

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TWELFTH DAY

August 17, 2010

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

**Verbatim Minutes Taken By:
Lucia Braaten & Alison Mahoney - Court Reporters**

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

[THE MEETING WAS CALLED TO ORDER AT 9:35 A.M.]

P.O. LINDSAY:

Mr. Clerk, are we ready?

MR. LAUBE:

We're ready if you are.

P.O. LINDSAY:

Please, call the roll.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not Present).

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:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Sixteen. (Not Present at Roll Call: Legs. Schneiderman and Montano)

P.O. LINDSAY:

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

*(*Salutation*)*

If everyone could remain standing, Legislator Losquadro is going to introduce our visiting Clergy.

LEG. LOSQUADRO:

Thank you, and good morning. I'd like to introduce someone who has really become a foundation of the Middle Island, the Longwood community, someone who we all just affectionately refer to as Pastor Joe. Pastor Joe Lecci of City on a Hill Community Church, and also of Lifeline Mediation Center, is someone who I cannot say enough about and the work that they do within the Longwood community and Middle Island community. A main focus of their outreach has been that mediation work within the community, whether it be domestic issues, issues within the school district, gang related issues, alternatives for children, instead of getting involved with those gang organizations, whether it be midnight basketball, the list goes on and on. And to have someone who puts that much time, not only into their spiritual efforts, but their efforts to better the community and provide outlets for our young people within that community, would deserve a great deal of admiration and respect. I'd like to introduce Pastor Joe Lecci for the invocation this morning.

*(*Applause*)*

PASTOR LECCI:

Thank you. It's an opportunity to be here and say to everyone that I was driving here today and, you know, I was thinking of Joshua after Moses passed the torch over, and all of you around this group today, it's -- where am I standing? Here I am.

LEG. LOSQUADRO:

More to the middle.

PASTOR LECCI:

More to the middle? Right here, how's that? And, you know, it was said to him to be strong and courageous. And I think we're living in a time where we all need to reflect on that, to be strong and courageous. So I'd like to read this invocation, if we could just join together before the Lord.

God of our forefathers, we come to you today. You have been the refuge of good and wise men in every generation. Through all the ages, you have been the Lord and giver of life, the source of all knowledge, the fountain of goodness. We humble ourselves before you as you send us forth to the noble work of this Legislative body. For this new day, we give you our humble thanks for its long hours waiting to be filled with helpful labor, for its open doors of possibilities, for its hope of new beginnings. Quicken in our hearts the desires to avail ourselves richly of this day's opportunity. Let us not break faith with any of yesterday's promises, nor leave unrepaired any of yesterday's wrongs, where deeds of ours can help to make our communities a better place for men and women to live. Lord, give us clarity of understanding and a worth of purpose. Your word says to rule over us today as we think, speak and wait. Cause us to trust you, leaning on your wisdom and your grace. Heavenly father, we acknowledge you and the confidence that you will direct our paths. To your loving guardianship we commit ourselves and the task that is set before us this day. Amen.

P.O. LINDSAY:

If everyone could remain standing for a moment of silence. Last evening, one of our Legislative Aides, Bill Shilling, lost his dad, so I'd like him remembered this morning. And, as always, let us also remember all the men and women who put themselves in harm's way every day to protect our country.

*(*Moment of Silence*)*

D.P.O. VILORIA-FISHER:

On behalf of all the members of the Legislature, Presiding Officer Bill Lindsay is pleased to present a proclamation to our Assistant Deputy Director of the Legislative Budget Review Office, William Lance Reinheimer, who will be retiring from the County this week after 34 years of service. We will miss him.

MR. LIPP:

He's not here yet.

P.O. LINDSAY:

Lance isn't here yet?

MR. LIPP:

I could accept it on his behalf.

*(*Laughter*)*

LEG. ROMAINE:

He started his retirement a day too early.

MR. LIPP:

You want me to accept it on his behalf?

P.O. LINDSAY:

You want to switch with him?

MR. LIPP:

Are you trying to tell me something?

P.O. LINDSAY:

No, no.

*(*Laughter*)*

At the last Suffolk County Legislative meeting, an employee in the audience of the John J. Foley Nursing Facility suffered a heart attack and suddenly collapsed right before our eyes. I don't think -- is Pete here? Pete isn't here, right? I think he just got out of the hospital a little while ago. Thanks to a number of individuals who quickly came to the man's aid, assisting with the administering of the CPR and automatic external defibrillator ultimately saved his life. We -- as long as I've been in this Legislature, we've voted on legislation to disseminate AEDs throughout our County as a lifesaving apparatus, and personally, and I voted on many, many of them, that's the first I'm I've ever seen it in action and it was just an amazing thing to see. But, on behalf of all the members of the Legislature, as the Presiding Officer, I'm pleased to present proclamations to the following persons for their exemplary actions at the last meeting. And I might add, the proclamation is a lifesaving award, which is something that we give out very infrequently, but it's -- I don't know of anything that's more prestigious than to save another person's life. And I would like Legislative Aide, Greg Moran. Come on up, Greg.

*(*Applause*)*

Greg is an EMT with one of our fire departments. We had two nurses from John J. Foley who jumped in and assisted, Ann Hooker and Madeliene Lizzol. Ann and Madeliene, are you here? Please, come forward.

*(*Applause*)*

Ann or Madeliene?

MS. LIZZOL:

Madeliene.

P.O. LINDSAY:

Is Ann here?

MS. LIZZOL:

Not at the moment.

P.O. LINDSAY:

Okay.

MS. LIZZOL:

I don't believe so, but I could give it her.

P.O. LINDSAY:

I'll give it to you.

MS. LIZZOL:

I will.

P.O. LINDSAY:

And our two Deputy Sheriffs that were with us last meeting, I requested they return, because I'd like to give them a lifesaving award because they were in the midst of everything. And talk about five people from different backgrounds, different groups all working together to save this man's life, it was amazing to see. Elizabeth Von Hassel, if you could come forward, and Karen Keller.

*(*Applause*)*

*(*Photograph Was Taken*)*

Thank you very, very much.

*(*Applause*)*

As you heard from our first proclamation -- everybody could sit down -- this is a time of kind of sorrow for a lot of us that work for the County because we have a number of people that are retiring, very trusted employees that have been with us for a long, long time and have done a wonderful job for the citizens of this County, and they're taking advantage of the early retirement that we voted on and they're leaving us. And next, I'd like Legislator Viloría-Fisher to present a proclamation to one of our long-time Aides.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I'd like to present this proclamation to my own Chief Aide, Ginny Suhr. Ginny has been in my -- with me for almost as long as I've been a Legislator here. And everybody knows that Ginny is the maven of helping people navigate through the Social Services and all of the services that people need when they are in need. And I think all of the staff here knows that Ginny always behaves -- come on over here next to me, Ginny -- very professionally with a great sense of humor and is very efficient. We are going to miss her very much, but we wish her the very best. And so, Ginny, this is from all of us. Congratulations, and thank you everything you've done. It's been wonderful working with you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Next up is Legislator Browning for the purpose of a proclamation.

LEG. BROWNING:

She's tiny. I'm proud to introduce to you today Grace Ann Rizzitello. And Grace Ann is a figure skater, and Grace Ann just started figure skating in April and she participated in a U.S. figure skating competition in April? No? I'm sure -- yes, I think April, and took third place for her age group. She recently, August 1st, participated in another figure skating competition in Islip and in her age group took first place. Now, remember, she only started in April. So Grace Ann was a dancer beforehand and now is dedicating all her time as a figure skater. And I think it's important to encourage our young people to continue doing what they love best and what they're good at. And, hopefully, some day Grace Ann will come to the Legislature as an Olympic champion. What do you think? Would that be nice?

MISS RIZZITELLO:

(Nodded yes).

*(*Applause*)*

LEG. BROWNING:

So I want to say congratulations to Grace on her accomplishments. And her parents are back here, I guess too shy to come up. But, thank you, Grace Ann, and it's a pleasure to have you as a constituent in my district.

*(*Applause*)*

P.O. LINDSAY:

Okay. That completes our proclamations. Now we go to the public portion. Oh, I'm sorry. Legislator Romaine, did you have a proclamation?

LEG. ROMAINE:

Yes, I do.

P.O. LINDSAY:

I'm sorry, I didn't have it here.

LEG. ROMAINE:

Okay. I have a proclamation today for a lady that about five years ago, actually on August 6th, 2005, founded Operation Veronica, and that's Janet Godfrey. And I'd ask Janet, if she's here, to come up, and anyone that's involved in Operation Veronica to come up. Janet, why don't you stand right here.

Janet is the founder of Operation Veronica that was named for Saint Veronica, and according to history, Saint Veronica was the ones that, as Christ was carrying his cross through the procession in Jerusalem, stepped forward and wiped his face. And with that conviction, these group of 12 to 20 women, volunteers ranging from early teens to 80-something, put together goody bags, toiletries, underwear, homemade goods for all of our troops serving in Iran and Afghanistan. They've made over 18,000 items for Marines, soldiers, airmen and sailors. They've constructed survival bracelets.

And Janet was named as Woman of the Year in Town of Brookhaven. She is a resident of Wading River. She has also reached out to the troops and put together Operation Backpack, which is to put together school supplies for the kids for both in Afghanistan and Beanie Babies for the kids as well. She's done a tremendous work for our troops and helped the American presence, both in Iraq and Afghanistan. And for her efforts, which is selfless and volunteer, and is the type of thing that built this country, type of effort that we need, the things that government can't do when citizens step forward to help our troops in those areas where our troops are serving. I cannot thank them enough. Janet, we have a proclamation from the County of Suffolk naming today as your day in Suffolk for your dedication to our nation and to the men and women that serve our nation overseas. Thank you and God bless you.

*(*Applause*)*

LEG. ROMAINE:

And for each of these ladies who volunteer their time, we have Certificates of Merit to thank you for your efforts, your time and your commitment to our troops and to our nation. Good bless you.

*(*Applause*)*

P.O. LINDSAY:

Does anybody else have a proc that I forgot? No?

*(*Laughter*)*

Now to the public portion. The first speaker is Craig Tortora.

MR. TORTORA:

Good morning, Mr. Lindsay and Ladies and Gentlemen of the Legislature. I appreciate a moment. Obviously, I'm here with regard to what's ongoing with regard to your investigation of the Grievance Committee -- the Grievance Commission. And I'd like to read a brief letter into the record which the

three Commissioners wrote, and would like you to consider in your deliberations in choosing independent counsel to investigate the past actions of the Commission.

"It has come to the attention of the Commission that the Suffolk County Legislature is considering hiring Anton Borovina as Independent Counsel to investigate the Suffolk Ethics Commission. The Commission has already expressed its indignation regarding the need for an investigation. However, the appointment of Mr. Borovina would simply add insult to injury. It is difficult to imagine any attorney who could be less independent in his investigation than Mr. Borovina. In fact, Mr. Borovina has already evinced his opinion that the Commission has acted improperly in several public statements, thereby belying any appearance of impartiality or independence. Furthermore, Mr. Borovina serves as counsel on matters that are currently pending before the Commission, and, as such, his appointment would create not only a conflict of interest between his clients, but would undermine the integrity of the proceedings currently before the Commission.

There is absolutely no question that Mr. Borovina's clients would have adverse interests were he retained to investigate the Commission. The Commission is constrained by confidentiality from revealing Mr. Borovina's clients, but suffice to say, these individuals are being investigated by the Commission for potentially serious violations of the County's Ethics Code. It would certainly behoove these clients were Mr. Borovina to discover that the Ethics Commission acted outside the constraints of law on any matter. This raises the question as to whose interests Mr. Borovina would have at heart, the County's in performing an independent investigation, or those of his private clients who have matters pending before the very Commission he is investigating. This is the epitome of a case of adverse interests and would be a violation of the Attorney's code of professional responsibility.

Moreover, we would note that Mr. Borovina has been quoted in Newsday as stating, "The only question is: Is there a conflict between my clients, and there isn't." The Commission submits that this is not a determination that Mr. Borovina can make; rather, under the standards of professional legal ethics, Mr. Borovina's clients, both his private clients and the County itself, must waive any such conflict.

Finally, we remain at a loss as to why this body feels such a pressing need to conduct an investigation into the Commission, which has faithfully been carrying out its duties as set forth in both County and State Law. The mere fact that certain members of the Legislature disagree with the Commission's opinion regarding a narrow -- one narrow issue relative to the filing of the County Executive's financial disclosure forms should not result in a full-blown investigation of the Commission's actions. In so doing, the Legislature creates an appearance that whenever a duly appointed Ethics Commission renders an unpopular opinion, political retribution, in the guise of independent investigation, will be forthcoming. Thank you. Very truly yours, Thomas G. Nolan, Chairman, Craig J. Tortora, Commissioner, and Joseph Laria, Commissioner."

Thank you for the opportunity to read this letter into the record.

P.O. LINDSAY:

Tom Buyer -- Berger. I'm sorry, Berger.

MR. BERGER:

I had made copies of what I'm going to read, so this way everybody could follow along. It's a -- it's very difficult trying to create a picture of what our concern is, and so that's the reason why the letter may seem a little too long. But, anyway, my name is Tom Berger. My wife and I have been Patchogue residents for over 42 years. We have four children that grew up in Patchogue and each one of our children are married and own their own homes in Patchogue. In addition, I've been representing our community as a civic leader for over 30 years. I'm a former president of the Swan

Lake Park Civic Association, and currently I'm secretary of Focus East Patchogue. And I mention this by way of introduction only to assure you that I'm speaking on behalf of the residents of our community and that I have their support. I am referring to the Resolution 1841 from Legislative District 7, Jack Eddington's district. We have no objection to the renewal of this lease. However, we would like to see a release clause included which would allow either the landlord or the County to terminate the lease at a time after 18 months into the five-year lease. In addition, we would ask that it would include a resolution to relocate the health center within the next 30 months. This is most important to us and we need to have you understand why.

Focus was formed as a not-for-profit group in 2002. Our goal was to revitalize the Main Street Business District in Patchogue, which is to the east of Patchogue Village. In the past eight years we have helped to rid our area of the long vacant Caldor, which is LOWES, the vacant Pizza Hut, which is now a busy and successful Columbian restaurant, the old Dunkin Donuts, which was rebuilt and is now Baskin Robbins/Dunkin Donuts, the long vacated -- the long vacant Tru Value building, which finally was demolished earlier this year. We all look forward to the day when the Plaza Theater is sold to the Town. The Health Center is located next to Dunkin Donuts and the Plaza Theater. It is also across the street from the new Columbian Restaurant and the empty property, which formerly was Tru Value. These parcels of real estate are vital to revitalization in our area. In seeking solutions, we have even proposed a Media Arts Center as a unique draw to our community. The County Film Commission is aware of this proposal and supports our initiative.

Months ago we met with the owner, Signature Properties, Mr. Robert Frost. Is that a signal for me, because I'm not familiar. I'm sorry.

D.P.O. VILORIA-FISHER:

You started late.

MR. BERGER:

I started late.

D.P.O. VILORIA-FISHER:

Actually, it means your time is up, but finish your thought, okay?

MR. BERGER:

Okay. Well, you have my letter, but, basically, what we're asking is two things. Number one, that the County would add a release clause to the lease, and secondly, for both -- a benefit for both the landlord and the County; and secondly, that there would be a resolution that the County would finally move the health center, because without the Health Center being moved, our revitalization goals are going to be nearly impossible.

D.P.O. VILORIA-FISHER:

Thank you.

MR. BERGER:

And I thank you so much for your time. I'm sorry it took so long.

P.O. LINDSAY:

Laura Accardi.

MS. ACCARDI:

Good morning, Mr. Lindsay, and members of the Legislature. My name is Laura Accardi and I have resided the past 32 years on Conklin Avenue in Patchogue, just a short throw from the current health center.

D.P.O. VILORIA-FISHER:

Ms. Accardi, can you please hold the mic a little closer to you. You have a soft voice. There you go.

MS. ACCARDI:

Is that fine? Normally I don't have a soft voice.

P.O. LINDSAY:

Just yell.

MS. ACCARDI:

Okay. I'm here to support the thoughts of what Mr. Berger had just read to you. We are involved with Focus East Patchogue and we have worked long and hard to develop this area of Patchogue where the health center is located. Upon hearing about this lease renewal, which was only a few days ago, I didn't have much time to get the support we would have liked, but I do have some letters that were signed by coworkers and neighbors to echo what Mr. Berger just said. So, would you, please, just consider the relocation of the health center eventually and that clause in the new lease to release the landlord in case development does come about? And thank you for your time.

P.O. LINDSAY:

You can just give those to the Clerk right here at this table.

MS. ACCARDI:

Thank you so much.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Carl A. Bruno.

MR. BRUNO:

Thank you for the opportunity to come here today and speak on behalf of John J. Foley. I'm a musician and entertainer, so I'm used to being dragged off before my time is done.

*(*Laughter*)*

I started out with John J. Foley 30 years ago, actually, before John J. Foley was even built. I've been playing music for the Infirmary the old Infirmary, and I play music -- I think I have one of -- one edge that probably a lot of folks, maybe nobody else here has, and that is I get to play music inter-county for people, so I see a lot of nursing homes, and a lot of staff. And, on a personal level, without naming names, except for John J. Foley, there's only two places that I really recommend. I know all the places have laws that they have to follow and there's no way of getting around that, but there's only two places that I really highly recommend. The other one I won't mention, but the other one is John J. Foley, and that's because, in spite of the fact that I don't know the people by -- most of the people by name, I do know their faces, and that goes for the residents as well. It's not just another place, it's an extraordinary place.

And, as we all know, we don't know what tomorrow brings, we don't know what the next moment brings. Any one of us here could end up in a situation where we need health care, long-term health care. That's any of us, it's just our nature as human beings. And I ask you to really consider that the possibility might be that one of us could be a resident there, or would you rather go somewhere elsewhere where I would not recommend? That's my opinion, that's just me, seeing it on a firsthand level.

I'd like to use one last -- just one little -- an analogy, if I may, since the summer is analogy season, the wheel alignment. My friend -- when I was a kid growing up as a teenager, my friend had this car that used to drive down the street, you may have seen stuff like this before, where it was going down kind of lopsided. I don't even know how it ended up on the road. And my question is, well, maybe this -- some things fiscally a little lopsided. I'm not a politician, I'm not schooled in a lot of other things, I know music. However, you can either get the car aligned or you could rip up the road and retar it a number of times, but the end result will always be the same.

*(*Bell Sounded*)*

D.P.O. VILORIA-FISHER:

Oh, that's the gong.

MR. BRUNO:

Okay. There you go.

D.P.O. VILORIA-FISHER:

But finish your thought.

MR. BRUNO:

All right, yeah, thank you. I don't believe that closing the place down is going to fix the problem. I think the problem will be there even after -- no, our taxes aren't going to go down because we close. Many other places have been closed. If you look at other counties that are having fiscal problems, they'll shut this down, they shut that down, but they still had problems. We could relate to that on a personal level in our families or in our homes. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Kathleen Reeves.

MS. REEVES:

Good morning, Mr. Lindsay, and Ladies and Gentlemen of the Legislature. My name is Kathleen Reeves and I'm a nurse at John J. Foley. And I just wanted to straighten out a few things that have been said in the past, and --

P.O. LINDSAY:

Kathleen, if you could talk right into the mic, that would be --

MS. REEVES:

-- things that are going to be changed in the future. At the present time, bed hold is for 20 days. In other words, if a resident goes out to the hospital, as long as they come back within the 20 days and that facility has bed hold, they come back. This is going to change to 10 days. So, if the facility is privatized, and whether it's Mr. Rozenberg or somebody else, and they want to get rid of a resident, they get them in the hospital, after 10 days they lose bed hold and they don't have to take them back. We cannot make an unsafe discharge by law. Hospitals are not bound by those laws, they can discharge to shelters and they can and do discharge to the street. These are just one of the things I want to make -- also it's going to change that for bed hold, where now it's 90%, it's going change to 95%. These are the laws coming -- rules that are coming down the pike.

And Mr. Rozenberg referred to some 55 report -- page report that has done on each resident

quarterly. I know of no such report, and I do the MD -- I work on the MDS for John J. Foley. And yesterday I went down to Finance and asked them if they generated any such report that was 55 pages long, and they said, no, they didn't either. So, truthfully, I have no idea what he was talking about.

All right. What we need to do is find ways to keep the residents in the facility, and one of the ways we can do this is by certifying the nurses there to start IV's. So, if someone has a UTI, if someone has pneumonia, we can give them the IV's, we can give them the antibiotics, and not only will we save the beds, but we will be making money on the antibiotics. There's ways to bring money into John J. Foley, ways that have been mentioned in the past, but have never been explored. And I think this is something we need to do, because J.J. Foley can be a viable institution without going private. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Ms. Reeves. Robert Frost.

MR. FROST:

Good morning. My name is Robert Frost. I'm the managing member of Patchogue East Main Realty, the owner of 365 East Main Street in Patchogue, a property that's been occupied by the South Brookhaven Family Health Center since at least 1983. Thank you for the opportunity to speak here today in support of 1841-2010, the resolution authorizing a renewal lease for the Patchogue Health Center. As many of you undoubtedly know, the Patchogue Health Center has provided critically needed primary care health services to the people of Patchogue and its surrounding communities for over 25 years. During that time, countless patients, whom would have otherwise clogged emergency rooms of local hospitals for routine medical care, have been seen at this facility for medical services ranging from pediatrics, to internal medicine, to OB/GYN. According to the County's own statistics, the facility had approximately 47,440 visits in 2009, two-thirds of which were from the residents of the Patchogue zip code. Clearly, this facility is a critical link in providing health care to the Suffolk County residents in the greater Patchogue community.

My company acquired the property in July 2006. During our ownership, we've improved the facility with a new roof, new HVAC unit, and recently repair to the parking lot. Over two-and-a-half years ago we approached the County to discuss the renewal of the lease. Although we did have preliminary conversations at that time, the County made a decision to explore other options. Specifically, the County issued an RFEI and a subsequent RFP for this use. We responded to the RFEI and were responding to the RFP when the RFP was withdrawn by the County. Following the withdrawal, we have engaged with direct negotiations with the County and have now signed and delivered a renewal lease which awaits counter signature by the County.

Notwithstanding our good working relationship with the County, the lease negotiations were at times contentious. As landlord, it was very much in our interest to secure a long-term lease in the range of 10 to 15 years, but we were continually rebuffed by the County's negotiating team who wanted to make sure that the County did not have long-term lease obligations to a site that may not be in the long-term plans of the County. After much back and forth and with reluctance on our part, we finally agreed to a significantly shorter term than we had initially sought.

As I previously mentioned, the lease negotiations were at times heated, but, thankfully, always professional. Since everyone knew that the current lease was to expire on June 30, 2010, we all worked diligently to finalize the business terms of the deal so as to minimize the period of time that the County was in holdover status, which is where we are now, and to avoid a messy end-of-lease situation, which is where we are approaching. Having now finalized the lease language, it is time for

the members of the Legislature to complete this two-and-a-half year process and vote to authorize entering into the renewal lease. We believe it is in the County's best interest to approve the lease renewal.

In approving this resolution, you will allow Suffolk County to continue the delivery of critical health services during the short term, while having sufficient flexibility to explore other location options over the immediate time arising.

I just want to say, finally, that we want to thank the County staff, the Legislators and the leadership, all of whom are to be commended for the professional manner in which this lease renewal was negotiated. Thank you for the opportunity to speak here before you today.

P.O. LINDSAY:

Thank you, Mr. Frost. Mike DePaoli.

MR. DEPAOLI:

My name is Mike DePaoli and I'm a Vietnam vet. And I'd like to ask everybody here in this room, what is the purpose of that American flag? What is the purpose of the Suffolk County Legislature? What is the purpose of our military in battle on a daily basis? It's a right for constitutional and civil rights. We put our lives on the line every day that we're in the battlefield. You hold your hands up when you take office to protect, defend and preserve the constitutional and civil rights of the constituents that you serve. I want to remind you of those rights when it comes to do with those constitutional and civil rights violations that are taking place every day with our local Police Department. With changes now in domestic violence, with changes now in the economy, with changes now in PTS, with veterans coming home, we need a change in the Suffolk County Police Department that's called the Civilian Complaint Department. Every day our constitutional, our civil rights, our human rights are being violated by your finest Suffolk County Police Department. And it's just not generic for this County, it's also generic for Nassau County. You can cut back on budgets, you can cut back on everything else, but you can't cut back on our constitutional rights, our civilian rights. Stand up and be counted for. Where are they with the Suffolk County P.D.? They're not there. Where are they in Nassau County P.D.? They're not there.

