion by Legislator Kennedy to override and second by Legislator Romaine.

**LEG. KENNEDY:**

On the motion, Mr. Chair.

**P.O. LINDSAY:**

On the motion Legislator Kennedy.

**LEG. KENNEDY:**

Yeah. As a matter of fact I put the motion forward in order to override for the same reason that I put the bill forward. And as a matter of fact I'd like to go one step further. At the meeting on June 22nd there was a statement on the part of the administration that I was part of a sweetheart deal that allowed title searchers to have cubicle space for free. That's a falsehood that has circulated to all my colleagues. As a matter of fact, there are annual reports for three years at the County Clerk's office in which I identified the cubicle rent specifically. And I would expect someone on the part of the administration to step forward and acknowledge that that was a falsehood on the record that was stated about me specifically. Nevertheless, I ask my colleagues to go ahead and override.

**P.O. LINDSAY:**

Does anybody want to step forward?

**MR. ZWIRN:**

Yeah, those comments were made by me and I have no apology to make.

**P.O. LINDSAY:**

Okay.

**LEG. KENNEDY:**

Well, then, Mr. Zwirn, then, when you stand there and speak, you speak in complete and utter falsehood because it was a lie.

**MR. ZWIRN:**

Well, that's what you say. And I respect your position. I respect your opinion, but I stand by what I said.

**LEG. KENNEDY:**

I'll make sure I forward your records. Thanks.

**P.O. LINDSAY:**

Legislator Kennedy, you're going to become part of the legislative cabal.

**LAUGHTER**

**P.O. LINDSAY:**

Okay, we have a motion to override and a second. Roll call.

**(ROLL CALL BY MR. LAUBE, CLERK)**

**LEG. KENNEDY:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Pass.

**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.

**LEG. CILMI:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay, resolution 499, local law establish promise contracting policy for not-for-profit organizations. (Gregory).

**LEG. HORSLEY:**

Motion to override.

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

Second.

**P.O. LINDSAY:**

Motion by Legislator Horsley to make a motion to override and seconded by Legislator Viloría-Fisher. And Legislator Gregory, I recognize.

**LEG. GREGORY:**

Mr. Chair, I'd like to draw attention to my recusal that I forwarded to your office and filed with the Clerk. Although I spoke to Legislative Counsel, he found there is no conflict. I just wanted to not tarnish this body in any way and kind of be above reproach. And I choose to recuse myself from this vote. Thank you.

**P.O. LINDSAY:**

Okay, so we have a motion and a second to override. We have one recusal. Anybody else on the issue? Hearing none, roll call.

**(ROLL CALL BY MR. LAUBE, CLERK)**

**LEG. HORSLEY:**

Yes.

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

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

16.

**P.O. LINDSAY:**

Okay, **IR 500, adopting Local Law No. -2010, A Local Law to extend prompt payment policy for not-for-profit contract agencies (Gregory)**

**LEG. HORSLEY:**

Motion to override.

**P.O. LINDSAY:**

Motion by Legislator Horsley to override, seconded by Legislator Montano. And on the -- Legislator Gregory.

**LEG. GREGORY:**

Mr. Chair, please note my previous comments apply to resolution 500. Thank you.

**LEG. MONTANO:**

If I may?

**P.O. LINDSAY:**

Yes, on the motion Legislator Montano and then Losquadro.

**LEG. MONTANO:**

I've looked at this issue, Legislator Gregory, and I don't feel that there's any reason why you would need to recuse yourself but that's your choice and I respect it.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I just want to say I supported the override in the previous bill. I think the prompt contract and policy is, you know, logical progression. But after looking at this issue and having a number of discussions with some of my colleagues on the prompt payment issue, I think there other directions that we could go namely going to an electronic pay system, an e-pay system; much of the private sector has done and go to a strict net 60 or net 90 type payment system the private sector is using extensively now, without having to encumber these type of penalties which ultimately go back to the tax payers anyway.

I think there are ways to implement technology and to improve our system without having to have our staff prioritize and maybe focus attention on the not-for-profits at the expense of the for-profits. I think if we're going to streamline things, we're going to improve things, we need to do it through implementation of better technology. And I just, like I said, after looking at this, I don't think this is the direction we should be moving in.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Legislator Losquadro, when I introduced the prompt payment bill for child care providers, I suggested that as well as did some of the providers that they have e-payments. But because of the antiquated state system and state regulations and some of these not-for-profits, pass-through grants from the state that we are, you know, managing for the not-for-profits, we were not able to implement an e-payment policy. I'm not certain if these contracts are under the same restrictions, but I don't see any reason why we can't pass this and follow it up with seeing if we can do e-payments so that we can abide by our own rule. So one doesn't preclude the other. I think that this is a very good bill. I think we should implement it. And certainly I agree with you that we should be using technology better.

**P.O. LINDSAY:**

Anybody else want to talk? Roll call.

**(ROLL CALL BY MR. LAUBE, CLERK)**

**LEG. HORSLEY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

13.

**P.O. LINDSAY:**

Okay, red folder, CN's. Okay, the CN's, we already did 1843. **1767, authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Lok Jeung (SCTM No. 0100-114.00-01.00-027.000) (Co. Exec.)**

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

Why would this be a CN, Lou?

**LEG. D'AMARO:**

Are you asking me?

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

Yeah.

**LEG. D'AMARO:**

Yeah, my understanding is that, you know, as you all know sixteen is usual as a matter of right -- it's always as a matter of right. And this was brought as a CN because we learned after the last

cycle that this property is in contract to be sold. And when it's sold at the closing, the County will be made whole interest, penalties, back taxes and all of that. So just to move it along and meet the closing date, you know, we figured we'd do the CN. I think it's netting about 55,000 to the County and would put the property back on the tax rolls.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Do I have a motion, Legislator?

**LEG. D'AMARO:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**IR 1785, authorizing use of property at Francis S. Gabreski Airport by the Kiwanis Club of Greater Westhampton. (Co. Exec.)** Motion by Legislator Schneiderman. I'll second it. Any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**1844, authorizing a public hearing pursuant to Section 6-r of the General Municipal Law. (Co. Exec.)**

**LEG. LOSQUADRO:**

Public hearing for what?

**MR. NOLAN:**

This is actually a public hearing having to do with the transfer from tax stabilization to retirement. We passed this resolution previously. It was not -- the public hearing wasn't timely advertised so we have to pass this resolution again setting the public hearing date for the 17th of August so we can have that public hearing.

**LEG. LOSQUADRO:**

I'll make a motion.

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

I'll second it.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

We did 1845. **1821, approving the appointment of a relative of a County Legislator in the Suffolk County Department of Law. (Losquadro)**

**LEG. LOSQUADRO:**

Motion, Mr. Chairman.

**P.O. LINDSAY:**

Okay. Motion but don't you have to mention who it is? You got to mention who it is. Motion by Legislator Losquadro, seconded by Legislator Romaine. And it's for a relative of Legislator Barraga. We always mention who it is. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, late starters, yellow folder. I'll make a motion to waive the rules and lay on the table the following late starters. 1837 to Public Works, 1838 to Ways and Means and to set the public hearing for August 17, 2:30 in Riverhead, 1839 to Consumer Protection, 1840 to Labor and Workforce and Affordable Housing, 1841 to Ways and Means, 1842 to Health and Human Services, 1846 to Economic Development, Education and Energy and 1847 to the EPA. Do I have a second? Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

I'll accept a motion to adjourn. Motion by Legislator Kennedy, seconded by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

We stand adjourned.

**THE MEETING CONCLUDED AT 10:50 PM**