We need courage under fire and it just doesn't take place on a battlefield. You are our first line defenders. You need to stand up and demand that Suffolk County initiate and establish a Civilian Complaint Department for the Suffolk County P.D., and then lead by example and encourage Nassau County to do the same thing.

In addition, not too long ago, I gave to the Suffolk County Legislature a Blue Star flag, which they so adequately displayed in the Suffolk County Legislature in Hauppauge. I gave a copy here personally to the Clerk of the Suffolk County Legislature, but I still don't see it here on display. Is the East End any less representative in Suffolk County than the West End? I would encourage that you honor the veterans that are serving you today and honorably display the Blue Star flag here also in the Suffolk County Legislature in Riverhead.

My name is Mike DePaoli. I'm no hero, I'm just a veteran. You stand up, protect, defend and preserve the civilian rights of the people of Suffolk County. Lead by example. Thank you.

P.O. LINDSAY:

Thank you, Mike. Perfect timing. Michele Burstin.

*(*Applause*)*

MS. BURSTIN:

Good morning, Ladies and Gentlemen of the Legislature. My name is Michele Burstin and I am a

Medical Social Worker at the John J. Foley Skilled Nursing Facility. I come before you today to ask you to, please, vote against the sale of this facility that has been serving a myriad of individuals almost close to a century. Many of my fellow employees weren't able to attend today due to staffing shortages. We are all feeling the effects of Mr. Levy's demands to cut back staff and ultimately close the nursing facility. I come here before you to ask that you continue to stand by us and support us in our efforts to save our nursing facility. Our residents need you, we need you and our future residents need you.

Since Mr. Levy's intentions of selling John J. Foley, we have lost a great number of employees who have since transferred to other positions within the County, or have left the County entirely for fear of their jobs. We have also lost a handful of residents who have transferred to other nursing facilities out of fear for their future stability. However, three residents come to mind that have since returned to John J. Foley because they and/or their family members do not feel that their needs were adequately being met at other facilities. Our residents are feeling the emotional effect of those losses. Our hope is always the continuity of care for our residents, but with each staff loss and each transferred resident, they have expressed great uncertainty for the future of John J. Foley. We cannot allow for a self-fulfilling prophecy to unveil. Closure of our facility is unconscionable, and a potential sale to the private sector will only produce instability for our residents.

Many families have told me over the years that the reason they placed their loved one at John J. Foley was because it is a County-owned and operated facility and that they know there will always be consistency. Many families and residents alike are all too familiar with how typical nursing homes operate. Our nursing facility is not typical. I would like to bring up the fact that John J. Foley is the only nursing facility in Suffolk County that has dedicated HIV beds in which these residents receive specialty care and monitoring. The only alternative placement for these residents is in Nassau County. We are a unique facility and service a diverse population, as you know. An example of this is one of my newer residents, who was involuntary-admitted by her court appointed guardian, has gone through some major life transitions. Her parents died several years ago and her sister has not carried out her parents' wishes to care for her. Her legal guardian, who is also an attorney, advised me that he had gone to a number of facilities in Suffolk County, but no one was willing to accept the resident. Why? Again, atypical profile. Fifty-year-old female with poor judgement, lacking insight, lacking competency and questionable psychiatric symptoms. Her guardian said, Michele, you were the last resort for this unfortunate soul. With that, I replied, "I wish Steve Levy could hear you." Lastly, I have just one question. Can I just --

P.O. LINDSAY:
Finish up.

MS. BURSTIN:
Okay. Lastly, I have just one question and you need not answer. Out of those of you on the Legislature that are considering the sale of John J. Foley, how many of you have actually visited the facility and met with those residents who are unsure of their future, or are you basing your decisions on what you have been hearing from others? I again thank you.

*(*Applause*)*

P.O. LINDSAY:
Thank you, Mrs. Burstin. Madeliene Lizzol. Madeliene Lizzol. Okay. Here comes Madeliene, one of our life-savers.

*(*Applause*)*

MS. LIZZOL:
I guess by now, it's no -- you all know who I am. I had something written and I can say I've been

endless hours writing something, but sometimes writing something down doesn't get from the heart. I'm going to try and not get emotional, because this is something that is near and dear to my heart.

I've been a nurse at John J. Foley and an employee of the Suffolk County Nursing Facility, which is my home away from home, and I've been there for most of my life, and I've seen so many transitions and so many people come and go, and never have I seen such a transition in the age group of residents that live there. They're all between the ages -- a majority of them are between the ages of 40 and 60, and some of them are even my age. I had a speech written about how I admitted a young girl when I was 17 who was 17 and we kind of lived parallel lives, but after seeing Mr. Levy's press conference yesterday, his press release, he clearly doesn't care about me and my 24 years and my sob stories, about how much time I put into John J. Foley, and how much I dedicated by life. And I still volunteer and try to make the best of it there for my patients to live a dignified life.

There's so much more I had written and I really don't know where -- I can probably sit up here and just talk, but I'm going to say, by selling -- it's not -- this organization could be such a profitable benefit, an establishment that will make such a profit. There's so many County programs out there that could help out, we can help each other, you know. And I don't know, the County -- is the County supposed to make money on people? I don't believe so. You know, I really don't know -- I really wish I can stop jumping around and share what I really have to feel -- I feel, because, you see, we've been under a lot of stress lately, the employees of John J. Foley. And our patients are here to support us and we love them, and I know that they're like second family to us. And I really am probably going to end, because I really am starting to get a little bit emotional. So just -- I just -- I don't want to say beg, but I beg if anybody could help us. You wouldn't be disappointed, because John J. Foley has been -- we save lives, as you've seen, and we do it on a daily basis. And I really am -- I'm a little -- I'm lost for words right now, because -- and I'm going to end. So thank you so much. I got my bell. And maybe I'll come back later with more.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Madeliene. It looks like Joseph {D'Addarco}? D'Addario. D'Addario. Joseph D'Addario? I hope I'm pronouncing it right. Joseph D'Addario? Okay. Maybe Joseph is in the restroom or something. We'll skip over him. Wayne Wachter.

*(*Applause*)*

Wayne? Madam Clerk, could you help Wayne, please?

MR. WACHTER:

How are you doing? My name is Wayne Wachter, resident -- a resident at John J. Foley. To the best of my knowledge, I should only be a resident there for a few more months. But why should I care if it remains a County facility or if it gets sold into a private operation? Once I've moved on from there, shouldn't it be gone from my concern? No.

I was in a motor vehicle accident back in May of 2009. It nearly took my life. After acute rehabilitation at a different hospital, I needed to go to a subacute rehab. John J. Foley was the one that accepted me. I was happy about this. My family had been looking at other facilities in Suffolk County and they were all privately owned and not nearly as well staffed, and did not offer the programs that would fulfill my needs as far as rehabilitation went. The staff at John J. Foley has been courteous and professional and there when I need them. If the facility was to go private, staff would be cut, and the help needed by many residents would either be a long time coming or not coming at all.

I look at the future, as you should. I never expected to need the uses of a place like this. Accidents and incidents are unforeseeable like that. There may come a time when either family or friends may need this facility, I mean, this facility as it is, not a watered down reduced staff, reduced services version that most of the private corporation facilities seem to be. I'm certain by selling John J. Foley into private corporation this County may be selling off the future of our friends and neighbors who may end up needing it. On behalf of myself and the residents who could not be here to speak for themselves, thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you very much, Mr. Wachter. Did Joseph D'Addario come back in the room? No? Okay. Looks like Carolyn Colascione.

D.P.O. VILORIA-FISHER:

Colascione.

P.O. LINDSAY:

Colascione?

MS. COLASCIONE:

Colascione.

P.O. LINDSAY:

Okay.

MS. COLASCIONE:

Good Irish name.

P.O. LINDSAY:

Okay.

MS. COLASCIONE:

Good morning, Ladies and Gentlemen. My name is Carolyn Colascione. I've been a nurse at John J. Foley for eight years, but I've been a nurse for over 30 years. I worked many, many facilities, which some are good and some are bad. I've got to say John J. Foley is the best I've ever worked, besides Good Samaritan Hospital, where I worked for 12 years. I came here because I have a very ill son. His insurance is unforeseen from this County. If we lose John J. Foley, I lose insurance, he loses the care that he requires. Right now we're battling cancer, battling sarcoidosis and many other diseases which would take 20 years to explain to you. But I beg you, please, think about it. Don't close John J. Foley. I'm not the only person that worked here because of the patients and because of the insurance and because of our benefits. I really wish you would reconsider and think about it. Our residents deserve the care that we give them. I work the night shift. I love the night shift and I love my residents. I just was on vacation for two weeks, they're like, "Where you been? We love you, we want you back." That's everyone that works there, they all love us. And I really wish that you would save John J. Foley. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Carolyn. Nanci Dallaire.

MS DALLAIRE:

Good morning. My name is Nancy Dallaire.

P.O. LINDSAY:

Nancy, could you lift the mic and talk right into it? That's wonderful. Thank you.

MS. DALLAIRE:

Better? I'm here once again to voice my objection to the sale of the County nursing home. Despite the reports, the Skilled Nursing Facility is not to blame for our serious budget deficit, and it will not be the quick fix to our hundred million dollar deficit should John J. Foley be sold. It should not be used as a bargaining chip. We are people and these are our lives that are affected. Believe me, the community of people who make up John J. Foley know what it is to fight a battle. The residents are ill and elderly. They fight the good fight that we will all face one day. Even with all the skill and all of our compassion, we will only make so much of a difference. We lose precious souls who touch our lives and we suffer their loss.

We would love to see every resident return home healthy and well. Unfortunately, that is not reality, but they do deserve to have assurance of quality care, along with the standards that they have come to rely on at John J. Foley. Even before I started at John J. Foley, I was told, "This is the residents' home." Treat them as if you were in their home. They do not deserve -- I'm sorry. It is not fair that they should worry about their future. Who will now be feeding, clothing caring for them? They have been under the safe care of skilled professionals for years, for decades. And as taxpayers, we want to save money, we want to see lower taxes, and we certainly want to have the protection of our police, but it should not be at the expense of vulnerable citizens and vital health services.

John J. Foley sits between Suffolk County Fire Academy and the Suffolk County Farm and Education Center along Yaphank Avenue. It is among the other essential County facilities and it should remain County operated. Oh, and we also are neighbor to the brand new Suffolk County Jail. They're expending every day to handle their future needs, but our future needs cannot be assured? Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Nanci. Mike Ruggiero.

MR. RUGGIERO:

Hello. My name is Michael Ruggiero and I'm here on my behalf and the people of John J. Foley, those I speak of, those I have to call my friends and nurse. We all live together, we all work hard at physical therapy. As for me, I was told I'd never walk again, and the ladies of John J. Foley physical therapy have helped me immensely. And I believe we should stay County owned. Thank you all for listening.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Mike.

MR. RUGGIERO:

You're welcome. Thank you.

P.O. LINDSAY:

Ken Martinson.

MR. MARTINSON:

Good morning. My name is Ken Martinson and -- oh, how's that?

P.O. LINDSAY:

You've got to talk right into it, Ken.

MR. MARTINSON:

My name is Ken Martinson and I'm speaking to you today because, well, I didn't think I would ever be in front of any group, especially concerning Foley. I'm a resident of Foley. I had a stroke in the Year 2009 and it almost took my life. And the -- being able to talk to you and look pretty much normal is astonishing, and I owe that to the people who work there, and I owe more to them making me understand that I had to relearn, rethink and redo just about everything. At the same time, I don't have a paper to give you today, because I was -- I thought Wayne would cover it pretty well, his feelings. The staff has spoken, but I'm not sure you really understand what a Suffolk County health facility is. I mean, there are places that are found like this all over New York State, but there's only one in Suffolk County and that's John J. Foley. John J. Foley is named after somebody who really wouldn't have a discussion, it wouldn't be a question. You might sell the property, but you'd never sell the facility because he would never do that. He cared more about people than he cared about things.

And if I may just venture, the people here are part of my life, like it or not, good or bad. They've helped me. And you need to really understand and I don't think you do. I mean, this is not legislation, this is not paper, this is blood, this is flesh, and this could happen to anybody at any time.

Again, I thank you for the opportunity to speak, and have a good day.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Mr. Martinson. John Williamson? Joan Williamson?

MS. WILLIAMSON:

My name is Lorraine Williamson.

P.O. LINDSAY:

Okay.

MS. WILLIAMSON:

Hello. My name is Lorraine Williamson. I am a resident at John J. Foley. I was diagnosed in June of 2009 with what is called diabetic ketoacidosis. I have been a diabetic since I was seven. I came from Brookhaven Memorial Hospital. I met a lot of people that I call friends that work at John J. Foley. I don't want to see them lose their jobs, lose their benefits or lose their homes. I don't want to see my fellow residents, who have become like a family to me, lose our home. Thank you.

*(*Applause*)*

If we lose -- if the sale goes through, they lose their home, where are we going to be going? Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Miss Williamson. Charles Cameron.

MR. CAMERON:

Excuse me. My name is Charles Cameron and I've been at John J. Foley since 2001. When I first got there, I was taught from the floor up. I had a feeding tube. I couldn't talk, I couldn't eat, I couldn't do anything. But right now, that's the best place to be. Please, give it a thought. Have a good day.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Kenneth McDermott.

MR. MC DERMOTT:

Good morning. My name is Kenny McDermott. I spoke before the chamber in the past, so I'm going to bore you with the same thing. Some of you weren't listening, so I'll say it again. That's a joke. I was able to call all of you up on the phone. Some of you, I spoke to your Aides rather than yourself. I spoke to the Chairman in person, I spoke to Kate in person. I'm not giving you up, Kate, but you're Irish, I can say that. I live here. I look dandy, but I got a few things wrong with me, you know, chronic things that don't necessarily still need a nursing home. But I'm lucky, I'm going home, there's no two ways about it, I'm going home, but when I came in, I was near death, D-E-A-T-H, really dead. That's permanent, you know, you don't come back from that.

I was in three hospitals before I got here and John J. Foley are the only people that took me in. And I couldn't get anything done when I was outside. I was so sick, I lost my job. Well, I'm here to tell you, I got my disability from New York State. I'm a retired Police Detective. I got my Social Security disability benefit, and I have my fire department retirement, too, and I'm going to go back to my volly fire department in Bethpage. I got my life back from that building down on Glover Avenue, Drive, whatever it is. So you could put the casino anywhere, you know, but these people have to have a place to live, and I'm not kidding you, and that's me, too, because I have, because I have acute kidney failure. And nobody diagnosed that, that's what was wrong with me. And I had a foot ulcer from diabetes that wouldn't heal, but it got healed at John J. Foley. And I had an ulcer in my back, and they get bigger and bigger, and guess what, you die because it gets into your spinal column, but that didn't happen at John J. Foley. They told me I had to lay on the side of the bed and to roll to the other side of the bed every night and hold on to the bars, and on monkey bars, you know what I mean, and be like a dope. But I did it and I listened to them because I wasn't going to die.

I mean, I look older, but I'm only 55. So I'm going to go home to a wife and a life and a dog and a house and, you know, watering my lawn. And if this sounds clever, I'm telling you this is from the heart, I didn't write any of this down. It's very important that you listen to this. Not one of you want to be scarred with the pen that said we're going to lose jobs after today's vote. That's not smart no matter how you look at it. So thank you so much for listening.

*(*Applause*)*

P.O. LINDSAY:

Lou Medina. Lou? I saw him in the auditorium before. He's coming? Okay.

MR. MEDINA:

Good morning, everyone. I'm here to speak about Boys and Girls Club of Suffolk County. As many of you may or may not know, I was the Director there back in 1992, and at that time we had talked about building a facility, getting some property and things like that. And, you know, we were excited because, as you know today, many of the residents, young people are asking that a facility or a place that they can go to be built. And so the Boys and Girls Club I know has put together another plan that was approved years ago to get some property to build a facility with some fields for these young people to go and to participate in.

And I'll just be brief, because the other day I received a program of my boxing coach, which back in 1963 this gentleman picked me off the streets and got me involved in the Boys and Girls Club. So I'm a product of that system, and I thank that gentleman. His name was Howard Davis, Sr. His son won the gold medal in the Olympics, and, you know, he passed away recently. And so, when I think about the Boys and Girls Club and the impact that it has on our lives when we're young men and young ladies -- we need a place for these kids to go, and this property really would be very, very helpful to achieve that goal for these young people and these families. And it's really not about the facility, but it's about the people in the facility that are helping these kids. So I hope that when this resolution is put forth by Legislator Fisher, that it be approved unanimously, sending a message to our young people and our families that we do care and we want them to be successful, and that maybe some day they can sit around this horseshoe and represent young people and families of Suffolk County. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Lou. Dominick Ogno.

MR. OGNO:

Good morning, Legislator. My name is Dominick Ogno and I've been a County worker for almost four years, but a volunteer for over 15. Let me start off by saying the sale of the John J. Foley Skilled Nursing Facility is not only a crime, but it's a joke to me. If you sell Foley, what's next? The year after, you'll have to find something else to sell to fill the budget gap. Is this how it's going to go for the years on, selling whatever the County has? Well, let me start off by telling you that it is a terrible idea.

And as far as Mr. Rozenberg giving you his word that no resident will be kicked out of Foley, well, then obviously none of you have ever seen a show of Judge Judy and see how verbal contracts work out. Mr. Rozenberg wants to make money off this nursing home. He's a businessman and that's what businessmen do. Well, why can't the County make that money? Why can't it be us instead of him? It's not right using the sick and elderly people like pawns in the game of chess. Well, if there's anything I've learned from playing chess with one of the residents at John J. Foley, it's that pawns are your most crucial pieces.

So I thought I'd leave you on a quote, and I made it a religious one, considering the people's lives that hang in the balance of this one vote, and it goes Ezekiel 25-17. "The path of the righteous man is beset on all sides of the tyranny and the inequities and the selfish of evil men. Blessed is he in the name of good will, shepherds the weak through the valley of darkness, and for he is truly his brother's keeper and the finder of lost children. And I shall strike down upon thee with great vengeance and furious anger for those who attempt to poison or destroy my brothers, and you will know my name is the Lord is when I lay my vengeance upon thee." Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Dominick. I'll try one last time. Joseph D'Addario, are you in the audience now? No? Okay. That concludes my cards. Is there anyone else in the audience that would like to address us? Please, come up, Chris. Please, identify yourself, Chris, for the record.

MR. DESTIO:

Good morning. My name is Chris Destio, I'm an employee with the John J. Foley Nursing Facility. I'm up here today just looking for an answer, if not from our Legislators, maybe Mr. Levy himself or his staff. I have mentioned up here many times about resident retention, referring to the contract of the sale to Mr. Rozenberg. Page 27, Paragraph 6 says, "Resident retention." I read in the newspapers and also most recently on News 12's editorial that residents at the Foley remain. And even last night on News 12, Mr. Levy says the residents remain. A verbal agreement and a contractual agreement are different things.

P.O. LINDSAY:

We didn't reset it, so keep going, Chris.

MR. DESTIO:

Okay.

P.O. LINDSAY:

I'm sorry.

MR. DESTIO:

A verbal agreement and a contractual agreement are two different things. Are we led to believe that Mr. Rozenberg's words supersedes what is written in a contract for the sale of the facility? And what is being said from Mr. Levy is one thing, and what is written in the contract of this sale is another thing. What is being said is that the residents cannot be transferred, and what is written, it says they can be. We're not talking about empty storage space here or the use of an empty parking lot, we are talking about can the residents be transferred if the sale of the facility goes through, and the answer is yes. That's the way it's written in the contract. You know that to be true and I know it to be true. I just wanted to put it on public record that as per the contract, they can be transferred out, and to say different as per the contract is misleading our public and our residents and disguising the facts from -- with misconception.

And I'd like to just say one more thing as all this news is coming out about the sale of the nursing home. Just three, four months ago, when our County Executive was running for Governor, he mentioned on his website about the 15 million dollars we're losing. Now he mentions we're losing 8 to 10 million dollars. But, if I'm correct on BRO's report, it says we're losing 3 1/2 million dollars. You know -- okay. Let's say Levy's number is right, 8 to 10, which it's not, and three, four months ago he said we're losing 15 million, well, where's the other 5 million dollars? Maybe we could use that to close the budget gap for Foley for the following year. All his numbers are inaccurate. And maybe there's something wrong with his calculator, he's got to replace the battery or something, but every number that keeps coming out has always got to be questioned. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Chris. Again, I'll ask, is there anyone that would like to speak under the public portion? Please, come forward.

MS. FINNIN:

Good morning. My name is Mary Finnin. I'm a registered nurse and a taxpayer of Suffolk County.

I'm here to oppose the sale of John J. Foley and any other of our health facilities. I want to support what the figures and the mixed information we keep getting on the cost and support what the last speaker had said. Take a look at what happened at Saint Vincent's Hospital when they closed down that facility in a community that really needed it. It's a Ground Zero facility, they closed it down. Corporate greed, you know, that's what it was. Now, after the fact, they're looking at it and look at all the misappropriations of funds. I don't want to wake up next week when the dust settles and find the same thing here with the sale of John J. Foley. I think there are other alternatives, and, certainly, in terms of the tax issue, which Mr. Levy keeps shouting about, I don't think it would be 50 cents for the taxpayers to fund the John J. Foley. I have my tax bill with me. The highest taxes that I pay are school taxes, County police, and garbage, and the best service I get out of the three is the garbage in terms of consistent services.

*(*Laughter*)*

I'm sorry, but it's true. And the other thing is cost benefit analysis. You want to lay off 250 employees from John J. Foley and hire 200 cops that make two-and-a-half times what the low-paid employees at John J. Foley? Where is the cost benefit here, because he's going to sell that building? But does he still want to buy that I.R.S. building and others? There's impact of those capital expenditures on our General Fund. The General Fund in my tax bill is \$57, and you look at where the other taxes are and your taxes come out to \$65,000. You know, I for one, I speak as a taxpayer and all the friends I speak for, we'll pay another one to three dollars to have Health and Human Services properly funded in Suffolk County. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Is there anybody else that would like to address us? Please, come forward.

MS. HOPKINS:

Okay. I'm here on behalf of John J. Foley, one of the resident's family members who couldn't make it. He couldn't make it, so he has something taped and he wanted us --

P.O. LINDSAY:

Okay, but you just have to identify yourself for the record.

MS. HOPKINS:

Okay. I'm Debra Hopkins.

P.O. LINDSAY:

Thank you.

MS. HOPKINS:

I work at John J. Foley, too.

P.O. LINDSAY:

Okay.

MS. HOPKINS:

Okay. And this is supposed to be Mr. Ed Weinkauff, and this is what he said to do, press this.

*(*The Following Was a Tape Recording of Ed Weinkauff's Testimony*)*

Mr. Levy, John J. Foley should always, always be owned and operated by the County of Suffolk. I am not the only one that believes this. I told you how my wife has been there for almost eight years. I've never seen any abuse there. The nurses, any Aides are wonderful, take care of the patients very lovingly. I was there after my brain surgery in rehab for three weeks. I was treated wonderfully. I go see my wife every day. I told you how my brother and sister-in-law visited my wife when she first went there and commented how clean and how free of the normal smells that you do find in nursing homes; there were none.

I wish I could be with you today, but in June I was told and diagnosed with prostate cancer. I am undergoing radiation treatments at this time and won't be finished with those treatments until the middle of September. I have to go every day and I have had side effects from it and I just cannot be there with you today. But I want to let you know something that at the time I spoke to you last time I hadn't done. Since then, I have gone around with petitions at a lot of the stores in Riverhead and I've got hundreds of names of people, residents of Suffolk County. Not one of them would sign the petition until they read it. Once they read the petition, they said, "I will sign this." They are proud to be residents of Suffolk County. They are proud of the fact that Suffolk County owns and operates John J. Foley. They are opposed to the sale of it always. They are very proud of that, that Suffolk County owns and operates John J. Foley. Now, let's make them proud of you. Tell Mr. Levy no sale.

Thank you.

*(*Applause*)*

P.O. LINDSAY:

Is there anybody else in the audience that would like to address us?

MR. DANIEL:

Good morning. My name is Devon Daniel. I'm the Executive Director of Boys and Girls of Suffolk County, and we have a resolution that's due to be voted on here today. I would just like to extend to you my thanks for having it voted out of committee. Legislator Fisher, and to say to all the Legislators, that we are looking forward to developing this land as a community center and fields for all the children and families of Suffolk County. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Devon. Is there anybody else would wishes to address the Legislature? Okay. There being none, I would like Lance to approach the horseshoe, please, right here. Sorry, Lance, I've got -- stay there, it's only going to take a second. I entertain a motion to close the Public Hearing.

LEG. BARRAGA:

Motion to close.

D.P.O. VILORIA-FISHER:

Motion by Legislator Barraga, seconded by Legislator Gregory. All in favor? Opposed? Public Hearing is closed.

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Not Public Hearing, Public Portion is closed.

MR. LAUBE:

Sixteen. (Not Present: P.O. Lindsay and Legislator Eddington)

D.P.O. VILORIA-FISHER:

The Presiding Officer was called out, so I'll come around, and he asked me to give this to you.

This is Lance, who I never say right, Reinheimer who is going to be retiring this week after 34 years of service, and we in the Legislature are going to miss him terribly. I know that when things were very, very difficult for the Vanderbilt Museum, I relied very, very heavily on Lance's advice and counsel and intellect and insight in making decisions that we had to make at that time. And I know that he's been such a critical part of the Budget Review Office and all of the policy decisions that we have to make here as Legislators, and we need to rely on people who know what they're doing. And so I think I speak for all of us when I say -- well, you know, in Spanish the word for retirement is jubilacion, so I hope it's a jubilant retirement for you and well deserved. Thank you very much for all your years of service, Lance.

MR. REINHEIMER:

Thank you.

*(*Applause*)*

I just want to say it's a pleasure. It's 21 years and it flew by. Thank you very much.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

We are going to take just a very, very short recess while we wait for the Presiding Officer to return, just a short five-minute recess. A real five minutes, not Legislative five minutes, okay?

*(*The Meeting was recessed at 11:00 a.m. and resumed at 11:04 a.m. *)*

P.O. LINDSAY:

Okay. Could I have all Legislators back to the horseshoe? I apologize. I had a phone call and I had to leave, so I'm back. Please come on back and we're going to call the roll and start with our business. Okay. Mr. Clerk, please call the roll.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

(Not Present)

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present)

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not Present)

D.P.O. VILORIA-FISHER:

(No response)

P.O. LINDSAY:

Here. Viloría-Fisher is here, too.

D.P.O. VILORIA-FISHER:

I'm sorry.

LEG. MONTANO:

I'm here.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. We closed the Public Hearings -- the Public Portion?

D.P.O. VILORIA-FISHER:

Yes, we did. Yeah, that's closed.

P.O. LINDSAY:

We did, okay. I've been asked as a first matter of our agenda to take a CN that was placed before you, it's **1891. It's authorizing partial waiver of workers compensation benefits paid in connection with the World Trade Center litigation settlement.** And my understanding, or what they've told me, is that this has to be filed with the Judge tonight by 5:00. And just looking it over briefly, we're going to need some explanation. I see Dennis Brown, so, please, Dennis, try and explain this to us, if you could.

MR. BROWN:

Sure. Thank you. I'm sure as many of you know, there was a class action or a potential class action litigation for numerous workers that worked in connection with the 9/11 cleanup site. They're represented by the lead counsel at the firm, Napoli, Burn and others. Last -- and they've been negotiating a settlement. You may know from the news that a settlement was rejected by the Federal Judge some weeks ago and they announced a new settlement on June 10th. And part of that settlement is waiver of workers compensation claims.

The county happens to have three employees, or former employees, that worked in connection with the cleanup and they have some workers compensation claims. The amount is relatively small. One claim is for \$875, one claim is for twenty-two hundred dollars, and the third claim is larger, it's in the sum of approximately \$200,000. Under Workers Compensation Law, employers have a lien against any third party recovery in some type of personal jury settlement, and as part of the settlement, lead counsel came to us last week and asked if we would waive our portion of the settlements as well and that's what this resolution does. It -- the fiscal impact to the County would be approximately \$50,000 because it's not a 100% waiver. Counsel agreed to -- counsel proposed a formula and the formula is set forth in the first "Resolved" clause. So I don't have an exact dollar amount, but we know that the total exposure is \$203,000 and we're asking to waive -- and we'd be waiving a fraction of that.

P.O. LINDSAY:

Okay. Dennis, let me see if I understand this. Three people were injured at the World Trade Center that were County employees?

MR. BROWN:

Correct. They would have a claim as part of the class action.

P.O. LINDSAY:

As part of the class action. And they went out on compensation that the County's paying for?

MR. BROWN:

They received some compensation benefits, yes.

P.O. LINDSAY:

Okay. And we filed some kind of action to recover what we paid out?

MR. BROWN:

Employers and compensation carriers have a statutory lien for benefits that they've paid.

P.O. LINDSAY:

Okay. So, by this waiver, we're giving up our recovery of that money and, hopefully, these people will get paid again from the Federal Compensation Fund?

MR. BROWN:

I don't know if it's the Federal Compensation Fund, but, yes, they will be paid in the context of the class action.

P.O. LINDSAY,

Okay. Does anybody have any questions? Okay.

D.P.O. VILORIA-FISHER:

You've made it very clear. Thank you.

P.O. LINDSAY:

Okay. Do we have a motion on this reso? Motion by Legislator Browning.

D.P.O. VILORIA-FISHER:

Second.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Seconded --

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

-- by Legislator Montano. Okay. It's a CN, so I'm going to call the roll.

(Roll Called by Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yep.

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. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

MR. BROWN:

Thank you.

P.O. LINDSAY:

Thank you, Dennis. Okay. If we could go to the agenda. Do I have a motion on the Consent Calendar?

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

MR. LAUBE:
Eighteen.

RESOLUTIONS TABLED TO AUGUST 17, 2010

P.O. LINDSAY:

Okay. If we go to Page 7, Resolutions Tabled to August 17th, first up is ***1370 - A Charter Law to increase the accountability of department heads (Cilmi)***. And that was withdrawn; am I correct, Legislator Cilmi?

LEG. CILMI:
Yes.

P.O. LINDSAY:

Okay. ***1371 - Removing Richard Dormer as Commissioner of Suffolk County Police Department (Cooper)***. Legislator Cooper?

LEG. COOPER:
Motion to table.

LEG. MONTANO:
Second.

P.O. LINDSAY:

Motion to table; seconded by who?

LEG. MONTANO:
Montano.

P.O. LINDSAY:

Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:

1559 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Police Department, Range Officer I (Co. Exec.).

LEG. MURATORE:
Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Muratore.

LEG. COOPER:
Second.

P.O. LINDSAY:

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:

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

LEG. KENNEDY:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Kennedy.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 1606 A, skip it, I've been told to skip it. We couldn't get the bond. Oh, because we didn't -- yeah, 1606 was tabled, right.

Okay. *Procedural Motion 17 and 18*, I would like to skip over it until later today in the agenda, if it's okay.

MR. NOLAN:

Seventeen was withdrawn.

P.O. LINDSAY:

Seventeen --

MR. NOLAN:

Was withdrawn.

P.O. LINDSAY:

Okay. We go to Page 8, Budget and Finance.

INTRODUCTORY RESOLUTIONS

Budget & Finance:

I.R. 17 09 - A Charter Law to implement a one-year rolling debt policy under 5-25-5 Law to mitigate budgetary shortfalls (Co. Exec.).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. STERN:

Second.

P.O. LINDSAY:

Seconded by Legislator Stern. Any discussion?

LEG. CILMI:

Just on the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Just a question. If I'm correct, this will allow us to borrow for items that we wouldn't normally be allowed to borrow for under the 5-25-5 law; is that correct?

MR. NOLAN:

Correct.

MS. VIZZINI:

Generally speaking, yes.

LEG. CILMI:

Thank you.

D.P.O. VILORIA-FISHER:

Ed Romaine.

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

Yes. I voted against this in committee and I'd tend to vote against this again. The 5-25-5 law was established so that small items, items costing less than \$25,000, items with a useful life of less than five years, items that should be paid for out of operating expenses would be paid for out of operating expenses and we would not take the credit card out, so to speak, and bond out those small items with a short useful life. Capital items that we go to bond, that we go into debt for, are items with a much longer useful life, longer than five years, or costing more than \$25,000. I've argued against suspending this because all we're looking to do is to go deeper into debt. That's a mistake. I would urge my colleagues to give careful consideration to either tabling or defeating this resolution. Thank you very much.

P.O. LINDSAY:

Anybody else?

LEG. BROWNING:

Oh, just one quick.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Okay. You know, my question of BRO. When we pass this, any of these items that we are going to

be requested to purchase, they will come in front of us, anything that's under the 5-25 will come in front of us to vote for or against, so it's -- even if we pass this, this is not necessarily saying that we're going to go ahead and buy like there's no tomorrow.

MS. VIZZINI:

Well, you're certainly not going to buy like there's no tomorrow.

*(*Laughter*)*

LEG. ROMAINE:

Well, there's no money.

LEG. BROWNING:

I should say bond.

MS. VIZZINI:

We have not provided in the 2010 Capital or the 2011 adopted Capital Program, nor in the 2010 Operating Budget, General Fund monies for, you know, purchasing capital items with cash, so that's not provided for. But you're absolutely correct, these are -- these refer to capital appropriating resolutions which will come before you, so you will have the opportunity to review each purchase.

LEG. BROWNING:

Thank you.

P.O. LINDSAY:

I just want to weigh in a little bit. And I agree with Legislator Romaine, that the 5-25-5 policy is a sound fiscal policy to pay for things cash that have a short lifespan. Some of these things we'll wind up paying for in bonds after they're outmoded or we're not using anymore. However, we let the horse out of the barn a couple of years ago and we haven't put aside any money in our budget for pay-as-you-go. It is a very unsound fiscal policy. We're continuing to increase our debt and -- but I don't know what other choice we have at this point in time. Any other comments? Do we have a motion, Mr. Clerk?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

And a second. All in favor? Opposed? Abstentions?

(Opposed Said in Unison)

P.O. LINDSAY:

Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Pass.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Pass.

LEG. SCHNEIDERMAN:

It's like a poker game, I'll raise you five.

LEG. MONTANO:

All right, yes.

LEG. LOSQUADRO:

No.

D.P.O. VILORIA-FISHER:

Check.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven -- ten, excuse me.

LEG. MONTANO:

No, it was eleven.

D.P.O. VILORIA-FISHER:

I think it was ten.

LEG. MONTANO:

I counted eleven.

P.O. LINDSAY:

I counted ten.

MR. LAUBE:

We've got ten.

LEG. MONTANO:

You got ten? I'm miscounting, I thought I was ten. Okay.

P.O. LINDSAY:

Okay. 1710. Gees, that was exciting, our first vote today, huh?

LEG. ROMAINE:

Everyone's all over the map.

P.O. LINDSAY:

(1710) - A Charter Law to implement a one-year rolling debt policy in the 2011 under 5-25-5 Law to mitigate budgetary shortfalls (Co. Exec.).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper. And I have a question before I make a motion.

LEG. SCHNEIDERMAN:

Motion to table.

P.O. LINDSAY:

Why do we have to do this now? Why can't we address this in the budget process?

LEG. SCHNEIDERMAN:

Motion to table. We don't have to do it now. Motion to table.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

A motion to table and a second.

MS. VIZZINI:

Well, what you have here is half a loaf. The current 2011 Capital Program has not provided for cash transfers to pay this by cash. But you're correct in that we will be reviewing the 2011 Operating Budget, so you could wait until we are in 2011.

P.O. LINDSAY:

Okay. We have a motion to approve and we have a motion to table.

D.P.O. VILORIA-FISHER:

Do we have a motion to approve?

P.O. LINDSAY:

Yes we do, we have a motion to approve and a second, and we have a motion to table and a second, so the tabling would come first. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1783 - Tax Anticipation Note (Resolution No. -2010), Resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$140,000,000 in Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied for County purposes or returned to the County for collection for the fiscal years commencing January 1, 2007, 2008, 2009 and 2010, and to prescribe the terms, form and contents, and provide for the sale and credit enhancement of such notes.

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Gail, this is a DTAN or a TAN?

MS. VIZZINI:

It's a DTAN, Delinquent Tax Anticipation Notes. And I would like to take the opportunity. This is to cover our short-term cash flow needs, and Audit and Control and the Executive Budget Office have done their due diligence. And although you would be approving a -- the 140 million, that would be a high number, based on their due diligence, they believe that the cash flow needs are actually 120 million. So it's not uncommon for us to authorize a little bit more, because this is somewhat fluid, and it's anticipated once we do this borrowing, the monies should be paid back after the receipt of the delinquent property taxes that we paid back in September.

LEG. KENNEDY:

'07 is the one, particularly with residential, that will have the greatest likelihood of having payoff, because if we're -- they're not made whole, then in November or December we actually have the takings, the deed takings. That's kind of like the last step where folks finally come in the door and they say, "Okay, we'll pay it all up, we don't want to lose the deed."

MS. VIZZINI:

There is a trend upward in terms of the property tax receivables. Taxes are coming in, which is opposite of the trend that we have been experiencing. We just don't know if this is short-term, or, as you say, we're approaching the third year, or perhaps in some people's cases the fourth year. So it's encouraging, and that's part of the reason why we can bring the 140 down to the 120.

LEG. KENNEDY:

Okay. Thank you. Thank you, Mr. Chair.

P.O. LINDSAY:

Anybody else? No? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1839 - Approving the appointment of Thomas Gallagher as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board (Co. Exec.).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Give me --

LEG. MONTANO:

Would you like an explanation?

P.O. LINDSAY:

Give me some time and I'll --

LEG. MONTANO:
We need a second.

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Maybe we should add to that title, you know, "and Legislative Oversight Committee", or something like that.

*(*Laughter*)*

J.R. 1703 - Authorizing the County Executive to execute an agreement with the Suffolk County Faculty Association, Suffolk County Community College, covering the terms and conditions of employment for employees covered under Bargaining Unit No. 3 for the period September 1, 2011 through August 31, 2015 (Co. Exec.).

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley, seconded by Legislator Losquadro. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
J.R. 1732 - Authorizing extension of contract for energy audit of the William H. Rogers Legislature Building (Lindsay). I will make a motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. And I just want to point out to my colleagues, this is -- the extension doesn't cost any additional money, it just extends the time frame for these folks to continue doing their work in our building in Hauppauge. I've asked Joe Schroeder to come and brief us probably at the next meeting or the one after. It's been very successful. We believe that the \$10,000 could wind up that we've spent on this contract saving us annually about 30,000, so -- and we're going to have better regulation of heat in Hauppauge for Ms. Nowick. All right?

LEG. NOWICK:
Yeah, I agree.

LEG. SCHNEIDERMAN:
Not hot air, just heat.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. NOWICK:

Maybe I could get a job doing that.

P.O. LINDSAY:

You could be the heat inspector.

D.P.O. VILORIA-FISHER:

Or air conditioning inspector.

P.O. LINDSAY:

I.R. 1846 - Appoint member of the Suffolk County Community College Board of Trustees, Theresa Sanders (Gregory).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. COOPER:

Second.

LEG. LOSQUADRO:

I make a motion to table, please.

P.O. LINDSAY:

Second by Legislator Cooper. Motion to table by Legislator Losquadro. Do we have a second to the tabling? Seconded by Legislator Muratore. Okay. Any discussion? Okay. We'll do a roll call to --

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

Go ahead.

LEG. LOSQUADRO:

I understand there were some questions in committee. Is Ms. Sanders present today?

LEG. HORSLEY:

No, she was -- she was advised that she didn't have to come because she was approved through the committee.

LEG. LOSQUADRO:

Well, I understand that there's some questions regarding -- I don't want to -- I'd rather speak to her, but I understand there were some questions of her past, some issues that occurred. Again, I think I'd maybe rather speak to her --

LEG. HORSLEY:

Right.

LEG. LOSQUADRO:

-- personally about that, but I'm not really --

LEG. HORSLEY:

I understand. I think Legislator Cilmi is going to speak to her, probably.

LEG. LOSQUADRO:

Yeah. I'm not really comfortable, having not been a member of that committee. You know, I don't want to -- really want to disparage someone here publicly, I'd rather speak to them personally, but I was sort of hoping she would be here today to be able to offer, you know, an explanation or some rationale for us to move forward on this today, because to me that was a significant issue that was raised.

LEG. MONTANO:

If I may.

P.O. LINDSAY:

Go right ahead.

LEG. MONTANO:

Yeah.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I was at the committee and she was told that if anyone wanted to have her come forward, that she -- they would contact her. I believe that Legislator Cilmi spoke with her, I spoke with her, I believe Legislator Gregory spoke with her. I don't know if Legislator Horsley spoke with her.

LEG. HORSLEY:

(Noddes yes).

LEG. MONTANO:

But we didn't request her to be here because we didn't deem the issue of significance.

LEG. LOSQUADRO:

Well, I do find the significance. I apologize, I didn't get a chance to speak to her the past week, it's been a little busy, but I would certainly like to get a chance to speak to her regarding that matter.

LEG. HORSLEY:

May I ask, did Legislator Cilmi speak to her?

LEG. LOSQUADRO:

Listen, I put it on the record, you know, it's a matter of public record. You know, there is a matter of a felony conviction in her past.

LEG. MONTANO:

That's inaccurate. That statement is inaccurate. That's not a matter of public record.

LEG. LOSQUADRO:

What is the --

LEG. MONTANO:

And if you have -- if you have the public record, then --

LEG. LOSQUADRO:

Then what is accurate, then? There is a criminal conviction in her past; is that correct?

LEG. MONTANO:

My understanding is that there is not. If anything, it is a violation, which is the level of a ticket. So to make a statement --

LEG. LOSQUADRO:

I did not understand that.

LEG. MONTANO:

To make a statement --

LEG. LOSQUADRO:

I did not understand that to be the case, see, and that's --

LEG. MONTANO:

Well --

LEG. LOSQUADRO:

I was hoping we could avoid this and just find some time to maybe discuss it with her and, you know, hash this out.

P.O. LINDSAY:

Could -- I would --

LEG. MONTANO:

Yeah, let Mr. Chair.

P.O. LINDSAY:

I would rather not go into this discussion with the lady not here.

LEG. MONTANO:

I agree.

P.O. LINDSAY:

And -- because I don't think it serves --

LEG. LOSQUADRO:

That's why I made a motion to table.

P.O. LINDSAY:

Okay. Legislator Cilmi, did you want to say something?

LEG. CILMI:

If I may. I agree with you, Presiding Officer, with regard to having this discussion without her here. She and I had a long conversation late in the day the day of that committee meeting. After my abstention, after seeing something that was written in an anonymous letter, which I didn't want to address publicly at the meeting because of the fact that the letter was anonymous. Nevertheless, she and I spoke and she -- I don't want to put words in her mouth, but she effectively agreed to some degree to what was stated in that letter. However, there were some mitigating circumstances which I found to be compelling. I will continue to register my abstention to this vote because of what happened, but, nevertheless, you need to speak with her in order to get --

P.O. LINDSAY:

Again, I don't -- I really don't feel comfortable having discussion about this lady when she is not here.

LEG. GREGORY:

Mr. Chair, if I may.

P.O. LINDSAY:

Yes.

LEG. GREGORY:

Theresa Sanders, she's out of town, actually on a cruise until the 21st, I believe. So she was told by the committee that she wouldn't be necessary -- it wouldn't be necessary for her to be here as of any other appointment. I spoke to her about her situation about this anonymous letter. I think this letter is a scurrilous attack on a well-respected woman. The matter -- the heart of this matter is it was a lapse in filing of paperwork while she was grieving over the loss of a child. To put it in this form I think is inappropriate, it's unfair to her, and I think we should move on and not make it a political issue.

P.O. LINDSAY:

I don't -- you know, I am -- tend to support Ms. Sanders' nomination for this board. And I was at the committee meeting when she was told she doesn't have to come here. But, you know, rather than continue this conversation, I think that maybe we should table it and give her a chance to come in and defend herself, because --

LEG. LOSQUADRO:

Mr. Presiding Officer, it may not even be necessary for her to come back here if she can -- you know, if we could have these discussions privately. You know, if that is the case, I think it should have been presented to -- you know, it's unfortunate for a person to be put in that situation where information comes to light in that fashion, but if she could -- if she could answer those questions to people who may have them, members of this body, it may not be even necessary for her to come back personally.

LEG. MONTANO:

Could we take a -- could we take a two-minute recess?

P.O. LINDSAY:

Sure, if you want a recess. A recess very quickly.

(*THE MEETING WAS RECESSED AT 11:32 A.M. *)
(*The following testimony was taken &
Transcribed by Alison Mahoney - Court Reporter*)

(*The meeting was reconvened at 11:39 A.M. *)

P.O. LINDSAY:

Okay, we're back. Mr. Clerk, could you take the role again just to make sure that we didn't lose anybody?

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Yep.

LEG. GREGORY:

Present.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Present.

P.O. LINDSAY:

Here.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, we're back from our short recess, and I'm first going to recognize Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I just want to thank Legislator Montano for suggesting that recess. It gave us an opportunity to not only have a discussion but confirm some facts through other channels, which actually don't necessitate Ms. Sanders being here. There was information that was brought forward, but obviously it was not the full story. So I appreciate being able to get that information, I'll, therefore, withdraw my motion to table.

P.O. LINDSAY:

Thank you. And I'm going to recognize Legislator Nowick who wanted the floor.

LEG. NOWICK:

Yeah, I just wanted to make a comment, and, you know, I usually don't say a lot, but I have to tell you something. If I was looking to volunteer for any committee, I don't think I would come here. If we -- I think it's terrible to air this out right here when we don't even have the facts. There is no reason why a telephone call couldn't be made ahead of time. If someone has something in their background, that's one thing; but if they don't have it in their background and we've just put this on the record, I think it's disgraceful. And I think in the future, if there are questions like that, pick up the phone and find out quietly because if it's not true we've just muddied someone's reputation; how dare us.

Applause

LEG. LOSQUADRO:

Well, Legislator Nowick, I will just respond, through the Chair, by saying the information was correct, but there were mitigating circumstances and factors, so it's sort of a unique situation. And being able to confirm it through other channels I think was the appropriate course of action in Ms. Sander's absence. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I just want to completely concur with Legislator Nowick. She made a statement that I think we should all be mindful of in the future as we consider appointments for public office; anonymous letters have absolutely no weight. Thank you.

Applause

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

I would just like to agree with Legislator Gregory in his statement that matters like this should not be political. That's all I have to say.

P.O. LINDSAY:

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

LEG. CILMI:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Cilmi).

P.O. LINDSAY:

Okay, *Environment, Planning & Agriculture:*

1755-10 - Making a SEORA determination in connection with the proposed Department of Public Works Sewer District No. 14 – Parkland, construction of additional recharge bed, (CP 8118), Town of Islip. (Presiding Officer Lindsay). I will make the motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1756-20 - Making a SEORA determination in connection with the proposed Cedar Point County Park Master Plan, Town of East Hampton (Presiding Officer Lindsay).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Vioria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1757-10 - Extending authorization for stormwater remediation improvements in County parks, Town of Smithtown (Kennedy). Legislator Kennedy?

LEG. KENNEDY:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Viloría-Fisher.
What does this actually do, John, instead of us --

LEG. KENNEDY:

What this does, Mr. Chair, is this actually allows for the Memorandum of Understanding that was worked out between the town and Public Works regarding the first stream-bed silt remediation project that we had Quarter Cent money on, the first 250,000. The work has actually been done in that first section and -- it is, isn't it? I'm looking at George. Oh, was that the other one? We've got a couple of them moving through.

MR. NOLAN:

This is actually --

D.P.O. VILORIA-FISHER:

This is Phase II now, isn't it?

MR. NOLAN:

No, I think you are -- I believe mixing this up with another project. This is money that was appropriated back in 2005.

LEG. KENNEDY:

That's the one I'm talking about.

MR. NOLAN:

Work has not been undertaken and we're extending -- the project would expire at the end of this year unless we take this action to extend it out for two years. That's what this resolution is doing.

LEG. KENNEDY:

It's under way, that's actually -- it is commenced but it's not concluded. So therefore, the town hasn't been able to go ahead and do the reimbursements.

P.O. LINDSAY:

Thank you very much.

LEG. KENNEDY:

You're welcome.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1784-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with the Charter Law extending and accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection for land acquisitions (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Losquadro.

All in favor? Opposed? Abstentions?

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (Not Present: Legislator Montano).

P.O. LINDSAY:

On the accompanying Bond Resolution **1784A** (*Bond resolution of the County of Suffolk, New York, authorizing the issuance of \$30,000,000 bonds to finance a part of the cost of acquisition of land and/or development rights under the Suffolk County 1/4% Drinking Water Protection Program for Environmental Protection Land Acquisitions (CP 8712.210)*); same motion, same second; roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

(Not present).

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

IR 1788-10 - Amending the Adopted 2010 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2010 Capital Budget and Program, and appropriating funds in connection with advancing the hard clam restoration in the Great South Bay (CP 7180). (County Executive). I'll make a motion.

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:

IR 1789-10 - Amending the Adopted 2010 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2010 Capital Budget and Program, and appropriating funds in connection with a bay scallop restoration project in East Hampton

(CP 8710)(County Executive). Motion by Legislator Schneiderman.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Montano).

LEG. SCHNEIDERMAN:
Tim, cosponsor.

P.O. LINDSAY:
1808-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Bellport Clubhouse LLC property - Beaverdam Creek addition - Town of Brookhaven (SCTM Nos. 0200-931.00-02.00-050.001, 0200-931.00-02.00-050.002, 0200-931.00-02.00-050.003 and 0200-931.00-02.00-050.004) (County Executive).

LEG. BROWNING:
Motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Motion by Legislator Browning, second by Legislator Eddington.

LEG. GREGORY:
Mr. Chair, on the motion?

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

LEG. GREGORY:
I have to state on the record that I will be abstaining from any future votes, at least for the time being, on any acquisitions of land because I lost confidence in the process. I think that the County Executive has influence over this process. Many of you were here last fall when I put forward a resolution to acquire land that's been in the process for ten years through the Village of Amityville, and I found out last Monday that the appraisal came back for \$1,800 for water-front property in the Village of Amityville, almost a quarter of an acre of land that the village went through a court process and did their own appraisal and they paid almost \$300,000 for the same property. So I have some severe concerns that the County Executive has influenced this process.

We're going to be in the process of reaching out to the Commissioner to set up a meeting, we haven't done that yet. And to add insult to injury, a Republican friend of mine told me the next day, after the Mayor had called me furious about being what he called a betrayal from the County Executive, I hear that the County Executive is looking for this person to run against me in next

year's election, and for that, I have a little gift that I would like to present to him on behalf of the Legislature. This is for -- it's a little book called -- we all may have heard of it, it's called How to Win Friends and Influence People.

*(*Laughter*)*

So I think he could use that, I'm sure the Mayor of Amityville would appreciate that. And as a bonus pack to this gift, I have -- I tried to get the Spanish Edition because I understand that the County Executive reached the Latino culture, but they didn't have it.

*(*Laughter*)*

This book is called Who Moved my Poll Numbers, and it's about a little mouse of a man who constantly faces political obstacles and his poll numbers subsequently get lower. We'll be forwarding this to the County Executive, but I think I've made my point.

Applause

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Amusement aside, I do just want to say I will caution you; if you ever want to taint a process, do what you just did. You put appraisal numbers on the record out for public consumption. The reason we created the Environmental Trust Review Board in the first place is because appraisal numbers were being made public and it artificially influenced negotiations, either up or down.

If you were interested in that process, you should have come to the Environmental Trust Review Board meeting that day where this was discussed, that the County Executive had no part of that. We reviewed appraisals, the entire board voted on this process. I'm not going to comment as to the accuracy of your numbers, I'm not even going to discuss that, I'm just going to talk to the process.

We have a very intensive process that is undertaken to ascertain value of properties that are acquired in this County. And I will say that you should look at that process, as an elected official you will be privy to look at the appraisals and the research that was conducted. But I just caution you, please, do not put any numbers on the record, do not discuss them any further, it taints the process and really puts us in a situation that we were in more than six years ago where people have lost faith and that the County was over paying for properties. In this case you're suggesting we want to under pay, it creates the same issue. And I will say, having served on that board, along with Legislator Viloría-Fisher, we've been very cautious as to how we discuss these items publicly.

So I know that Legislator Viloría-Fisher and I were just looking at each other with this; I'll just say that for the record. But you're more than welcome to all the research and the documentation that took place as to ascertaining the value for that property.

LEG. GREGORY:

Through the Chair, if I may. I appreciate your sentiments. That offer was rejected, or will be rejected, so I don't think that number will have any relevance.

But my point is, and I was planning to attend the meeting, the ETRB meeting, the notice I verified was that it was canceled, I didn't get the further notice that it was rescheduled, I was looking for that. And I actually spoke to Kate Browning about it, we had a discussion about it, so I missed that meeting. So I was surprised that the letter was forthcoming when I wasn't aware that the meeting had already happened.

But nevertheless, you know, I strongly feel that there's been some influence here. You know, there's been an appraisal, and to see the wide difference in appraisals, I think -- water-front property we're talking about, you know. I don't think -- you know, the cost of the appraisal probably was more than that, but I won't say any more to that.

I think it gives me great pause. And to know that what this person, this County Executive would do to get back at me. It's not the first time he's used his office to do something, what would be seen in a negative light, to me or anyone else that's been vocal about our opposition on some of his policies.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Legislator Gregory, I respect your position and I understand your concern. But as a member of ETRB, and I won't go into any of the details that's in executive session and they are confidential meetings because of the reasons that Legislator Losquadro stated. But I'd be happy to meet with you and the people from the appraisal end and Tom Isles or the people from Real Estate to go over their methodology.

Because if I missed something -- and I voted in favor of the appraisal because of what was presented before me. But if I missed something that you might be privy to or you might know as being the person who represents the district -- I mean, Legislator Kennedy has come to ETRB meetings when he has thought that there might be issues that we might have missed, because of his intimate knowledge he has come to meetings to tell us about details that we may not know.

So I'd be happy -- you know, we could set up that meeting and talk about that. But I did not see anything nefarious when I sat and voted at that meeting, and they do have to be confidential for obvious reasons. So we'll set that up and talk about this.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, the one comment that I would share with this, and I don't know the particulars. And Legislator Gregory, I think as any of us do, has not only a right but a responsibility to be a part of any of the acquisition process or, for that matter, any disposition process with properties in our Legislative Districts for any County program.

The one comment that I would share, and Legislator Viloría-Fisher is correct; as a matter of fact, I've attended a number of the ETRB meetings where I've had properties on the agenda. The one recurring difficulty that I find, and it may lend credence to some of what Legislator Gregory spoke about, getting notice of these meetings is very difficult. And as a matter of fact, I've had to make numerous requests to Chairman Isles that I be noticed on a regular basis for any property that is being considered or on the ETRB agenda that's in my Legislative District. And after a couple of times of, just as Legislator Gregory spoke about, a parcel that I had expressed a concern or interest in subsequently actually was heard and I was never noticed that the committee meeting was set at a particular time, then we can't do our due diligence.

So all I would convey or ask, through the Chair, is that the message get put to the Planning Department again, and if we have any reps from the County Executive's Office if they would carry it back. Please, give us notice when there's a property that's going to be on the agenda so that we can, if we choose, be there and be part of it. Thank you.

P.O. LINDSAY:
Legislator Horsley.

LEG. HORSLEY:

Yeah, I just wanted to add an additional comment. Because I'm familiar with this property because it used to be back in the old Bishop District, and I recall that going on at the time.

The property is a 70 x 70 piece of property on Montauk Highway on the water and it's -- the thought of an \$1,800 price tag and that is mind boggling; I concur.

P.O. LINDSAY:
Anybody else? Okay. Mr. Clerk?

LEG. BROWNING:
I made a motion and Jack the second.

P.O. LINDSAY:
Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. GREGORY:
Abstain.

LEG. MONTANO:
Abstain.

MR. LAUBE:
Sixteen.

IR 1809-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Derosa property - Beaverdam Creek addition - Town of Brookhaven - (SCTM No. 0200-902.00-03.00-015.000). (County Executive).

LEG. BROWNING:
Same motion.

P.O. LINDSAY:
Same motion, same second. Any discussion? All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

LEG. GREGORY:
Abstain.

LEG. MONTANO:
Abstain.

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
IR 1810-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the

Schoolhouse Management, Inc. Property - Beaverdam Creek addition - Town of Brookhaven - (SCTM Nos. 0200-902.00-03.00-012.000, 0200-902.00-03.00-019.000, 0200-902.00-03.00-024.000, 0200-931.00-02.00-051.000 and 0200-931.00-02.00-052.000) (County Executive). Same motion, same second, same vote all right with everybody?

LEG. GREGORY:

Yep.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Abstentions: Legislators Gregory & Montano).

P.O. LINDSAY:

1811-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Rempell Corporation property - Beaverdam Creek addition - Town of Brookhaven – (SCTM Nos. 0200-961.00-03.00-038.000, 0200-961.00-03.00-039.000, 0200-961.00-03.00-065.000, 0200-961.00-03.00-067.000, 0200-961.00-03.00-068.000, 0200-961.00-03.00-070.000, 0200-961.00-03.00-089.000, 0200-961.00-03.00-093.002, 0200-961.00-03.00-093.003, 0200-961.00-03.00-093.004 and 0200-961.00-03.00-096.001) (County Executive). Same motion, same second, same vote okay?

LEG. BROWNING:

Great.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Abstentions: Legislators Gregory & Montano).

P.O. LINDSAY:

1812-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Quentin Land Management, Inc. Property - Beaverdam Creek addition - Town of Brookhaven - (SCTM No. 0200-902.00-03.00-016.000) (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Abstentions: Legislators Gregory & Montano).

P.O. LINDSAY:

1813-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Sunview Estates, Inc. Property - Beaverdam Creek addition - Town of Brookhaven – (SCTM Nos. 0200-902.00-03.00-009.000, 0200-902.00-03.00-014.000 and 0200-902.00-03.00-022.000) (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Abstentions: Legislators Gregory & Montano).

P.O. LINDSAY:

1814-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Lakewood Gardens LLC property - Beaverdam Creek addition - Town of Brookhaven (SCTM Nos. 0200-931.00-02.00-049.000, 0200-931.00-02.00-053.00, 0200-961.00-02.00-081.000, 0200-961.00-02.00-082.000, 0200-961.00-02.00-084.00, 0200-961.00-02.00-085.000, 0200-961.00-02.00-086.000, 0200-961.00-02.00-088.000 and 0200-961.00-02.00-090.000) (County Executive).

LEG. BROWNING:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Abstentions: Legislators Gregory & Montano).

P.O. LINDSAY:

1818-10 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] for the Condon property - Pine Barrens Core - Town of Southampton - (SCTM Nos. 0900-334.00-03.00-033.000 and 0900-336.00-01.00-014.000) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. GREGORY:

Abstain.

LEG. MONTANO:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1819-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Lot 64.3 Oakview Trail Trust - Lake Panamoka - Town of Brookhaven - (SCTM No. 0200-172.00-03.00-064.003). (County Executive).

LEG. SCHNEIDERMAN:

Tim, cosponsor.

LEG. ROMAINE:

Panamoka.

P.O. LINDSAY:

Town of Brookhaven.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Abstain.

LEG. MONTANO:

Abstain.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Abstentions: Legislators Gregory & Montano).

LEG. ROMAINE:

Please list me as a cosponsor.

P.O. LINDSAY:

1823-10 - Approving the acquisition of the assets of the Pond Woods Property Owners Association Water Distribution System by the Suffolk County Water Authority (Presiding Officer Lindsay). I'll make that motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. MONTANO:

Explanation, please.

P.O. LINDSAY:

Explanation.

LEG. MONTANO:

Brief.

P.O. LINDSAY:

George, you want to do it?

MR. NOLAN:

This is an acquisition of the water system by the Suffolk County Water Authority. The contract's been approved and they come here for approval.

LEG. MONTANO:

Gotcha.

P.O. LINDSAY:

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

P.O. LINDSAY:

Eighteen.

P.O. LINDSAY:

Health & Human Services:

1745-10 - Approving the consolidation of the Pilgrim Psychiatric Center Vital Registration District 5196 and the Town of Islip Vital Registration District 5154 (Presiding Officer Lindsay).

I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second.

LEG. STERN:

Question.

P.O. LINDSAY:

On the motion, yes, Legislator Stern.

LEG. STERN:

Yeah, just a brief explanation.

P.O. LINDSAY:

From my knowledge, at one time, I guess when Pilgrim State had many thousands of patients, they had their own registry to record deaths, and because of the population diminishing so much there, it's an efficiency in government entities where they felt that it would be best to combine it with the Town of Islip's registry when they register someone; am I correct, George?

MR. NOLAN:

Correct, the registration births and deaths.

P.O. LINDSAY:

Births and deaths.

MR. NOLAN:

And this was requested by the Town of Islip and by Pilgrim.

P.O. LINDSAY:

Okay.

LEG. STERN:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1758-10 - Authorizing a Request For Qualifications to responsible sober home operators (Browning).

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Vilorio-Fisher. Legislator Barraga, on the motion.

LEG. BARRAGA:

Just one quick question. There was some discussion as to whether or not the Commissioner of Social Services was on board with this particular program. I got the impression that he had some strong reservations about being able to administer it and implement it. Has there been a change in this position? Because, you know, if we approve this it goes to his agency, and if he's not on board I can foresee some problems.

LEG. BROWNING:

I think he does have some questions as to how we're going to implement this, but he is willing to work with me to make this happen. The Welfare-to-Work Commission has jumped on board, they're very supportive of this, we had the public hearings. I think to do anything for the first time it's a little scary, always. And you know, OASAS six years ago was supposed to implement regulations; they didn't do it. They haven't met since November of last year, and now all of a sudden, because of what we have been doing here in the County, they've decided they're going to start working on trying to create regulations, and I believe they're meeting next month. So my concern is if we wait for OASAS to do anything, we're going to be waiting probably six more years.

LEG. BARRAGA:

But the Commissioner has indicated to you that he's willing to work with you on this, right?

LEG. BROWNING:

He is willing to work with us. And also, I have a number of State representatives, Amy Pollen is the Chair of the Alcohol and Substance Abuse Committee, she's, I believe, from Westchester. She has sent full support on what we're doing and she said whatever support we need on the State level,

she's willing and ready to help us with this.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Yeah, before I recognize, I just would like to exercise -- Kate, how do you envision this working? We would pre-qualify sober homes, providers of sober homes that the County would contract with?

LEG. BROWNING:

They wouldn't be contracting with us, but basically what you're looking at is that you -- right now people come to DSS and they're living in these sober homes and they're collecting, you know, their DSS checks, and sometimes the checks go directly to the landlords. What we're trying to do is you know about these rogue sober homes that I have in my district, and many of us have them in our districts, that they're collecting the money and making a profit. There will be some guidelines set up that if you want to qualify as a sober home, they have to be approved through DSS, and anyone who needs to live in a sober home will now be provided with a list of approved sober homes. And what's good about it is the guidelines, it's going to talk about the numbers of people in a home, making sure that it's a safe, drug-free environment for that person in recovery.

So, you know, these people are going to programs to stay dry, to get away from alcohol and drugs, and then they're going back to homes where drug activity is out of control. So, you know, for too long they've said that there's no correlation between housing and recovery and there is, so this is what we're attempting to do. I'm not going to say it's going to take care of the problem 100%, because many of these homes that are operated are receiving people's Social Security checks. But I think that it's incumbent upon us to make sure that that DSS money is being spent properly and it's being done right, and it's taxpayers dollars. And I think that we have been continually throwing good money after bad and we have to change that.

P.O. LINDSAY:

Well, the only -- in 2003 I sponsored legislation, along with Legislator Caracappa and Andrew Crecca, to regulate sober homes in our County. We were immediately sued by the providers under, you know, the Americans With Disabilities Act because alcoholism or drug addiction is a disability, they claimed, and they tied us up in court for years and I think we ultimately lost that case. And on top of everything else, the State kind of jumped in and said they have the jurisdiction to regulate this and they didn't do a damn thing, as far as I know.

I mean, I applaud you for trying to tackle this problem again, because it certainly is a problem and I can't disagree with anything that you said. But what's different; why aren't we going to get into some messy litigation again?

LEG. BROWNING:

Does George want to respond?

MR. NOLAN:

Well, I think it's different because the bill you are speaking about that was struck down by the courts was quite broad in trying to regulate all sober homes in the County and the siting and setting guidelines and limits and so forth, whereas the scope of this resolution is more limited, it's our Department of Social Services trying to identify providers that they will direct our clients to. And I don't know that there would really be a basis for a lawsuit for this type of resolution where we're just trying to identify certain providers and people that we're paying for and assisting, to direct them to those facilities; I think we would be within our rights to do that without a legal problem.

P.O. LINDSAY:

Thank you. Good luck. Legislator Montano.

LEG. MONTANO:

Thank you. Yeah, I think Legislator Lindsay started on some of the questions I had, Legislator Browning, and our districts share the same concern. But reading the resolution, I just wanted -- it says two things, it says to me that the department is authorized, you know, empowered, etcetera, to issue the RFP; and then it says, "*Is hereby directed to advertise and issue the RFP within 60 days of the effective date of the resolution*"; and then it leaves me high and dry, I don't know where we're going with that. Once the resolution -- once the RFP is issued, the resolution doesn't call for anything further. So I'm just wondering, am I missing something or is there something missing or where are we going with this after the RFP is issued? Because it doesn't require -- George? Maybe the Counsel can.

LEG. BROWNING:

It's not an RFP, it's an RFQ. It's an RFQ, not an RFP. So it's not that we're making these contract agencies, it's just that, you know, we're -- maybe, George, if you want to --

LEG. MONTANO:

All right. Now I'm just looking through it --

LEG. BROWNING:

The lawyer can maybe explain it better.

LEG. MONTANO:

All right, Request For Qualifications, and I misspoke, the RFQ. George, would you --

MR. NOLAN:

I would just say that in the --

LEG. MONTANO:

What does that mean?

MR. NOLAN:

The RFQ is to develop a proposal with certain qualifications that we would look for in providers to see if these vendors, providers, meet those qualifications and, therefore, become eligible for referrals. And there is language in I believe it's the first RESOLVED clause about receiving referrals from the department. So I think that is the ultimate goal, is to identify providers that we can refer people to with the -- and we'd have the knowledge that these providers meet certain qualifications, minimum qualifications.

LEG. MONTANO:

Okay. Thank you.

D.P.O. VILORIA-FISHER:

Ric, I was going to answer some of Tom Barraga's questions and I can also answer yours, because I asked the Commissioner if they would have difficulty doing this and the Commissioner said yes. And part of the --

LEG. MONTANO:

That they would have difficulty?

D.P.O. VILORIA-FISHER:

That they would have but that it's doable.

LEG. MONTANO:

All right, but this is just to set the qualifications.

D.P.O. VILORIA-FISHER:

It's just to set qualifications. But the further response, and this goes to what your question is, what will they be doing with this, is he said that some of the difficulty that they will have is assessing the individuals who will be referred in order to find the match that's correct. So it's a kind of two-step process, because they will see how the sober homes are qualified and whether or not they would meet the needs of the individuals who are being referred. And so when Dick Koubek from the Welfare-to-Work Commission --

LEG. MONTANO:

Uh-huh.

D.P.O. VILORIA-FISHER:

-- suggested that there be an oversight committee to help create the criteria for the RFQ and the kind of match, the Commissioner said that the department would welcome this oversight committee.

LEG. MONTANO:

Okay. Thank you.

D.P.O. VILORIA-FISHER:

Are you following?

LEG. MONTANO:

Yeah, now I am, because I'm not on this committee. So what I'm getting now is that they're going to create the qualifications that are acceptable to house these people that fall within the need, and then they're going to use those agencies that fall -- that qualify under their criteria to do the placement.

D.P.O. VILORIA-FISHER:

Correct.

LEG. MONTANO:

Gotcha, and I appreciate that. Thank you.

P.O. LINDSAY:

Yes, Legislator Stern.

LEG. STERN:

Yeah, thank you, Mr. Chair. So the process here is to create standards. My question is what happens in the event, through this process, they come back with a list of proposed standards, and whether it's the department or this Legislature, that we don't believe that these standards rise to quite the level and meet, you know, the goal of what it is you're trying to accomplish County-wide? So I guess my first question is whether or not we are then bound by those standards that are developed through this process.

And my second question then, I guess, to George is what happens when ultimately the State does step in and realize that they do have a responsibility in this field and OASAS does issue regulations that don't quite jive with the high level of standards that we've implemented and then followed here

in Suffolk County; what happens then?

MR. NOLAN:

I'll just say first that we're empowering the department and the Commissioner to develop the standards, so they're the ones who have the authority under this resolution. And I would say that if the State ever came in and did regulate, that would take precedence over our local enactment if that ever should come to pass.

LEG. BROWNING:

And on your other question, I did speak with the Commissioner already and I did speak to George. You know, I had a conversation with the Welfare-to-Work Commission to see if this is something that they would want to be involved in. But I have spoken with the Commissioner a little bit about trying to create an oversight committee where if there's complaint that comes in, say there's a home that's qualified, a provider that's qualified and there's some kind of a problem happens down the road; how do we address that problem? I think that what we're looking to do is create like an oversight committee of people who know the business, who deal with people in recovery and with DSS to look at these homes and say, "Okay, this home had a problem." What was the problem and how can we resolve this? Do we pull away their qualification or do you give them a timeframe that they have to remedy the problem? So that's the next part that I'm going to be working on. And I don't know yet if we're going to need to create legislation for that, but that's -- you know, the Commissioner is open to creating some kind of a committee that these providers would have to come in front of if there's a problem.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

If I may, I was under the impression that there are standards already but the State is not really enforcing them. Like there's supposed to be a counselor, a social worker in many of these sober homes and they're not -- or am I confusing them with emergency shelters? Probably.

LEG. ROMAINE:

No, you are not.

LEG. BROWNING:

There's no standards. Maybe the congregate homeless shelters have standards, but not homes for people in recovery.

LEG. GREGORY:

Okay. I was just under the impression that they're not enforcing whatever it is and they're just -- okay, thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Actually, Assembly Mark Alesi spoke at the committee and he said they've been -- OASAS has been working on establishing these standards but it's going on and on and on and they're not getting -- they haven't set them yet. And I think what Kate did is the only way we can go with this.

P.O. LINDSAY:

And probably if we pass this law, then the State will probably come along and finally set the standards, I would hope, rather than another lengthy lawsuit, because the last time it was very

discouraging.

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

MR. LAUBE:

Eighteen.

LEG. MONTANO:

Cosponsor.

LEG. EDDINGTON:

Cosponsor.

LEG. ROMAINE:

Cosponsor.

D.P.O. VILORIA-FISHER:

Mr. Clerk?

LEG. GREGORY:

Cosponsor.

LEG. NOWICK:

Cosponsor.

("Cosponsor" said in unison*)*

P.O. LINDSAY:

Okay. You want to call that, Mr. Clerk?

MR. LAUBE:

I did already, it was 18.

P.O. LINDSAY:

Okay.

Labor, Workforce & Affordable Housing:

IR 1797-10 - Authorizing funding of infrastructure improvements and oversight of real property under Suffolk County Affordable Housing Opportunities Program (Cabrini Gardens - Coram)(County Executive).

LEG. KENNEDY:

I'll make a motion to approve, Mr. Chair.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. KENNEDY:

Do you want to do it?

LEG. EDDINGTON:

I don't care, as long as you approve it.

P.O. LINDSAY:

Okay. Seconded by Legislator Eddington.

LEG. LOSQUADRO:

Just on the motion?

P.O. LINDSAY:

On the motion.

LEG. LOSQUADRO:

Does anyone know why -- I mean, I'm happy it's finally moving forward, but this has been in the works for how long? (*Laughter*)

LEG. ROMAINE:

Years.

LEG. LOSQUADRO:

Since before I took office. I'm just glad we're finally moving forward on it. I just don't know if there's anybody to comment as to what the holdup was and what finally precipitated the movement.

LEG. KENNEDY:

Through the Chair, at the committee, actually, the presentation was not all that extensive. We did have a representative there from Catholic Charities, they spoke about the fact that it was well received in the community. It's a nice footprint for each one of the units, it's age 55 and above for I believe it was low income, low income seniors.

D.P.O. VILORIA-FISHER:

Low income seniors.

LEG. LOSQUADRO:

No, I'm familiar with the project. The property was actually cleared at one point and then the project never moved forward.

So I'm finally -- no reason to hold up, happy to see it's finally moving forward.

LEG. KENNEDY:

Yeah, yeah. No, it was very well presented at committee and it seems like it is sorely needed.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And 1797A is not necessary because we already had financed this through the general infrastructure affordable housing, so it's not needed.

1822-10 - Approving the appointment of a relative of a County Legislator in the Fifth Legislative District (Presiding Officer Lindsay). And I'll make that motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine.

D.P.O. VILORIA-FISHER:

Mr. Chair, as I discussed with Counsel, I'll be recusing myself on this vote.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Recused: Legislator Viloría-Fisher).

P.O. LINDSAY:

1840-10 - Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Rainbow Chimes, Inc. Day Care Provider under contract with the Department of Social Services (County Executive).

LEG. KENNEDY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. COOPER:

Tim, cosponsor.

Parks & Recreation:

P.O. LINDSAY:

IR 1733-10 - Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. BROWNING:

I'll second that.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1759-10 - Authorizing use of Long Island Maritime Museum property by Friends of Bradstock for a Music and Arts Festival Fundraiser (Presiding Officer Lindsay), and I'll make the motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1800-10 - Authorizing use of Indian Island County Park by Birthright of Peconic, Inc. For its Walkathon Fundraiser (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

I'll second it. Any comments? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1826-10 - Authorizing licensing agreement with Boys and Girls Club of Suffolk County, Inc., at Sheep Pasture Road in Port Jefferson/Setauket, New York (Viloria-Fisher).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:
Eighteen.

Public Safety:

P.O. LINDSAY:
1796-10 - Accepting and appropriating Federal funding in the amount of \$7,000 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in Operation SCORE with 89.77% support (County Executive).

LEG. EDDINGTON:
Motion.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Motion by Legislator Eddington, second by Legislator Losquadro.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1799-10 - Accepting and appropriating Federal funding in amount of \$16,903.25 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the Long Island Cyber Crime Task Force (LICCTF) with 83.37% support (County Executive).

LEG. EDDINGTON:
Motion.

P.O. LINDSAY:
Motion by Legislator Eddington.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1803-10 - To extend the date upon which the Task Force on Hate Crimes in Suffolk County submits its written report (Gregory).

LEG. GREGORY:
Motion.

P.O. LINDSAY:
Motion by Legislator Gregory.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

No.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

IR 1806-10 - Amending the 2010 Adopted Operating Budget to reallocate funding for a new initiative, the G.R.E.A.T. Program in the Sheriff's Department (County Executive).

LEG. EDDINGTON:

Motion.

D.P.O. VILORIA-FISHER:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Viloría-Fisher. Maybe, Legislator Eddington, do you know what the GREAT Program is?

LEG. ROMAINE:

Gang Resistance Education Training Program.

P.O. LINDSAY:

Very good, very good.

LEG. EDDINGTON:

You can see my lips moving.

*(*Laughter*)*

D.P.O. VILORIA-FISHER:

You're good.

LEG. BROWNING:

It's a very good program.

P.O. LINDSAY:

He wasn't even sitting on your lap.

*(*Laughter*)*

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

MR. LAUBE:

Eighteen.

LEG. BROWNING:

Am I cosponsor on that?

P.O. LINDSAY:

IR 1833-10 - Accepting the donation of a 2010 Volvo XC60 on behalf of the Suffolk County Police Department (County Executive).

LEG. LOSQUADRO:

If they're giving it to us, I'll take it.

D.P.O. VILORIA-FISHER:

How's the mileage on that?

P.O. LINDSAY:

Very nice.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro. Second by Legislator Muratore.

LEG. LOSQUADRO:

Giving stuff way.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1751-10 - Directing the Department of Public Works to add a stop on the 3C Bus Route (Montano).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. MONTANO:

On the motion, if I may?

P.O. LINDSAY:

On the motion, Legislator Montano, by all means.

LEG. MONTANO:

Yeah, is the Commissioner here?

P.O. LINDSAY:

Yes, he is.

LEG. MONTANO:

All the way in the back. I'm sorry.

P.O. LINDSAY:

That's okay. Gil, is there a subliminal message there? You couldn't get any further away from us, you're in the corner.

LEG. MONTANO:

Yeah, you're in the corner.

COMMISSIONER ANDERSON:

There's always outside.

*(*Laughter*)*

LEG. MONTANO:

Commissioner, I wanted to thank you for moving on this and getting it through committee, and you gave me your word that you would do that, you've always, you know, kept your word and I appreciate that. But I was just curious, where does it go from here in terms of is this the final authorization and now we can get that bus stop there, or are there other procedural things that you have to go through?

COMMISSIONER ANDERSON:

Well, at the present time we are still in the process of getting all the paperwork from the developer, so the process is moving ahead at this point. Once we have all that paperwork, then we will look at the bus route to best revise the schedule to incorporate this location into the service area.

LEG. MONTANO:

And the developer there -- and this is just for the record, this is the Home Depot Shopping Center on Carleton Avenue. The developer is on board with getting this bus stop into the location, he has agreed and you're working together?

COMMISSIONER ANDERSON:

We are working with him, yes.

LEG. MONTANO:

Thank you very much. I appreciate it.

COMMISSIONER ANDERSON:

You're welcome.

P.O. LINDSAY:

Okay. We have a motion and a second, Mr. Clerk?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. MONTANO:

My constituents are going to be very happy.

P.O. LINDSAY:

IR 1786-10 - Appropriating funds in connection with construction of sidewalks on CR 35, Park Avenue; CR 76, Townline Road; CR 79, Bridgehampton-Sag Harbor Turnpike; CR 85, Montauk Highway; CR 92, Oakwood Road; Towns of Huntington, Islip, Smithtown and Southampton (CP 5497)(County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Cooper.
All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. SCHNEIDERMAN:

Cosponsor.

MR. LAUBE:

Seventeen.

LEG. COOPER:

Cosponsor.

P.O. LINDSAY:

Yeah, I think there's probably six of us that want to cosponsor that one.

On the accompanying Bond Resolution **786A**, same motion --

D.P.O. VILORIA-FISHER:

1786.

P.O. LINDSAY:

1786, I'm sorry, A (***Appropriating funds in connection with construction of sidewalks on CR 35, Park Avenue; CR 76, Townline Road; CR 79, Bridgehampton-Sag Harbor Turnpike; CR 85, Montauk Highway; CR 92, Oakwood Road; Towns of Huntington, Islip, Smithtown and Southampton (CP 5497)(County Executive)***). Same motion, same second; roll call.

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

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1787-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with the County share for the acquisition of properties for the reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (CP 5510)(County Executive).

LEG. D'AMARO:

Motion.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Motion by Legislator D'Amaro, seconded by Legislator Gregory.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution *1787A (Amending the 2010 Capital Budget and Program and appropriating funds in connection with the County share for the acquisition of properties for the reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (CP 5510) (County Executive)*, same motion, same second; roll call.

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

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1790-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with the County share for the acquisition of properties for the reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (CP 5510)(County Executive).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern. Seconded by Legislator Eddington.

D.P.O. VILORIA-FISHER:

On the question.

P.O. LINDSAY:

We have a question by Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Budget Review, Gail?

MS. VIZZINI:

Yes.

D.P.O. VILORIA-FISHER:

I was just wondering regarding the school districts joining the County in fuel purchase; have there been any studies done by the schools as to how much savings they realize when they do this? I know that it's probably all over, but just is it a significant savings for the school district, is it per gallon savings? Oh, I think, Gil, can you answer? I see Mr. Anderson coming to the microphone.

COMMISSIONER ANDERSON:

I only popped up. I can't give you specifics on it, but I can tell you just by the fact that they don't have to maintain fueling facilities on their site is huge; it eliminates manpower, all the regulatory issues that you have to maintain and comply with. So I don't -- I certainly bow to Gail if she has any further information, but I can speak on the general aspect.

D.P.O. VILORIA-FISHER:

Thank you, Gil. That was helpful, thank you. Gail, did you have anything further that you wanted to add?

MS. VIZZINI:

No, not really. I think the Commissioner makes a good point. We do have revenue associated from this, we do get 15% administrative fees from to the County, and the County does have a reduced rate by which we purchase our own fuel. I don't know how that compares to what school districts have.

D.P.O. VILORIA-FISHER:

Okay, thank you.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Commissioner, could you -- Commissioner, could you -- sorry. We tried to get you to stay there.

COMMISSIONER ANDERSON:

That's all right.

LEG. CILMI:

Do you have any idea where this particular school district was purchasing fuel prior?

COMMISSIONER ANDERSON:

No.

LEG. CILMI:

Whose district is this in?

LEG. KENNEDY:

Harbor Fields, that's over in Greenlawn, Smithtown; Greenlawn, Huntington?

LEG. CILMI:

You guys have any idea?

LEG. STERN:

No.

LEG. CILMI:

Just to comment; I would hate to be the local fellow who owns the gas station in the neighborhood and be losing this business because the County feels that we should compete. That's my only comment.

P.O. LINDSAY:

Well, by the same token, if there's a savings to the taxpayers, I don't think you can overlook that either.

LEG. CILMI:

That's true.

P.O. LINDSAY:

And probably they had their own pumps, I would think. I know most of the school districts in my area have their own pumps.

COMMISSIONER ANDERSON:

Most of the older ones do, yeah, which this is a pretty old district.

P.O. LINDSAY:

Yeah. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. CILMI:

Opposed.

LEG. EDDINGTON:

Cosponsor.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

With that vote, I am going to recess our morning session. We'll be back at 2:30.

*(*The meeting was recessed at 12:31 P.M. *)*

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please.

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

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

LEG. ROMAINE:

(Not Present).

LEG. SCHNEIDERMAN:

(Not Present).

LEG. BROWNING:

Here.

LEG. MURATORE:
(Not Present).

LEG. LOSQUADRO:
(Not Present).

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not Present).

LEG. NOWICK:
Yes, here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

MR. LAUBE:
Thirteen.

P.O. LINDSAY:
Okay, welcome to our afternoon session. We have a number have **Public Hearings** this afternoon. The first one up is ***Public Hearing on Procedural Motion No. 13-2010 which is the proposed sale of the John J. Foley Skilled Nursing Facility (Presiding Officer Lindsay).***

If it's okay with my colleagues, I am going to have that hearing simultaneously with 1474 because I have cards, some are marked Procedural Motion No. 13, some are marked 1474, some are marked both, so I believe it's the same subject matter. So the first card that I have is Senator Brian Foley is with us, our State Senator, who's facility is named after his Dad.

Applause

SENATOR FOLEY:

Thank you, Mr. Presiding Officer. It certainly is wonderful to be back here in the County Legislature under new surroundings. I see that it's expanded and it's a little bit, let's say, easier for the public to sit and to listen. And if we look back over the last 40 years that this auditorium has been in place here, many very important and historic decisions have been made, whether it's at four in the afternoon or sometimes at four in the morning. But we are in the seat of County government with the County Legislature being the policy-making arm of County government, and the great traditions of this Legislature has taken place in this particular place, whether it's to propose new legislation, groundbreaking legislation that would help the people of this County, or in other instances to try to stop something, and it's in that vein that I'm here today.

I speak somewhat as a State Senator, we have 305,000 residents within my Senatorial District, and also to a point as a former County Legislator, and to a lesser extent as someone who's family member, in this case a facility that's named after my father John Foley who was in the County Legislature for many years and who had a shared vision of this facility that was shared on a bipartisan basis by many County Legislators in the 18 years that he was in the County Legislature. What I would simply say today is that with the Public Hearing that is before us that would require or request the sale of this facility, that it is, at best, premature to sell the John J. Foley Skilled Nursing Facility.

If this is sold, if this is agreed to be sold today, it would sever a tradition that goes back 120 years. And I would submit respectfully to you that that tradition is as relevant today as it was when the Alm House was originally constructed in the 1880's; it's as relevant today as when the old Infirmary was constructed as a WPA project in the 1930's; it's as relevant today as when this current facility was constructed, with bipartisan support, in the early 1990's. And when you think for a moment that this County government, particularly the public health initiatives and missions of this County department and this County government, has been considered among the very best not just in the State, Ladies and Gentlemen, but in this country. And if a decision was made today to sell this particular facility, it would also be a break in how this County government treats its citizens.

Because as we all well know, we live in a time where public facilities are in greater demand than ever before. And while there may be a cry to privatize different functions of public entities and of governments, I would submit to you that the public health mission is one of the most important initiatives and missions of any government, be it the State level, be it the local level or at the Federal level.

And I would end simply by saying of the changes that have been made, particularly at the Federal level as it relates to health care and the like, there is not only a need now for a facility like this but in the future even a greater need; there will be a greater need for facilities such as this Skilled Nursing Facility. And I would hope that you would turn down today's proposal and look at other viable alternatives, one could be to continue it in County hands and have the right mix of management in order to reduce the contribution that the County needs to make for the running of that facility. Or as some of us have put forward the idea of having a Public Benefit Corporation to run this facility, which is another viable alternative that should be reviewed, and the best traditions of this Legislature, should be reviewed to the committee process, look at all the pros and cons of that proposal, have it go through the light of day, do not immediately dismiss it as some already

have, unfortunately, and in so doing have done injustice to this issue, but look at these viable alternatives as ways to try to keep this mission moving forward.

And I know, in conclusion, that these are difficult economic times. Whether it's a President, whether it's a Governor, whether it's a Mayor, whether it's a County Executive, whether it's a County Legislature or a State Legislature or Congress, we know these are difficult fiscal economic times that we're all going through. We know that these are difficult decisions that you have to make as to what should be done going forward for the taxpayers of this particular County. But I would end by saying to you that we can look at the fiscal responsibilities that we have as elected officials, and at the same time be able to continue with the mission that the public wants us to continue with. And I think one of the most important missions is the John J. Foley Skilled Nursing Facility in public hands. Thank you all very much.

Applause

P.O. LINDSAY:

Thank you, Brian. Okay, Pete Mastando. Pete? That a boy, Pete.

Applause & Standing Ovation

MR. MASTANDO:

Wow, thank you. Thank you very much. I'm very pleased to be here.

P.O. LINDSAY:

Pete, before you start, just one thing; don't pull any of that nonsense like you did in Hauppauge, all right?

*(*Laughter*)*

MR. MASTANDO:

I'll do my best. I want to thank everybody for their concern. It was very nice to see people really care, especially the people we work with, as you do, too.

I would like to just say -- I've got to slow down a minute. I think this facility has a very good potential. I think Mr. -- County Executive Steve Levy should find a better way to fund this place. He should learn how to make money, not cut back, not sell. Use what we have to build Suffolk County, not to give it up, not to tear it down, but make money; I don't think he knows how to do that. We all have a risk here, we all have our livelihoods. So please bear with us and help us. Thank you. And I thank Mr. Foley very much for coming down. Thank you.

Applause

P.O. LINDSAY:

Thanks, Pete. Kathleen Reeves. Kathleen Reeves? Is Kathleen in the audience.

UNKNOWN AUDIENCE MEMBER:

She is.

P.O. LINDSAY:

Okay.

MS. REEVES:

I really just wanted to add something that I forgot to say this morning, because I get up here and I get tongue-tied. Just last week we had a resident who was discharged from one of the local hospitals and was supposed to be admitted to a private facility. When she got to the door, they would not let her in, they told her she was not to be admitted there, and this was on a Friday -- a Thursday or Friday evening. John J. Foley Skilled Facility took this woman in, and the only thing this woman had that the private facility wouldn't take her was a diagnosis of schizophrenia. A lot of private agencies will not take residents with psychiatric diagnosis.

We also have a resident on the Dementia unit which we got from another private facility because she made too much noise, so they didn't want her anymore, she disturbed the other residents; she's now at John J. Foley. And should John J. Foley go private, which I really don't think it should do, but should it anyway go private, any residents that are transferred out to other facilities, whether it's in Brooklyn, Queens, Rockland County, Jefferson County, Albany County, they're still going to be Suffolk County Medicaid and we will still be paying for them, because it all comes from the County of origin. And the only thing that our residents I guess you could say are guilty of is that they don't sit at the top of the economic, socio-economic ladder, and that many of them have psychiatric diagnosis. And that's really all I wanted to add.

Applause

P.O. LINDSAY:

Hold on, Ms. Reeves. Legislator Kennedy?

LEG. KENNEDY:

Thank you for coming out. And you've spoken many times on this and this morning when you talked, you talk about two important things; upcoming changes with the bed-hold duration and the bed-hold capacity.

MS. REEVES:

Right, bed-hold is going to be changed from 20 days to ten days.

LEG. KENNEDY:

What does that mean in pragmatic, in operations perspective?

MS. REEVES:

That means if we have resident John Doe and he goes out to the hospital, the facility has bed-hold and he's a Medicaid resident and he goes out to the hospital, there's 20 days that bed is held and we're paid by Medicaid for that bed for him to come back. I know many years ago I worked in Nassau County Medical Center and we used to get the residents from A. Holly Patterson, and we do our darnedest to get them out of the hospital in 20 days so that they wouldn't lose bed-hold; that's going to go down to 10 days. And now it's at 90% occupancy rate for -- to get bed-hold, that's going to go up to 95%.

LEG. KENNEDY:

Yet even with those changes in the last year, the facility has remained --

MS. REEVES:

Those changes haven't gone through yet.

LEG. KENNEDY:

And the facility has remained pretty much at full occupancy; today you're at 253.

MS. REEVES:

Yes.

LEG. KENNEDY:

So despite everything that we've heard and everything that we've looked at, it appears there's still a demand for Foley to furnish its services.

MS. REEVES:

Most definitely. And there's going to be more demand in the future because baby boomers are just starting to hit where they're coming of age that they might need nursing homes and things like that, and that's just -- they say by the year 2020, more than 50% of the U.S. population is going to be over 65 years-old.

LEG. KENNEDY:

Go to the point on the psychiatric component for a second; many of us have been out there, but not everybody has been. We have how many beds? I guess it would be the fourth floor, the Alzheimer's; is that it?

MS. REEVES:

The 4-North and 4-South are both Alzheimer's, dementia units.

LEG. KENNEDY:

Okay. And that's how many beds in total, Kath?

MS. REEVES:

Eighty.

LEG. KENNEDY:

Eighty. And at most any given time, those units are pretty much always full?

MS. REEVES:

Yes.

LEG. KENNEDY:

Okay. And so --

MS. REEVES:

We have -- in fact, there are times we have residents who have dementia diagnosed on other floors, and when a resident on the 4th floor, usually the way most of them leave is by death, that that resident will be moved up to the 4th floor. Because, in essence, it's kind of like a locked unit but it's not really, but they have activities there which are much more geared to the dementia patient.

LEG. KENNEDY:

Okay.

MS. REEVES:

So they don't feel like they're competing with people who are so much smarter than they are and have much better memories.

LEG. KENNEDY:

Okay. Thank you very much. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay. Thank you, Ms. Reeves.

Applause

Thomas Ogno.

MR. OGNO:

Hi. This is my first time into the political process, so forgive me for not knowing each of you.

P.O. LINDSAY:

There's nothing to forgive, Tom.

MR. OGNO:

Thank you.

P.O. LINDSAY:

Just take it easy and say what you've got on your mind.

MR. OGNO:

Well, I called each one of you, not that you got back to me; two of you out of 18 got back to me, and that's pretty good.

*(*Laughter From Audience*)*

But yes, I am definitely against the sale. And I am not with the Foley people, I am not employed by Foley, I'm just a pissed-off taxpayer, okay. And how you can sell this facility for so cheap, you are actually stealing taxpayer money. You're giving it to Mr. Rozenberg; that's exactly what you people are doing. If you let this by, you will give this -- you will give taxpayer money to Mr. Rozenberg; that's exactly what you're doing. I don't think it's right.

I've lived in Suffolk County now for close to 50 years; proud of it, it's a nice place to live. I wouldn't want to have to leave. Mr. Levy obviously thinks different of the County. He obviously thinks nothing of these people as workers, so. I mean, I just don't see -- this whole thing stinks. The Ethics Committee, Ed Romaine not being able to vote but other people who actually work for Mr. Levy, their families work for Mr. Levy, they're allowed to work? This is terrible. This is like living in a Nazi state, that's exactly what it's like. It's a shame, it really is.

I really feel sorry for us if we have to let this come down to this. Such a few dollars, that's the problem, such the few dollars, measly dollars, that it would cost to keep Foley going. It's a shame. I bet you if you took it to the Suffolk County taxpayers and told the truth on TV, real numbers, you know, maybe the people would go for it, maybe the people would pass it, you know? That's up to the people of Suffolk County and you people, you good people. I don't understand how this works; like I said, this is my first time into the political process. But I'll tell you one thing, it sure does stink; it sure does. It's a shame, it really is, that we have to let -- I mean, how do you call ourselves Americans if you're going to let these people down? Not only the workers, which we all know what unemployment is right now, right? You're looking to put more people out of work, not to mention those poor people on the other end, you know, the residents. I think it's a shame. I really think we should think twice about what we're doing here.

That's all I really have to say to you people. I wish -- you know, I wish you all the best, but come voting time, I'm going to remember some names. Thank you very much.

LEG. ROMAINE:

You only get to vote for one, though.

P.O. LINDSAY:

Tom, Tom, Tom. I just want to tell you, you did good for a first-timer. All right?

MR. OGNO:

Thank you.

*(*Laughter*)*

Applause

P.O. LINDSAY:

Michael Sheehan.

MR. SHEEHAN:

How you doing today? I spoke in front of you people a couple of times before about this. I agree with him, everything he says, too. If Mr. Levy is so worried about putting money back, and according to, you know, all these figures that keep jumping out, he's selling it for, what, 36 now, or sometimes you read on television it's 20. Even Mr. Rozenberg said it would cost him like sixty something million dollars to build. Well, how come he ain't selling it for that amount of money? And then Mr. Rozenberg, he doesn't want to even guarantee any of the people their jobs for a whole year and he -- and then he doesn't even want to put the man's name who the facility is named after on there; he don't care and he doesn't. Now, you people are the ones that are supposed to care of these people and the people that they take care. And I don't know what else to say to you. I've said a bunch of stuff before, I don't know if it's going in one ear and out the other, but I hope you make the right choice. Thank you.

Applause

P.O. LINDSAY:

Thank you, Michael. Mary Finnin. Mary? There she is.

MS. FINNIN:

Good afternoon. My name is Mary Finnin, I'm a registered nurse. I live in Central Islip and I'm a taxpayer. And I'm -- I spoke this morning, but I wanted to state it on the record again this afternoon. I am totally opposed to the sale of the John J. Foley Skilled Nursing Facility and any ongoing dismantling of our County Health Services, our County Health Centers in Suffolk County.

We are the taxpayers that paid to have the Skilled Nursing Facility and the network of health centers and drug treatment clinics to provide services to the public. At a time when we have high unemployment and increasing need for health care and human services, County Exec Levy is systematically eliminating Public Health Nursing, health centers, drug clinics, and now our only Public Health Nursing and Rehab Facility.

I brought my tax bill with me and for County taxes, I pay \$58 for everything that is covered in the County General Fund; that includes Health & Human Services, John J. Foley, etcetera, etcetera. And I pay \$650 just for County Police. Now, I'm a health care professional and I don't think Police trump health care professionals. I think we have a duty to care for the public and the health of the public. If people are unhealthy they can't work; if they can't work, they don't have money and they don't have income. And as I said, at a time when we have such high unemployment, people out of work, no health care, losing their homes, this is when we need services more than ever, not to be cutting

them.

You know, I looked at the costs and they keep going down; it was costing us 15 million, it's going to cost us ten, the last I saw yesterday, 3.5. Well, you know, we're not here to be a profit-making entity, that's why we pay taxes. And the John J. Foley, if we have to put money in from over and above what we get from health insurance and other funding for those services, that I believe is a mandate as a part of government to cover health services to the public.

Now, you know -- okay, I don't want to keep saying the things I've said. But the average patient at John J. Foley I believe is around 47 years-old, these people have to live there the rest of their lives, some of them have already been there over ten and 15 years. The staff that are there are their family. I think it's important that we look at those needs, that we keep these public health services open.

I'm also on the board of the New York State Nurses Association. We're looking at the ongoing sale of public services to private enterprise. Look at what they did at St. Vincent's Hospital in New York City, that was the Ground Zero facility and that was the facility that's taken out of that community to provide services. That also covers Times Square, that was their catchment area. Well, the people got together and they filed a suit, now it's in Supreme Court, and they're looking at all the corporate greed and misuse of money. I don't want to see that happen in Suffolk County with the sale of our public health facilities.

So I'm asking you, please, absolutely totally unequivocally reject this proposal. And if we have to pay one or two more dollars in taxes, I will get out front and help you get that passed. Any taxpayer I have spoken to support the needs for those services, and if they knew that it was only one or \$2 that would fund all of the services that this man wants to cut, you know, they would be outraged. They're being lied to and I think you've got to get that message out to them. We will support your decision to keep the John J. Foley and we'll remember and support you at election time. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mary. Pat Rollings? Pat Rollings,

MS. ROLLINGS:

Hi. Good afternoon. Thank you. I want to thank all of you because through this process I've learned very much about what happens in government, and I have to say for the most part I'm pretty impressed. You've gotten to know a lot of us as human beings, we've gotten to know some of you. You see what we're up against here, you see how hard we're fighting. I'm starting to feel like the little train that could. I'm starting to feel like maybe you guys really see what's happening here. As Ms. Finnin has just said, it's a big lie about this big tax increase we're talking about all the time.

We're all families here, I have two young children, everyone else here has children, I'm there 20 something years. One of the reasons why our care is so good is we are a County facility, we don't turn over the staff, our staff stays, and that really makes a big difference when it comes to continuity of care. I'm just hoping and pleading that all of you please hear our message, please save our facility, please save my livelihood. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Pat. Linda Ogno.

MS. OGNO:

Good afternoon. You've heard a lot of our workers speaking about the residents and stuff. We take care of the worst of the worst. But you want to know something? Mr. Rozenberg spoke of us, the workers, as the highest paid people in the County, if not the country, he said. In the country.

*(*Laughter From Audience*)*

Our laundry workers are a Grade 7, we start at \$12.27; our Food Service workers are a Grade 8, they start at \$12.79; the majority of workers there are Nurses Aides, they're a Grade 9, they start at \$13.88 an hour. They're out there providing for their families, most of them are single women taking care of kids, and we're the highest paid people in the country? This country is in sad shape if that's the truth.

*(*Laughter From Audience*)*

How are these people, they're just above the poverty line, feeding their families and taking care of them? And they come in every day and do this job with all their heart and soul.

Mr. Levy made a comment last night, he said Mr. Rozenberg can do a better job. You know what? I would have taken offense to that, but I don't believe anything that comes out of Mr. Levy's mouth, and that's one of them. These people do the best job in the country

Applause

We all would like lower taxes. And I've been living in this County for a long time and never once have I seen my tax bill go down, and I'm certainly not looking forward to it in the future. Thank you.

Applause

P.O. LINDSAY:

Thank you, Linda. Chris Destio.

MR. DESTIO:

Good afternoon, Honorable Legislators. My name is Chris Destio, I work in the John J. Foley Nursing Home. I would like to address each and every Legislator individually; I'll work my way through the horseshoe if I have enough time.

Legislator Romaine, I know you had to recuse yourself from the vote, but I thank you for your past support.

Applause

Legislator Schneiderman, I thank you for your past support. I know you're very concerned with sales tax revenue, but if you look at the cost of what it cost each taxpayer a year and how we have to subsidize Foley, I'm sure your decision won't be hard to make.

Legislator Browning, what can I say but thank you very much for your fierce support for our facility.

Applause & Cheers

Legislator Muratore, one of our new Legislators to the horseshoe, I feel we have your support. And doing God's work is not easy, Sir, and I hope we continue to have your support, Sir.

Legislator Vivian Fisher, another one of our strong supporters. I personally thank you for your strong stance concerning our residents.

I personally thank you for your

Applause

Legislator Losquadro, I don't get much of a good, fuzzy feeling --

(*Laughter*)

-- about your vote, but you did support us two years ago and hopefully you will continue to support us.

Applause

Legislator Eddington, I thank you for your past support and your concerns and needs for the residents and the staff at Foley.

Applause

Presiding Officer Lindsay, you, Sir, have brought our deficit down from 18 million to three and a half to four million. And you, Sir, are the reason why we have bed-hold for over a year, and I thank you for your leadership.

Applause & Cheers

Legislator Montano, we had support -- we had your support two years ago and I'm sure you have just as much concern for us at Foley as you do for your own district that you represent. And once again, I hope we have your support, Sir.

Applause

Legislator Cilmi, another new member of the horseshoe. You, Sir, sit in the seat where former Legislator Alden sat himself who supported us. I hope you, Sir, too have the same views concerning the nursing home as he did.

Applause

Legislator Barraga, another Legislator here, I don't think we're going to get your support, Sir. But if you do vote for us, I hope you do it for the veterans we do have in our nursing home. Thank you, Sir.

Applause

Legislator Kennedy, you, Sir, are a true leader and a major supporter of Foley and the residents and staff thank you for your support.

Applause

Legislator Nowick, we had your support two years ago. Your vote is extremely important to us and it shows your community and ours what you stand for.

Applause

Legislator Horsley, a past supporter of Foley and the one that lit the fire to get the Tri-Care contract in our facility which is in reference our veterans. Thank you, Sir.

Applause

Legislator Gregory, another past supporter of Foley. You have embraced Foley with your concerns and have always listened to us with all our issues.

Legislators Stern and D'Amaro, two more past supporters of Foley. I've noticed you two gentlemen have always listened to us very intensely to all the speeches of the residents, family members and staff; that shows me you do have concern for our nursing home. I hope we do have your support.

Applause

And finally, Legislator Cooper, a past supporter of our nursing home. Sir, you seem like a very compassionate, caring man and understand the needs of the facility. We look forward to your support. Thank you.

Applause & Cheers

P.O. LINDSAY:

Thank you, Chris. Linda Chester.

MR. CHESTER:

My name is Linda Chester, I work in the Admissions Department at John J. Foley Skilled Nursing Facility. I have had administrators inside and outside the building tell me admissions is the most important job in the building, and I really didn't believe them until it was explained to me that in order to run a building you have to have an income source; empty beds are no income.

In January of 2009, average daily census was 229 with 30 vacancies, an occupancy rate of only 86%. Our building was in crisis with the threat of closure. At this time, our administrator reorganized the Admissions Department and revised the admissions policies. In April of 2009 we reached bed-hold, which means the resident goes to the hospital and we are paid up to 20 days for that bed. By December of 2009 we were at 257 with only seven vacancies, an occupancy rate of 98%. Since then we've maintained bed-hold.

In July of 2010, the Medicaid policy has changed; only 14 days in a 12-month period for bed-hold, so that means within the whole year you're only allowed 14 days. You're allowed ten days for therapeutically which means to go home for an overnight stay, stay for the holiday.

It wasn't an easy task. We fought hard against the media coverage of closing and selling of the building. In fear, many residents requested to be placed into other nursing homes, many were not taken. And the residents that went to other nursing homes, at least half returned to our facility because they were so unhappy at other facilities. I've received many phone calls from families with younger patients who are upset and feel they have no place to go because other nursing homes will not accept Medicaid-only. Our younger population, which is 55 and under, is over one-third of the total population in our building, 34%. I also received phone calls from families with older relatives that other nursing homes refused because of their behaviors. We deal with Pilgrim State Psychiatric Center, we deal with South Oaks, because no other nursing home will accept their behavior either.

I've received phone calls from families with relatives out of state, they want them closer. Medicaid is a state-to-state, so you have to be a resident of New York before you can apply, and this sometimes causes many problems that other nursing homes don't want to deal with and we accept the Medicaid pending. At market events, we make other hospitals, nursing homes, families,

students, elder lawyers, senior citizens aware of who we are and where we are, the type of residents we care for, including short-term, with our enhanced Physical and Occupational Therapy Center. We have new contracts with insurance companies and HMO's that improve filling the short-term rehab beds.

I encourage everyone that I speak to to take a tour of our building, ask questions and come see our staff. Many that were unaware of where we are located and others didn't even know we existed are pleasantly surprised and state that they feel very good about coming here and it being -- becoming a resident.

When we have a new admission, every department in our building is involved, from housekeeping, maintenance, laundry, dietary, medical records, finance, social workers, nurses, CNA's, nursing supervisors, physical and occupational therapy, we need supplies, everyone is involved. In 2009, we had 239 new admissions; so far this year we have had 120. We have been working harder with minimal staff and everything still gets done.

As a worker for Suffolk County Department of Health for the last 34 years, I am proud to say that I work at John J. Foley Skilled Nursing Facility. Thank you.

Applause

P.O. LINDSAY:

Thank you, Linda. Patricia Foley-Kuhn.

MS. FOLEY-KUHN:

Good afternoon. My name is Patricia Foley-Kuhn, and with me is my sister Maryann Foley-Hughes. Our brothers couldn't be with us today, but our one brother Brian is here.

We are here today to request that if the John J. Foley Skilled Nursing Facility is sold under the current proposal, that our father's name be removed. He told us that if it went private, he didn't want his name associated with it because its mission is to remain public for the good people of Suffolk County. This nursing --

Applause

This nursing facility should be a shining example of how good government works for and cares for its people, but I guess the County Executive has other plans in mind. In his final days, our father's dying wish was to keep it public. He took hold of one of his nurse's hands and said, "*Do me a favor and fight the good fight. Keep it going. I really mean it.*" The nurse replied, "*We'll try, Mr. Foley. We'll try.*" Even to the end, our father was thinking of others and not himself, and that's how he lived his life. And as our mother used to say, he was a true public servant.

We brought with us today a picture taken on a very happy day. It was a ribbon-cutting ceremony at the facility and it says, "*John, the culmination of your dreams. Congratulations,*" signed Bob Gaffney. Well, let's hope his dream lives on and doesn't end.

So in closing, we would like to thank all those people who are here and not here for fighting the good fight, and a special thank you to all the people who work at the John J. Foley Skilled Nursing Facility for their hard work, their dedication, their love and compassion that they bring to the people that they care for every day. Thank you.

P.O. LINDSAY:

Hold on for one second. Legislator Vilorio-Fisher.

D.P.O.VILORIA-FISHER:

Thank you for coming. I should have said this to Brian, but I always had great admiration for your father because I think he really knew what the place of government is. And for two years, since we've had this before us, I've been saying to Mr. Levy, "This isn't losing money." He talks about how much money we lose at J.J. Foley. It's about the cost of providing the mission of government which is the health and safety of the people who live here, and that was something that I learned early in my career from your father. And so, you know, we will hang in there.

Applause

MS. FOLEY-KUHN:

Thank you very much.

P.O. LINDSAY:

Peter Busacca. Take your time, Peter, take your time.

MR. BUSACCA:

Thank you for having me here today. Many of you around the horseshoe know me by now. Today I wear the hat of a business broker. Two-and-a-half -- just over two-and-a-half years ago I studied to become a business broker to add to the rest of my college degrees and licenses. As a business broker, the way a business broker looks at the situation, they refer to a book called The Business Reference Guide. It's about 755 pages, it costs \$124; you can look at it yourself at www.bbinc.com.

Business brokers across the country use this in valuating various businesses, whether it's an automobile dealership, a shoe repair shop or what have you. So when I turn to the pages of -- having been in health care myself and also having a New York State Nursing Home Administrator's license, I was interested to see what nursing homes are worth. And the formula for nursing homes are five to eight times the earnings before interest and taxes. So if the revenue for John J. Foley is 26.4 million, as stated in the Horan Martello Marrone Report from two years ago, then you times that number by five, you get 132 million, and if you times it by eight you get 211 million, and that's about 96 million more than the \$36 million that they're proposing for the sale and it's 175 million more than what is being proposed for the sale. So I don't know why you would sell it for pennies on the dollar, it just doesn't make sense to me as a business broker.

In addition, just to repeat myself, the quality of care in the non-profit nursing homes is much better than at the for-profits at this time, and that's due to a -- back in 2003, the Centers for Medicaid and Medicare Services created a quality initiative and, you know, it's been a slow process, but the quality in nursing homes in general has gotten better to the point where the quality of care in nursing homes is better than even in a hospital, and the non-profits are leading the way with this quality initiative, such as at John J. Foley.

So my -- in surmise, I believe that you should go with, as the Senator Foley says, make it a public benefit corporation, Suffolk County Health Corps Corporation or what have you. Other counties have done this such as Nassau, Westchester, Erie County and they've all done so very successfully. And with the right leadership, you can bring a non-profit nursing home back into profitability.

So just in -- once again, I don't know why -- I understand how Horan Martello Marrone got to that number of 36 million; you take the revenue from Medicaid and Medicare at about ten million for the beds, but you're leasing out a lot, the physical plant and property and the intellectual property and intellectual capital of these individuals behind me. So with that, I hope I have appealed to the conservatives who are sitting on top of the fence or on the other side of the fence to drag them over to the side of the people here, the people, the workers of John J. Foley. So with that, I want to

thank you for your time and for allowing me to appear before you.

Applause

P.O. LINDSAY:

Thank you, Peter. Nancy Dallaire.

MS. DALLAIRE:

Hello. Thank you for hearing me again. There are still so many questions to answer before this County-changing decision can -- should be made. This facility can be an example of how the health care system should operate here in Suffolk. John J. Foley provides health and human services that we are all entitled.

I am concerned with some of the things that I had read in the Budget Review Office Certification of Savings for the Proposed Privatization of John J. Foley. The first thing I noticed was that there were projections as to myths and assumptions. I think we should have more facts before assuming anything with this crucial decision. The methodology used to project expenditures and revenue relies on historical trends, financial statements from 2007 and 2008 were compared. Please, do not base this decision on the mismanaged past of John J. Foley. We must look at the potential that is just beginning to show and must be allowed to grow. John J. Foley should not be blamed for the slowness of the State reimbursements or the fact that there is a dispute between the Federal and State government, so our residents must suffer, valuable services sacrificed?

This County has the ability to build the massive jails to secure the future for all inmates. The law requires that we provide housing to homeless sex offenders; we will spend millions of dollars to protect their rights and privileges, but to save this home we've had to hold demonstrations, protests, get petitions signed and spend years pleading to this legislation, all to safeguard health services that have been available to our County for a century. Where's the justice?

And does the Health Department agree that this community can afford to lose this non-profit institution? They do not have any problem with interrupting these vital services?

And one other thing I noticed in the Budget Review Report was a consultant commission for \$900,000. I don't know if that was a misprint, but the firm was supposed to help organizations fulfill their missions and successfully address unique, regulatory, financial and compliance demands. How did they exactly help with their own mission? What did they successfully address to warrant that kind of commission? Our mission should be to protect and improve the quality of health, safety and well-being of the public, not sell them off to the highest bidder. Where there's a will there's a way. We can find a way to keep John J. Foley in the hands of Suffolk County.

Applause

P.O. LINDSAY:

Thank you, Nancy. Cheryl Felice.

MS. FELICE:

Good afternoon. Thank you. My name is Cheryl Felice, I'm President of AME and the workers at John J. Foley, and I just wanted to take the time to read to you a little bit of the excerpts of the letter that I had sent to the Legislature on July 8th. And also, before I begin to do so, just let you know that this fight for AME is only -- is not only professional, but it's also personal.

Each and every person at AME had a deep respect, as do most of you -- in fact, I would have to say all of you -- had for John J. Foley, the man. So this fight and this issue doesn't come without a lot of heartache attached to it. But I wanted to let this Legislature know just how deeply this organization admired Mr. Foley. And the picture that was shown to you by the Foley Family today was placed in our journal ad at our scholarship fund-raiser just last week, that very same picture.

But as you know, as you've come to know, "The Suffolk County Association of Municipal Employees has been embroiled in a battle to save the John J. Foley Skilled Nursing Facility from privatization for several years. It remains AME's belief that provided with the correct tools and the time necessary to allow for needed changes to take place, there would be no need to consider selling Foley as it has been a potential to be self-sustaining."

This letter was written to you on July 8th and was reminiscent of many other letters that have been written to you in the past.

"Unfortunately, better management at Foley never occurred. And while AME tirelessly deliberated over concessions for workers at Foley, we had to consider the effects on the 7,000 other members, too. As a result, the AME Board of Directors unanimously rejected any and all concessions requested for our members at Foley, but not because we didn't want to save Foley, we desperately do. This was a tough decision to make. We know that a County-owned facility could provide the same economic results as a private facility, again, if given the opportunity. We will never understand why Foley was allowed to be mismanaged for so long."

"According to the Employees Relation Manual for the Johnson & Johnson Company," and I quote, "If employees understand the reasons behind an action, the chances are excellent they will respect them. Too bad for too long at Foley we had neither."

Perhaps with this latest proposal by Senator Foley, the good name of John J. Foley, in the interest of the workers at Foley, will prevail. The workers at Foley act like the man the facility was named after each and every day delivering selfless care. I want you to know that Mr. Foley never refused, even in his failing days, never refused to see any worker from Foley who wanted to come and speak to him, and their work that they do every single day emulates the man that the facility was named after. Thank you.

Applause

P.O. LINDSAY:

Thank you, Cheryl. Patricia Kuss. Patricia?

MS. KUSS:

Good afternoon. We thank you, Mr. Foley, and your family for coming here today.

I wasn't sure what I was going to say, I just --

P.O. LINDSAY:

Patricia, maybe you could just pick up the mic. There you go.
There you go. You don't have to bend down, nice and comfortable.

MS. KUSS:

I wasn't quite sure what I was going to say, because this is very difficult for all of us, as you know.

The workers at John J. Foley are the shining and proud example of Suffolk County government employees. All I'm asking is please let's continue this 120-year tradition. We were meant to serve the public. John J. Foley was meant for those who had nowhere else to go, who have nowhere else to go. Let's continue this tradition in a time where family values are deteriorating and grief surrounds us. I hope all of you are in favor of saving John J. Foley. Thank you.

Applause

P.O. LINDSAY:

Michele Burstin.

MS. BURSTIN:

My name is Michele Burstin and I am a Social Worker at the John J. Foley Skilled Nursing Facility. I wanted to touch on the subject of the hard-to-place resident, that being the young individual with a mental health diagnosis and/or behavioral issues.

Approximately 40% of our residents are under the age of 55 years-old; not your typical nursing home patient. Of course, the young resident who has both physical and mental health issues does not want to be living in a nursing home. However, circumstances did not turn in their favor. At times, these young residents want to be closer to their families who live a distance from Yaphank. However, when I send a PRI, which is a Patient Review Instrument, to these other facilities, they will not accept them for admission into their facility secondary to increased behavioral issues and increased costs.

Within the mental health population, there is a higher percentage of those that may cause harm to themselves or others, because of their erratic behaviors they are not controlled. These patients -- the patients that other agencies do not want are those with psychiatric diagnosis, alcoholics, substance abusers, individuals with a history of unauthorized leave of absences. I am telling you firsthand that it is difficult to place these residents. For example, I had a 23 year-old resident with multiple sclerosis, all needs were anticipated by the staff, wanted to move closer to his family in Brentwood. However, I sent approximately 35 PRI's out to various nursing homes without one accepting him; the reason, *"Too many behavioral issues and we cannot accommodate their needs."* Thank you.

Applause

P.O. LINDSAY:

Thank you, Michele. Patricia Bruno.

MS. BRUNO:

Good afternoon, Presiding Officer Lindsay and Members of the Suffolk County Legislature. My name is Patricia Bruno, I've lived in Suffolk County for 42 years.

My mother Emily has been a resident at John J. Foley for more than two years; Mom is 91 and Mom is on 4-South. I could go on and on about how much the compassionate staff of John J. Foley has made Emily feel safe and loved. Despite her dementia, Emily has bonded with many staff and residents. In addition, recently Mom was able to remember and tell me that she lives at Foley, which is a big thing for her to remember that.

Today you will be voting on a proposal to sell the John J. Foley Skilled Nursing Facility. Some of you are on the fence. The stress is consuming all of us. It was traumatically brought to light when a John J. Foley staff member suffered a heart attack at one of your meetings. You have considered many reasons, pro and con, as to why John J. Foley Skilled Nursing Facility should or should not be

sold. Some of the reasons not to sell? A statement on the Suffolk County website that reads, *"Patient care is not influenced by the need to meet corporate profitability goals. The County is committed to help the most vulnerable of constituents, those who need long-term care and are hard to place in a private facility."*

Number two, the devastating effect on the frail, elderly, dementia/Alzheimer patients. If it's sold, the frail, elderly, dementia/Alzheimer's patients will be in the same building, but the familiar routines, the familiar voices, the familiar camaraderie they have received from the staff who have cared for them for many, many years will be gone. In effect, they will be abandoned.

Mr. Lindsay's comment; *"If we sell nursing home this year, what do we sell next year, one of the health centers?"*

Number four, questionable savings. Critics say that the Legislative Budget Analysts found Levy's estimates of seven to ten million in ongoing annual savings resulting from the sale is really closer to 3.5 million. The Foley staff are willing to sacrifice. Over a hundred workers signed petitions saying they would consider concessions, which I don't think they should, but they are willing to sacrifice to save this facility.

And number six, create the Suffolk County Health Corps. Thank you, Mr. Foley and Mr. Kennedy, for suggesting that. Reasonable doubt is running rampant. If you were a jury, you would have no choice but to acquit. We ask you to free the John J. Foley Skilled Nursing Facility from the clutches of politics once and for all. Thank you.

Applause

P.O. LINDSAY:

Thank you. Margaret Rosenka. Margaret?

MS. ROSENKA:

Good afternoon. My name is Margaret Rosenka and I'm a nurse at John J. Foley. I stand here before you today one last time in an effort to save our facility from privatizing.

Over the past two years you have heard all the pros and cons of keeping our building County-run, and now we've come down to the final vote. Today I'd like to make a few last comments. First and foremost, the residents. If the facility is sold, no, our residents will not have a secure home any longer; you know that and I know that. It was stated that the new owners will keep all the residents as long as they do not become a danger to themselves or someone else. Well, I work on a dementia unit and I can honestly say, that would include at least half of my residents. These are people like you and me, except now they have dementia. They weren't always aggressive, verbally and/or physically abusive, uncooperative and socially inappropriate, but yes, they are now, it's part of their illness. If they just sat quietly and did what they were told to do, ate and walked safely on their own, interacted appropriately with others, well, then they wouldn't need our care. But no, they don't always do as asked, and yes, they do need our care. Sometimes they are a danger to themselves and others; in my eyes, all the more reason to continue to take care of them.

Secondly, I'd like to comment on the scare tactics Mr. Levy is using to try and sell our facility. To send 896 letters to the homes of County workers stating that their jobs are in jeopardy and threatening several thousand others with the possibility of bump and retreat if the John J Foley is not sold is ludicrous. He's pitting one County worker against another. Is my job any more important than yours? And if he gets his way, what makes you think he's going to be satisfied and stop there? You can always cut back and save more money. Why not close down the health centers, eliminate crossing guards, cut our Police force even more? Where will it end? Sadly, I'm

not convinced with the sale of John J. Foley.

Lastly, I would like to leave you with a poem that has always meant a lot to me. It speaks of standing up for what we know to be right and having the courage to do something about it: "First they came for the Communists and I didn't speak up because I wasn't a Communist. Then they came for the Jews and I didn't speak up because I wasn't a Jew. Then they came for the Catholics and I didn't speak up because I was a Protestant. Then they came for me, and by that time there was no one to speak up for me." Thank you.

Applause

P.O. LINDSAY:

Thank you, Margaret. Mary Fredette. Mary Fredette?

MS. FREDETTE:

Thank you for listening. My name is Mary Fredette, I'm also a nurse on 4-South and I just really want to share one of many grateful letters that we received from the family members. This was just a beautiful letter and I want to share it with you because this just tells it all.

"Dear Supervisor;"

"On behalf of our family, I am writing this letter because we would like to extend a message of thanks to the 4-South nursing and aide staff. Our mother came to the Foley Center in February, 2009, and we immediately felt a difference in the care that was given to her. Much to our sadness, our mother died on July, 2009. I was glad -- it was a long and difficult process for us, but she is at peace now."

"During those final weeks, we spent a lot of time with our mother, some of us traveling great distances, and got to know some of the staff taking care of her. Everyone was caring to our mother and conscientious to our grief and assisting in any way they could. Even if they weren't assigned to her during their shift, they would often stop by the room to see if we needed anything too."

"It is far too rare that caregivers receive the acknowledgement they often deserve; ours isn't much, but it shows that your work and care does not go unnoticed by this family. Please extend our gratitude to all on 4-South. May you all continue the aid and love that so many people need in this world."

And I also want to read a letter in response to this letter from a coworker that's not with us anymore because of this whole thing that's going on, and she was a wonderful worker.

"First. I would like to extend thanks on behalf of the 4-South family to yours for a gracious gift. From the day that your Mom first came to us, we felt her spirit of light. At first there was a learning curve for all of us, but quickly we came to know her. Indeed, she was special and her spirit was vivid."

"On what might be a regular task-oriented morning, your Mom might surprise us with an edgy remark or an honest observation, and at times a lucid moment would shine through and we could see she was a teacher, a giver, a mother, a friend, a gift. We soon came to know her candid style and looked forward to what she shared. The months would pass and her room became a haven for many."

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

"Myself as well as others would often take breaks and share them with your mom. Here was a place of peace for us to share as we truly enjoyed her company. I believe for those who took a part in caring for her, we have all come away with something special. Even in the midst of a wretched disease, the sense that you knew, we knew, a tangled web of lost cognition could not contain her completely with every refreshing reminder to all of us. When the time came to call on your family because the disease was progressing we soon became familiar with each of you. In silence we learned that the eight children she often spoke of, in each of you we saw that she -- that she was whole. Time lingered in suspense and days turned into nights, long overnights and even weeks. Getting to know each of you was truly a gift that we don't often share with family members. We are grateful. I can say with surety to each of you that this, your mother would be proud of you, the letter and gifts for us speak to her spirit of generosity."

That's all for now. But I just want to, you know, share that. It's just that, you know, Levy really disillusioned everybody in the public about saving taxes on the facility. And I just can't get over how ignorant he must think the residents and taxpayers are. And it's really -- it's really kind of, you know, outrageous that he would really think that we're so ignorant to believe that if the facility was sold that it would make a difference in our taxes like -- you know, which is more important, a little less money on your property tax or a healthcare facility like this? Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Mary.

(Applause)

Mary is the last card that we have. Is there anyone else who wishes to speak on this, on either Procedural Motion 13 or I.R. 1474? Okay. There being none, we don't need a motion on 13, I understand, but is there a motion on I.R. 1474?

LEG. BROWNING:

Motion to close.

D.P.O. VILORIA-FISHER:

Motion to close, Legislator Browning. Is there a second?

LEG. BARRAGA:

Second.

D.P.O. VILORIA-FISHER:

Second by Legislator Barraga. All in favor? Opposed?

LEG. ROMAINE:

Please note my recusal.

MR. LAUBE:

Eleven. (Legislator Romaine, recusal; Legislators Lindsay, Muratore, Losquadro, Kennedy, Nowick and Cooper not present)

D.P.O. VILORIA-FISHER:

We just closed the Public Hearing. We just closed it. Okay. We are now on I.R. 1688. Okay, ***Procedural Motion 15, Inclusion of New Parcels into Existing Certified Agricultural Districts in the County of Suffolk (Lindsay)***. I don't see any cards here for that Procedural Motion. Is there anyone in the auditorium who wishes to speak on Procedural Motion 15? Okay. Is there a motion on Procedural Motion 15? The inclusion -- I'll read the title. Inclusion of new parcels into existing certified agricultural districts in the County of Suffolk. Motion to close by Legislator Nowick, seconded by myself. All in favor? Opposed? Procedural Motion --

MR. LAUBE:

I've got people talking in my ear. Who was the motion and the second?

D.P.O. VILORIA-FISHER:

Motion was by Legislator Nowick, I seconded it. All in favor -- the motion to close Procedural Motion 15.

MR. LAUBE:

Seventeen. (Presiding Officer Lindsay not present)

LEG. BROWNING:

Vivian.

D.P.O. VILORIA-FISHER:

Yes.

LEG. BROWNING:

I'm sorry. I know there's a number of people here that are not understanding when we made the motion to close on John J. Foley, what that meant.

LEG. SCHNEIDERMAN:

We're not closing the facility.

LEG. BROWNING:

That we're not closing the facility.

D.P.O. VILORIA-FISHER:

That doesn't mean -- no. The motion to close simply meant that we were closing the Public Hearing. And that is not a vote on whether or not the facility is being closed, it was closing the Public Hearing. So you can take a deep breath.

LEG. D'AMARO:

Just --

D.P.O. VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Just a quick question. Does that mean that the Procedural Motion 13 and IR 1474 are now both closed?

D.P.O. VILORIA-FISHER:

That's my understanding.

LEG. D'AMARO:

Okay. I just want to clarify.

MR. NOLAN:

For the Procedural Motion No. 13, that was the A96 hearings where we had to hold one in Riverhead and one in Hauppauge. We've satisfied those requirements. We don't have to make a motion to close the hearing.

LEG. D'AMARO:

All right. Thank you, Mr. Nolan.

LEG. KENNEDY:

And, Madam Chair, if I can just follow-up on another one with Counsel. And 1474 at this point actually is still in the Health Committee, is that correct, it's been tabled?

MR. NOLAN:

It's still in the Health Committee.

LEG. KENNEDY:

So absent anything else at this point, there has to be action on the part of the Health Committee before the bill would be before us.

MR. NOLAN:

Absent a Certificate of Necessity it has to come out of the committee before we can act on it.

LEG. KENNEDY:

Okay. Thank you.

D.P.O. VILORIA-FISHER:

Legislator Losquadro.

MR. NOLAN:

1474 Public Hearing is closed but the bill remains in committee.

LEG. MONTANO:

Is there a CN?

D.P.O. VILORIA-FISHER:

As of yet there's no C of N. Are there any other questions on 1474 before we move on? All right. ***I.R. 1688, A Local Law mandating compliance with Financial Disclosure Requirements (Cooper)***. I have no cards. Is there anyone in the auditorium who wishes to speak on that, on I.R. 1688? There being none, Legislator Cooper, what's your pleasure?

LEG. COOPER:

Motion to recess, please.

D.P.O. VILORIA-FISHER:

Okay. We have a motion to recess. Is there a second?

LEG. D'AMARO:

Second.

D.P.O. VILORIA-FISHER:

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

MR. LAUBE:

Seventeen. (Presiding Officer Lindsay not present)

D.P.O. VILORIA-FISHER:

I.R. 1688 stands recessed. *I.R. 1752, A Charter Law to provide notice of appointments to Boards & Commissions (Montano)*. Is there anyone in the auditorium who wishes to address the Legislature on I.R. 1752? There being none, Legislator Montano?

LEG. MONTANO:

Motion to close.

D.P.O. VILORIA-FISHER:

Motion to close by the sponsor. Is there a second? Seconded by Legislator Gregory. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen -- eighteen.

D.P.O. VILORIA-FISHER:

I.R. 1753, A Local Law to safeguard the integrity of sales made at precious metal and gem exchanges (Barraga). Is there anyone in the auditorium who wishes to address the Legislature on I.R. 1753? There being none, Legislator Barraga.

LEG. BARRAGA:

Motion to close.

P.O. LINDSAY:

Motion to close by the sponsor.

D.P.O. VILORIA-FISHER:

Seconded by --

LEG. D'AMARO:

Second.

D.P.O. VILORIA-FISHER:

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

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Okay. I.R. 1753 stands closed.

P.O. LINDSAY:

Okay. *1782, A Local Law to register pre-paid cell phones purchased in Suffolk County (Browning)*. And it doesn't appear that we have any cards on this subject. Does anybody want to comment on this subject? Seeing none, Legislator Browning?

LEG. BROWNING:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands recessed. *1824, A Local Law to clarify residency as a requirement for service on Hispanic Advisory Board (Cooper)*. I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Cooper.

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

Motion to recess.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Legislator Kennedy not present)

P.O. LINDSAY:

I.R. 1827, A Local Law adding new invasive Non-Native Plant Species to the County's Do Not Sell List (Viloria-Fisher). And I have a couple of cards. Marilyn Jordan.

MS. JORDAN:

Hi, I'm Marilyn Jordan, PhD ecologist for the Nature Conservancy on Long Island.

LEG. LOSQUADRO:

Ma'am, lift the mic up a little bit.

MS. JORDAN:

Okay. I'm the conservation scientist for the Nature Conservancy on Long Island and I'm speaking in reference to amending the County's invasive species law, in particular commenting on the sound basis for the list of prohibitive species. I actually am one of the three co-authors of the protocol that was used to assess non-native plants for invasiveness, and the protocol was based on sound science, factual information, fully documented, clearly explained and repeatable.

I chaired the Long Island Invasive Species Management Area Scientific Review Committee. This committee approved the draft invasiveness assessments initially made by the Brooklyn Botanic Garden. After discussion and editing we approved the species assessments. The committee consisted of 13 voting members, botanists, land managers, Cornell Cooperative Extension, nursery industry, Farm Bureau, academic horticulturist from SUNY Farmingdale.

We met for two years and held 42 meetings, and at the end of that time we had assessed 175 non-native plant species for invasiveness. We found 69 of those species to be invasive. In other words, they ranked high or very high on the scale used in the ranking protocol. All of the decisions of the committee were unanimous, so I am confident that these assessments are accurate and

defensible, and I would like to point out that there are provisions in the law designed to minimize impacts on the horticulture industry.

First of all, there are phase-out periods for each species that give nurserymen time to sell their existing stocks before that species becomes prohibited to sell. And also, there is a provision for a future exemption of cultivars, which are varieties of these invasive species if they are proven to be 100% sterile. In other words, they could not escape from cultivations and invade our natural areas and our lands and waters. If new invasive species should appear in the future, our committee will meet again and we'll go through the process of the Botanic Garden assessing them. We will review them using the same rigorous protocol.

And if anyone is interested, I have with me one copy of the -- that explains how the protocol works, and several copies of filled out forms for a couple of species.

P.O. LINDSAY:

Miss Jordan, Legislator Vilorio-Fisher has a question.

D.P.O. VILORIO-FISHER:

Thank you for coming down, Dr. Jordan. Can you just hang around until after the other speakers speak in case we have a question for you?

MS. JORDAN:

Certainly.

D.P.O. VILORIO-FISHER:

Thank you.

MS. JORDAN:

Can I give these to anyone?

P.O. LINDSAY:

The Clerk will take them. Okay. Next is Alpa Pandya.

MS. PANDYA:

Good afternoon. I don't really think I need a microphone, I'm so loud compared to the microphone here. I have a couple of handouts, 20 copies as requested. One has the changes to the invasive species list and the other one is the final do not sell list with asterisks next to the species which are newly added to the list.

My name is Alpa Pandya. I'm representing the Nature Conservancy and the Suffolk County Invasive Species Advisory Board asking you to pass I.R. 1827, amending the County's invasive species law. As a member of the Advisory Board, I assure you the amendments were made after careful thought and discussion by all the board members. I.R. 1827 will move the County forward with updating the County's science based invasive species list with appropriate phase-out dates for each species.

Suffolk County first started this process in 2005-2006 when two aquatic invasive species had taken over Yaphank Lake so that local residents had a very hard time boating, fishing or swimming there. The cost of eradication for this one site will be in the tens of thousands of dollars for multiple years.

In response to this issue, Suffolk County Legislature took the proactive stance of creating a multifaceted, long-term strategy for invasive species management to protect the beautiful, diverse lands and waters of Suffolk County and which contribute to the County's healthy environment, local economy and quality of life.

As I look at the last few years, quite frankly, the County has done an incredibly good job in implementing a complex and, let's face it, not very sexy issue like invasive plants. County Parks and DPW has done their part in planting non-invasive plants and removing invasive plants when possible. Department of Environment and Energy has a website with information useful to the public, casual gardener and green industry members. Department of Consumer Affairs, after a rather steep learning curve, has a complimentary website. Cornell Cooperative Extension, Long Island Farm Bureau and the Long Island Nursery and Landscapers Association have put together a list of -- a much needed list of commercially available non-invasive alternatives for gardeners, and it's been distributed widely as well as being posted on their website.

I ask you to pass I.R. 1827 and update the invasive species list which is a necessary part of the County's management plan. Thank you.

P.O. LINDSAY:

Thank you very much. Charlie Scheer.

MR. SCHEER:

I'd like to thank you, Legislators, for the opportunity to present information on this bill. I am a nurseryman, I'm also representing the Long Island Farm Bureau on the Scientific Review Committee and the land -- Water and Land Invasive Committee for Suffolk County. As Dr. Jordan has said, we spent over two years reviewing these, two meetings a month, taking no more than three species, and we had a very balanced stakeholders representation from all industries that were affected and all parks and public agencies that were available.

There has been some concern by a few of the growers about the cultivars. I think we have put wording in the legislation which have given the option to, at a later date, review the cultivars and particularly if we improve sterility we can fast track those into approval. The exemption provisions are well spelled out in the legislation, and this law is based on sound science and has provisions in it which do make it possible for sterile exemptions. So I would ask the Legislature to pass this legislation. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Charlie.

P.O. LINDSAY:

Jennifer Hartnagel.

MS. HARTNAGEL:

Good afternoon. My name is Jennifer Hartnagel and I'm here on behalf of the Group for the East End. For those of you not familiar with the group, we are an environmental -- nonprofit environmental organization serving the five East End towns. I'm here today to lend our strong support for I.R. 1827. The group has continually supported the invasive species do not sell legislation for its critical part in restoring the East End environment and Suffolk County's natural areas. Invasive species do, in fact, negatively impact our local environment, and updating the list as new scientific evidence becomes available is necessary for the legislation's success. Further, as you just heard, it's based in science with the support from -- versatile input from scientists, industry, community members and agencies.

And just in my own experience I've seen a need for these lists and the updating of these lists. I work routinely with gardening clubs and community groups who have shown interest in this topic and they need the information, they want the information. And with that being said, I would like to ask the Legislature to support the proposed legislation and take the additional step in protecting our local environment. Thank you.

P.O. LINDSAY:

Thank you very much. I don't have any other cards on this subject. Is there anyone else in the audience that would like to talk to us on this subject? Seeing none, Legislator Viloría-Fisher?

D.P.O. VILORIA-FISHER:

A motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Legislators Montano, Barraga and Kennedy not present)

P.O. LINDSAY:

It stands closed. *1834, A Local Law to standardize home energy audits in Suffolk County (Horsley)*. And it doesn't appear that I have any cards on this subject. Is there anyone in the audience that would like to talk to us on this subject? Seeing none, Legislator Horsley?

LEG. HORSLEY:

Motion to recess, please.

P.O. LINDSAY:

Motion to recess.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Legislators Montano, Barraga and Kennedy not present).

P.O. LINDSAY:

It stands recessed.

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

P.O. LINDSAY:

Public Hearing on *IR No. 1835-10 - A Local Law amending Chapter 8 of the Suffolk County Code (County Executive)*, and I have a number of cards. First is Director Tom Isles.

DIRECTOR ISLES:

Good afternoon, and thank you very much. This is a new bill that was filed under -- originally under 1174, it was presented to you earlier this year; that bill did expire, so this is a recreation of that bill.

As you may recall, there were two Public Hearings conducted by the Legislature on that bill, in March and in June, and what we presented to you was a bill to overhaul the County's farmland program in terms of many aspects of, number one, there are aspects of the current code that are factually

incorrect, procedurally incorrect in terms of how the County purchases property, development rights. The new code provides clarity, provides improved administration, improves standards as well as very importantly improved capabilities for enforcement.

But getting more specifically to the final issues that came out at the last hearing on June 22nd. I think we had hammered through most of the issues of dispute with this legislation, and the issues that came up in June 22nd primarily related to the issues of variances. So what we reported to you at that time is we did suggest in the code that there be a limit on lot coverage of 10% to 15% based on the size of the parcel, and it was expressed to us that there should be a cap on that percentage of variance that could be considered. There also is expressed that there should be some sort of Legislative oversight of variances that would be considered by the Farmland Committee, and it was also expressed that we should examine and reexamine the criteria that were proposed at that point. I'm happy to report to you today that the revised legislation we believe does fully address those issues.

So we have suggested in the legislation that the Farmland Committee does have a Public Hearing on any variance request, that it be notification spelled out to all property owners within 500 feet to the local municipality, to you, the Suffolk County Legislature, that they take their action. If they approve a variance, that variance would have to come to the Environment, Planning & Agricultural of the Legislature for ratification. If that committee did not do so, any approval of the Farmland Committee would be null and void. So the Legislature would have a direct role in acting on any variances that would come before the Farmland Committee.

Secondly, we have proposed a cap on the degree of variance; that cap is 25%. So, therefore, the authority is limited at that. It cannot be something where somebody is going to cover the entire property with buildings.

And then thirdly, in terms of the criteria, we did have criteria in our proposal presented to you on June 22nd. We have since reviewed the idea that we considered using the criteria for hardship from the Pine Barrens core. We have examined that and we don't think that is appropriate. And let me just explain that the Pine Barrens, of course, is a program to preserve open space, drinking water supply, habitat and so forth, and it does have a program to consider hardships. It does have a provision whereby if you cannot agree to a sale of property to the County or the State for that method of preservation, if you cannot do a transfer of development rights, if you've exhausted all those other mechanism for land conservation, you can apply for a variance to develop on that property. But what it says is that you have to prove that you have no beneficial use of that property if that variance is not granted.

I think the fundamental problem we see with using that criteria in this program is that the purpose of the Pine Barrens Program of course is to protect land and not have it developed. The purpose of the Farmland Program is to continue farming. So to say that a farmer coming in for a variance would have to prove that they cannot farm the property we think is inconsistent with the program, we don't think it's practical. We have modeled the criteria after New York State Law which is proven variance criteria and we think is most appropriate here.

So not to drag this out any longer than necessary today, we believe we've addressed the issues that were raised at the June 22nd hearing. We believe we've presented to you a comprehensive overhaul of Chapter 8 that we think is sorely needed. We do make the point that local zoning still applies, so even if a variance were considered, the local municipality still has to put their approval on it as well.

So in closing, this is the -- we're now at about two-and-a-half years in this process. We've had extensive public outreach with the agricultural committees of the various towns, outreach with Peconic Land Trust and other interest groups and conservations. We've made 121 changes to the

legislation through this process. We think the process has been very constructive, we think it's improved the bill, we think it's a very good bill and we respectfully ask for your consideration today in moving this forward so that it can be resumed at the committee level. Once again, thank you very much.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

You had a half-minute to go, but you went so fast through that variance that I -- you lost me.

DIRECTOR ISLES:

I'm sorry.

D.P.O. VILORIA-FISHER:

When you were talking about Pine Barrens, I just blinked and I missed a few sentences. Can you just slowly just explain that again?

DIRECTOR ISLES:

Absolutely. A suggestion had been made that we model the hardship criteria after the same criteria used in the Pine Barrens core. And what that criteria says is that the Pine Barrens Commission should not grant a variance unless the person can prove they have no beneficial use of the property unless the variance is granted. So it's a very high bar, and I understand that because the purpose of that is to not disturb and not develop the Pine Barrens. And there are other protections to private landowners such as, here again, active public programs to acquire land and to transfer development rights.

So if we say, well, should that standard be applied to the County Farmland Program, the problem we see with it is that if a farmer comes in and they've got an application for, let's say, a variance from 10% to 11%, they would then have to prove that they can't use the farm without this occurring. And the example I gave at the last meeting is that there's a lot of concern right now, for example, on food safety and farmers may be, and are required at times, to put facilities in for cleaning produce and so forth. So if we had a situation where, let's say, a food safety issue, an AEM issue where a facility needs to be constructed to the betterment of that farm, for the betterment of the public interest in that farm and so forth, they would have to prove, here again, that they can't use the farm without that; that, we think, is an impractical test, we think it's an almost impossible test. And here again, if the purpose was that we don't want to see farms farmed, then that would be okay. But if your policy objective is that you want to maintain farming in Suffolk County, then we think using New York State criteria would be most appropriate.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Tom. I just thought -- you started talking about the Pine Barrens and I got --

DIRECTOR ISLES:

I'm sorry. I apologize if I --

D.P.O. VILORIA-FISHER:

It just went so fast.

DIRECTOR ISLES:

-- I went too fast.

D.P.O. VILORIA-FISHER:

Thank you.

DIRECTOR ISLES:

I've got a full day.

D.P.O. VILORIA-FISHER:

And actually, that makes sense because that is a very high bar, and I understand what you're saying.

DIRECTOR ISLES:

Okay.

P.O. LINDSAY:

Thank you, Tom.

DIRECTOR ISLES:

Thank you.

P.O. LINDSAY:

Charles Scheer.

MR. SCHEER:

I'd like to thank the Legislature again for getting an opportunity to present input on this. As I said before, I'm a nurseryman, I'm also ex-President of Long Island Farm Bureau. I am a member of the Suffolk County Select Farmland Committee, it is the committee that is involved here. I am also a member of the Riverhead Farm Preservation Committee, and I want to seek your support and adoption of this chapter, new Chapter 8.

It's a well-crafted bill, it's taken a great deal of time to put together. The stakeholders have been very involved. The input from all concerned groups has been considered and there's been many compromises made in order to develop a bill which we -- I feel is very sound. This bill's changes will greatly improve the effectiveness of the Chapter 8. And I've been involved on the committee with things that have come up where this Chapter 8 should be improved, and I think this bill really addresses those issues. I urge you to close the hearing on this bill and move to pass the bill. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Scheer. By the way, Ms. Greene, your card had been -- had a number two on it, but you wanted to speak on 1838, not on this, right?

DIRECTOR GREENE:

Right.

D.P.O. VILORIA-FISHER:

I just wanted to double check that, okay. Our next speaker is Frank Beyrodt.

MR. BEYRODT:

That's right. Thank you for seeing me today. I speak out in support of I.R. 1835. My name is Frank Beyrodt, I am third generation farmer with the DeLea Farm Family. I'm the Vice-President of the Long Island Farm Bureau and I also hold a position with the Ag Advisory Committee, Cornell Cooperative.

I think, like Charlie said, this is a very well balanced bill. All of the interested parties participated in it. And with any legislation, we really have to come to a balance. Is it perfect? Probably not for everybody, but I think it's a well-fashioned, well-crafted bill. And I think certainly that the County Executive's Office and the Legislature has shown their committee -- commitment to preserving farmland and I think this will bolster that whole program.

Lastly, I'd just like to say, you know, I'm the father of two boys, eight and ten, and they spend their weekends with grandpa on the farm stand, picking vegetables. And it's a matter of pride for farm families and it's a matter of heritage and tradition, and I would hate to see anything happen to the Farmland Preservation Program as it is that would inhibit my kids or any other kids in farming, farm families, from enjoying the life, the rich life that farmers have here on Long Island, specifically in Suffolk County. Thank you.

LEG. ROMAINE:

Can I?

D.P.O. VILORIA-FISHER:

Legislator Romaine.

LEG. ROMAINE:

I don't want to ask you this unless you're into the detail, but there is a restriction on what has to be grown locally to be sold at a farm stand; are you familiar with that provision?

MR. BEYRODT:

It is in the code.

LEG. ROMAINE:

Right.

MR. BEYRODT:

I believe it was 80% the last time, but I'm not the expert on it.

LEG. ROMAINE:

Okay.

MR. BEYRODT:

Certainly someone else could answer that.

LEG. ROMAINE:

Okay. Yeah, it's a difference between whether it's sold outside the farm stand or inside the farm stand, and if there's a simple equation. Because apparently things that you sell in the farm stand has to be grown on the farm, things you sell outside the farm stand, it's a whole different ball game. I'd rather have one simple rule. But again, I'm not opposed to Chapter 8 because I can always put forward a clarifying resolution if this one passes. I've had correspondence with Tom Isles on this.

D.P.O. VILORIA-FISHER:

Thank you, Frank.

P.O. LINDSAY:

Okay. Dave Mcharin (sic).

MR. McLARIN:

Hi. My name is David McLarin, I'm a farmer from Jamesport, I have a greenhouse operation and I have a horse farm in Jamesport, and I'm part of the program that brought us to this hearing today, 1835, and I strongly urge you to support this program.

D.P.O. VILORIA-FISHER:

Can you just pick up your mike a little bit, Dave? We can't hear you. You're a tall guy.

MR. McLARIN:

Okay. Is that better?

D.P.O. VILORIA-FISHER:

Yes.

MR. McLARIN:

I strongly urge you to support this program, to continue this program forward. We still have a lot of farmland to preserve in Suffolk County and it's imperative that we continue. This program has been very successful, it's a model program in the Legislature and the farmers that have participated should be very proud of what we've accomplished so far.

In Riverhead alone, I mean, it's helped preserve farmland and farming is a way of life for many families. It's helped preserve the soils for the future, and in other ways it's helped preserve, you know, a way of life for a lot of people that ordinarily wouldn't have been able to continue forward. So I strongly urge that we support this measure and get it passed so we can continue the work that we need to complete in acquiring farmland for the future. Thank you.

P.O. LINDSAY:

Okay. Bob Kern? Bob Kern?

MR. KERN:

These guys have covered what I have to say, but I absolutely support it. I just -- I'm afraid we'll turn into Nassau County or Queens if we don't. Thank you.

P.O. LINDSAY:

Kenneth Schmitt?

MR. SCHMITT:

Good afternoon. I was born and still reside in Melville where I've been a lifelong vegetable farmer. I serve at the pleasure of this Legislature as Chair of the Suffolk County Farmland & Agricultural Protection Board; I've served at that position since the inception of the board.

I do not own any land that's enrolled in the Purchase of Development Rights Program, but I have continually observed the program since its inception and have seen how it has evolved to become a very important tool which allows agriculture to maintain the critical mass needed for its continuation and prosperity, while maintaining the open space that so many residents and visitors come to enjoy and benefit from in so many ways. For well over several years, the stakeholders in the program have worked diligently to formulate changes to the code to make enforcement of the code more effective and also to provide for a variance process to deal with occasional hardship requests, when necessary, keeping in mind that this is a working farm program.

As laws and regulations not only in Suffolk County but on the State and Federal levels may change over time, under certain conditions it may be necessary for a farmer to seek some relief from the code to enable the farm to continue and prosper. For these reasons, I recommend that the

Legislature adopt the proposed changes to the code as recommended by the Suffolk County Planning Department. I say thank you for allowing me to speak before you today, and also ask that you close the hearing process on the issue at the end of the meeting today, thereby enabling us to have a more effective program going forward. Thank you.

P.O. LINDSAY:

Thank you very much. Robert Andrews. Following Mr. Andrews is Lee Foster.

MR. ANDREWS JR:

Robert Andrews, R & M Andrews Farms, Wading River, New York. I was here at the last meeting discussing the rules when they had the Public Hearing. As I said then, all the rules look good, except I had questions about the retail rules.

I have to tell you, I told you about the experiences we're having across the street from our farm at the moment where there's no agricultural process being done at all and everything can be sold. Our family just sold development rights. We knew the rules. We did not sell the eight acres in the front where our retail and greenhouse businesses are. There was no surprises, the rules were very clear. Across the street from us, the County taxpayer paid \$96,000 an acre for this PDR property. Now that the deal is done with Shoreline Development Company, Shoreline Development feels that he can have a retail operation on the corner of Sound Avenue and Hulse Landing Road.. I thank my father for making sure when I was 20-years old that I went to the Town of Riverhead for a permit and a CO for every greenhouse, farm stand, sign and sun trellis, or whatever else we have on the property, so that I could actually have something to say about this situation, because nobody else does.

I was a Farm Bureau member for -- I am a Farm Bureau member for 25 years. I sat on the board of the Board of Directors for nine. Not once did the Farm Bureau come and ask me what I thought about these proposed rules. I am a true farm stand operator. How many are sitting here today? Please, I know what it feels like. I followed the rules.

Now, back to what I discussed the other day, last meeting. I talked with Mr. Romaine about this issue, about the retail rules. To me it seems very vague once again. I understand Mr. Isles' idea of the 40%, I really do, because he can walk into a farm stand and say, "There's 40% that's not grown on premises," I understand that. But let's get to the other part. Okay? For some reason this is how I feel the rules should read, by doing the right thing and following the County and town rules; *The products sold in and outside the farm stand should be grown and produced on premises, and only 40% of the farm stand structure can come from other farms.* This will stop somebody from taking a 40-acre farm and putting ten tomato plants over here, 20 sunflower seeds over here, and ten pepper plants over here and having fresh produce coming in from everywhere, every day of the week, competing against the people who went through the expense and the time to do the right thing.

I'm sorry, I have a big problem with these retail rules. And I really wish that you wouldn't close the meeting today, because I find a big problem here. And if anyone can tell me what is right with that property, please, come up and tell me, anyone. Because I look over there and I see a mess.

P.O. LINDSAY:

Are you done?

MR. ANDREWS JR:

I am done. Thank you.

P.O. LINDSAY:

Okay. Mister -- Legislator Romaine has a question for you, Mr. Andrews.

LEG. ROMAINE:

Mr. Andrews, essentially you raise two issues. The first issue you raise is enforcement, so let's deal with that first and then we'll talk about the other general issue.

MR. ANDREWS JR:

Okay.

LEG. ROMAINE:

The issue of enforcement that you raise is your farm is at the northeast corner of Hulse Landing Road and Sound Avenue.

MR. ANDREWS JR:

Correct.

LEG. ROMAINE:

There is a farm directly across the street from you on the southeast corner, Pulse Landing Road and Wading River Road, that has put up numerous signs without any permit from the Town of Riverhead for signs, has opened up a farm stand that sells things that are not grown there.

MR. ANDREWS JR:

Correct.

LEG. ROMAINE:

Is that farm currently under agriculture now, the farm across the street from you?

MR. ANDREWS JR.:

No, except for the ten tomato plants and the twenty sunflowers and the ten pepper plants.

LEG. ROMAINE:

But that's it.

MR. ANDREWS JR:

On a 40-acre parcel, yes.

LEG. ROMAINE:

On a 40-acre parcel. So it's very clear that they're in direct violation, even of the existing rules that we have.

MR. ANDREWS JR:

Of direct -- yes, the recent and the proposed.

LEG. ROMAINE:

Right, the recent and the proposed, but they're in violation of the recent.

MR. ANDREWS JR:

Right.

LEG. ROMAINE:

Okay. Are they doing anything else in terms of violation in terms of their usage of the land under

preserved land?

MR. ANDREWS JR:

Let me go on, Mr. Romaine. Yes, there was dumping going on for a year and a half by the landscape company that still is there, after a cease and desist of 14 to 16 violations, everything is still operating. Okay? I watch it every day. You know, when they picked their location, maybe they shouldn't have went across the street from a legal location, maybe they should have went down the road.

LEG. ROMAINE:

Right, but they did and --

MR. ANDREWS JR:

And they did.

LEG. ROMAINE:

So there's dumping going on there, they're running a retail business, landscaping business out of there.

MR. ANDREWS JR:

The only thing that's ceased is the dumping on the most part, that's the only thing that was really ceased, but the landscaper still goes back there and dumps his daily belongings, okay, from his day's work. He is still there.

LEG. ROMAINE:

And as you know, I brought this to the attention of the Planning Department, as you're aware, because I've sent e-mails to Mr. Isles about this and Mr. Isles has corresponded back with me. Prior to me starting these e-mails -- I guess it was the end of June, beginning of July when I started these e-mails -- did you bring this to the attention of anyone else in the County?

MR. ANDREWS JR:

Yes, I brought it to the Preservation Board.

LEG. ROMAINE:

Okay. And when did you bring it to the attention of the Preservation Board?

MR. ANDREWS JR:

I couldn't give you an exact date, maybe six, seven, eight months ago, I don't know.

LEG. ROMAINE:

Okay.

MR. ANDREWS JR:

I think my mother was the first one who presented the --

LEG. ROMAINE:

All right.

MR. ANDREWS JR:

-- what was going on to the Preservation Board.

LEG. ROMAINE:

So clearly, enforcement is a concern. Because no matter what rules you make, unless there's

adequate enforcement --

MR. ANDREWS JR:

Correct, one hundred percent.

LEG. ROMAINE:

Okay.

MR. ANDREWS JR:

And like I say, he received a letter of cease and desist, I said, "Boy, this is good." But here we are, time -- he had two weeks, time came and gone and they're still operating, they're still there.

LEG. ROMAINE:

So the cease and desist order has not been complied with.

MR. ANDREWS JR:

Not that I know of.

LEG. ROMAINE:

Okay. Thank you for that. Let me go on to the second, far more generic issue which is the sale of products at a farm stand. You indicated that the rule for the sale of retail products, that's products not grown on the farm.

MR. ANDREWS JR:

On the farm.

LEG. ROMAINE:

Things that you would bring in from either other farms or maybe non-farm items that you sell at a farm stand. Why don't you go again into your concern about how that fazy -- fuzzy-type of rule that you discussed might create a problem.

MR. ANDREWS JR:

What I'm concerned about is this. Like I say, we followed the rules of the County and Town Preservation Laws. We knew what the rules were, there were no surprises, and now we have an operation that has ten tomato plants, 20 sunflowers, and they just keep bringing it in, all different stuff every day.

LEG. ROMAINE:

Farm produce.

MR. ANDREWS JR:

Farm produce that's not grown on-premises.

LEG. ROMAINE:

Do they bring in non-farm produce?

MR. ANDREWS JR:

Not that I know of.

LEG. ROMAINE:

It's essentially farm produce.

MR. ANDREWS JR:

I haven't been inside the farm stand, I don't know.

LEG. ROMAINE:

Okay. So they bring in, from what you can observe, mostly farm produce, but most of that farm produce, the overwhelming majority of that farm produce is not grown on that farm.

MR. ANDREWS JR:

Correct.

LEG. ROMAINE:

In fact, very little of that farm is under agriculture.

MR. ANDREWS JR:

Very little.

LEG. ROMAINE:

Okay. And did they get a cease and desist order on that as well, on the retail?

MR. ANDREWS JR:

Yes, they did, on the 80.20%, yes.

LEG. ROMAINE:

And they're still doing it.

MR. ANDREWS JR:

They're still doing it.

LEG. ROMAINE:

Okay. Thank you very much, Mr. Andrews. I just wanted to point that out and go over that.

MR. ANDREWS JR:

Thank you. And I really wish that this Public Hearing would not be closed, because I think there's some issues here, please. Thank you.

LEG. ROMAINE:

Well, I have brought -- as you know, I've tried to bring all of these issues to Mr. Isles who's charged with enforcement.

P.O. LINDSAY:

Legislator Romaine, if you will permit me, I want to ask Mr. Isles to comment on some of those statements that were made.

DIRECTOR ISLES:

Thank you very much. And first off, in terms of the enforcement on this specific case that Mr. Andrews referred to, there has been a diligent and complete enforcement over the course of about the past year, including the construction of a parking lot which a cease and desist order was issued last year for that, that subsequently resulted in an application to the Farmland Committee with an approval with conditions. There were numerous complaints filed, I believe by the Andrews family, including complaints on the farmland structure -- farm stand structure, the size of it, that was immediately investigated, the location of trailers on the property and so forth. I know it's been a longstanding problem. Mr. Andrews, in fact, makes the best case for the amendments to Chapter 8 in my opinion

In terms of the more recent violations, we believe in May of this year, the farm stand operated, we believe it started about that time. It was brought to the attention of the County and the Farmland Committee, investigations were then commenced immediately, inspections and a warning to the property owner of their apparent violations, and then a cease and desist order. And then as recently as within the past two weeks, my personal consultation with the County Attorney, meetings with two of the attorneys in the County Attorney's Office, and it is an active litigation matter, or an enforcement matter at this point. So we've taken every step and every complaint has been investigated and will continue to be as we go forward.

And then finally, on the point of the farm stand itself. One of the problems with the current code, it says that 20% of the products may be products that come from somewhere else in terms of dollar value. For us to go out and prove a case that more than 20% of the dollar value is coming from somewhere else, off a product somewhere else; it is very difficult, if not impossible, to know their receipts and which receipts go with what in terms of proving a case in a court of law that they're exceeding the 20% limit. You know, our feeling -- and here again, with the stakeholders -- is that we needed something we could measure and prove in court, hence the 40% of the farm stand which would allow for 200 square feet for supporting products not grown on that premises. The outside display area, as Mr. Andrews has pointed out that he feels should be included with that, would then bump it up, the 40%, to 600 square feet. So yes, it's considered. We can respectfully disagree with his point, but we certainly considered it.

So in summary, the enforcement on this case has been very active and ongoing. And in terms of the point on the percentage, Legislator Romaine did contact me last week and we are reviewing that. My opinion at this point is that the 200 square feet I believe would be sufficient. His property, Mr. Andrews property, would not be subject to the County's restrictions because he's outside of the program. But I understand his frustration, that how can this go on, how can there be a flagrant violation, what's the County doing about it? We are following, A, a professional investigatory process, we're following due process. And here again, we hope that you will consider this legislation because this is what we need. Thank you.

P.O. LINDSAY:

Thank you. Next speaker is Lee foster.

MS. FOSTER:

Good afternoon, everyone. Thank you very much for allowing me to speak this afternoon. My name is Lee Foster. Forty-seven years ago I married a farmer who still, with our son and daughter, farms the family land first assembled in 15 -- no, 1653. This information is important to you because 35 years ago, Suffolk County became a proponent of the continuation of agriculture, and your Legislative body can take credit for preserving 10,000 acres of farmland and encourage those like us.

Why am I here? This might look like something different, but I tell you it's soil, and trust me, it's the resource that I've been working for for many, many years on various advisory committees. No, we do not want hot dog stands on projected farmland, and that is an issue that you've now just heard rather heatedly in light of Article 8 amendments. The enforcement has either been weak or non-existent which, as far as I'm concerned, emphasizes the reason why I would like the Public Hearing to come to a close so that the Agriculture Advisory Committee can move forward on the enforcement issues that are presented again and again to us at our meetings. I think that's really all that I have to say. I have a few more comments, but I think I've said all I need to. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you very much. Steven Searl?

MR. SEARL:

Good afternoon. My name is Steven Searl. I'm speaking on behalf of Peconic Land Trust and the work that I do with landowners to help them conserve their farmland, open space and other things, but particularly on behalf of the owners and particularly farmers with agricultural land. I'm also speaking to you from my own personal experience growing up on a family farm in Cutchogue, and the fact that my family has been able to stay in business partly due to this Purchase of Development Rights Program. We've sold development rights to the County numerous times beginning in the late 1970's.

I'd like to urge you to support this legislation today, and I think it's an excellent opportunity for this body to bring the Chapter 8 legislation into the 21st Century. It's sorely needed. As you heard today, I think the enforcement is absolutely critical and is very much needed. It also helps clarify in there the definitions, the administration and, of course, the intent, which is to conserve working farms.

I think -- again, I applaud the County. As I've spoken here before, I really applaud the County for all of the work that they have done to incorporate stakeholders, farmers, as well as organizations like the Farm Bureau and Peconic Land Trust. So again, just in closing, I urge you to close this hearing today. Thank you so much for your time.

D.P.O. VILORIA-FISHER:

Thank you, Steve.

P.O. LINDSAY:

Okay. The last card I have on this subject is John Halsey.

MR. HALSEY:

Good afternoon. On behalf of the Peconic Land Trust, its board, staff and thousands of supporters in Suffolk County, I stand in support of the amendments to Chapter 8 and urge that you close the Public Hearing today so that the Legislature can adopt it on September 16th.

Suffolk County was the first in this nation to establish a Purchase of Development Rights Program, one that has been emulated throughout the country, with the express purpose to assure the future of farming in Suffolk County. Why is this important? Agriculture represents a significant component of the County's economy. Suffolk County agriculture produces the highest gross from the sale of agricultural products in the entire State and contributes tremendously to the County's tourist economy. Not only does this -- does agriculture employ many people, but the local food and products produced contribute greatly to the health and welfare of Suffolk County residents.

Given the national interest in healthy, regional food and the cost of transporting food and products from other places, it is critical that the County update its farm and Farmland Protection Program in a way that assures its continued success. In order to do so, this program must be a partnership with the agricultural community, one that engenders mutual trust and respect. As such, it must assure that the business of farming can continue, otherwise farmers will not voluntarily sell their development rights to the County.

The Chapter 8 amendments are a consequence of nearly three years of discussions and vetting. The product before you is just and represents compromises by all parties. Some who would threaten to undermine and redefine this program do so by design. Some are not committed to a future for agriculture on Long Island, they represent a revisionist view of history, that this program is about

open space, not farm farming. However, I just remind you that it was the agricultural community and the former County Executive John V.N. Klein who brought it into being to assure that a critical mass of farmland remain in the County so that our agriculture could endure.

I submit to you that farmers are among the most respected people by Suffolk County residents. Long Island's history, Suffolk County's history, and my own family's history are all grounded in agriculture, pun intended. Its future may very well be in your hands today. Please close the hearing so that you can make Chapter 8 amendments law.

In closing, I would like to take this opportunity to thank all the farmers who are in attendance today, for leaving their fields to be here. I would like to thank the Long Island Farm Bureau for its commitment to farmers and the business of farming, and especially Joe Gergela for his leadership. Our thoughts and prayers are with Joe and his family as he recovers from surgery. And finally, thank you all for your public service.

P.O. LINDSAY:

Thank you very much. That is all the cards I have on this subject. Is there anyone else in the audience that would like to speak on this subject?

MR. ANDREWS SR:

My name is Robert Andrews, I farm in Wading River. All the people that got up here today from the Farm Bureau or whatever, they're all correct in what they say. But the situation that we're talking about is not; they don't even know what they're talking about. What they say is fine. But we have a situation across the street from us and this amendment that's in here, this 40%, falls right into their hands, and that means that they can sell anything they want 40%, you can do whatever you want. It's not good.

So, I don't like to be up here complaining about it, but I made up my mind today that I guess I'm going to have to give this to my attorney and let him go over all of it, because it seems that they're running us around out in the pasture here and it's not going to work. We've got seventeen hundred relations on Long Island that are a descendent of farmers and this puts a wedge in my life between myself and those people, and this is all over a situation that's going to kill the preservation. We want to save preservation, we're for it, but we have a man that is doing anything he wants to do. He's making a fool of the Legislators, of the town. The town doesn't have anything to do with it, and this situation has to stop. So I would like you to hold off this amendment until my attorney goes over all of these things and maybe I need somebody like that to talk for me. Thank you very much.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Mr. Andrews, just for your information, if the hearing is closed today, it isn't going to be voted on until September 16th. And between now and then, either amendments can be submitted to the existing plan or an additional resolution to further clarify the plan can be submitted. I'm aware of your situation, and I've tried to work with the Planning Department to get that clarified. You're absolutely right, anyone could buy a piece of farmland, put up a farm stand -- and by the way, my question to Mr. Isles for later is I assume the person on the southeast corner has a CO for that farm stand.

DIRECTOR ISLES:

Certificates of Occupancy are issued by the towns -- in this case, the Town of Riverhead which, by the way, is a co-owner of the development rights -- so I cannot speak for the town as to his building status. What I can speak to is that that farm stand does have the approval of the Suffolk County

Farmland Committee, has been inspected in terms of the structure, and has been determined to be in compliance with the maximum permitted approved by the Farmland Committee. What I can speak to on the issue being the sale of products, we believe there's an issue there and obviously, as I mentioned before, that's under active enforcement.

LEG. ROMAINE:

Okay. Since you're up here, just one other question, maybe two. The landscaping business that's run out of there?

DIRECTOR ISLES:

That is something that's also under investigation. I will point out that there is -- there are landscape products that are being grown on that premises; growing landscape products is agriculture --

LEG. ROMAINE:

Right, I understand that.

DIRECTOR ISLES:

Part of the investigation and part of the issue is that the 14 or so that were identified previously, that's an issue that is part of the investigation.

LEG. ROMAINE:

Okay. And the dumping issue has been resolved?

DIRECTOR ISLES:

The dumping issue is ongoing. There have been several inspections. There was substantial removal of both construction and demolition debris, as well as brush and wood chip materials and so forth. We are not certain at this point that it's completely removed, and we have -- that is still identified as a violation, and we have follow-up inspections and enforcement ongoing on that. The property owner claims, as of last week, he has -- we are -- here again, we're in the midst of a process and so we are definitely on that one.

LEG. ROMAINE:

You understand why Mr. Andrews and his family are upset by this problem.

DIRECTOR ISLES:

I do.

LEG. ROMAINE:

You've spoken directly with the Andrews Family.

DIRECTOR ISLES:

I believe I have, yes.

LEG. ROMAINE:

Thank you very much.

DIRECTOR ISLES:

Thank you.

LEG. ROMAINE:

And Mr. Andrews, I'm aware of the issue and I will continue to work on it. Thank you very much.

MR. ANDREWS SR:

Mr. Isles is doing what he can do, I understand, but the situation is not good. And anybody that's sitting in here that came up here and talked, they know that it's wrong, they just know it, and that's all I can say. Thank you very much.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Okay. I don't have any other cards. Does anybody else want to speak on this subject?

MR. PRUDENTI:

Good afternoon. My name is Annmarie --

LEG. LOSQUADRO:

Speak into the microphone, please.

MS. PRUDENTI:

I'm sorry. Good afternoon. My name is Annmarie Prudenti, I'm a Deputy Town Attorney for the Town of Riverhead.

The Town of Riverhead would like to express its support for the amendments to Chapter 8. These amendments and the focus of the amendments are the County's ability to enforce those provisions of Chapter 8.

With respect to the question regarding a Certificate of Occupancy, there is a Certificate of Occupancy for the farm structure at Shoreline Development. In addition, I will tell you that the town, together with the County, has been actively investigating this site; many of the complaints have, in fact, been remediated. But, again, the goal of Chapter 8 is actually to give the County a stronger enforcement arm. If you go through the criteria that is listed in the proposed amendments, it will actually enable the County to move swifter and enforce harsher penalties for anyone who actually violates the goals of the program.

The Town of Riverhead would like to thank the County of Suffolk for allowing us to participate in the several revisions. We've submitted written comments, we've been able to attend meetings; the Town of Riverhead Farmland Committee has also actively participated in these proposed amendments. I think the proposed amendments are excellent, I think they're well thought out, well-reasoned. And I really truly believe that the goal of the amendments are really geared toward giving the County the enforcement arm it so desperately needs. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I'm glad to hear that the farm structure does have a CO and is compliant with Town Code. Are all the signs on that property compliant with town code?

MS. PRUDENTI:

In answer to your question, it's an active investigation.

LEG. ROMAINE:

Because the investigator told me, "Oh, that's the County problem, not the town problem."

MS. PRUDENTI:
Which investigator?

LEG. ROMAINE:
Well, I'll talk to you later about it.

MS. PRUDENTI:
Okay. Well, I have a very thick file on this matter.

LEG. ROMAINE:
Okay.

MS. PRUDENTI:
And all I can represent to everyone in this room --

LEG. ROMAINE:
Are the signs in question under investigation?

MS. PRUDENTI:
Yes.

LEG. ROMAINE:
Were the signs erected legally at this point; can you make a judgment on that, the signs that he put up?

MS. PRUDENTI:
My answer is it's an active investigation.

LEG. ROMAINE:
I got it; okay.

MS. PRUDENTI:
And I have a responsibility.

LEG. ROMAINE:
No, I understand. I understand. Thank you very much for your information.

MS. PRUDENTI:
Thank you.

LEG. ROMAINE:
I appreciate it.

P.O. LINDSAY:
Thank you. Anyone else want to weigh in on in subject? Seeing none, what's your pleasure on --

D.P.O. VILORIA-FISHER:
Oh, there's someone back there. He spoke already.

P.O. LINDSAY:
Mr. Andrews, right?

MR. ANDREWS JR:

Yes, Mr. Andrews.

P.O. LINDSAY:

Didn't you speak once already, Mr. Andrews?

MR. ANDREWS JR:

I did. I have another card, I'd like to respond to --

P.O. LINDSAY:

You can only speak once on a Public Hearing, I'm sorry.

MR. ANDREWS JR:

All right. I'm sorry.

P.O. LINDSAY:

All right? Thank you. What would you like to do with this hearing?

D.P.O. VILORIA-FISHER:

I'd like to make a motion to close.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion to close.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Seconded by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

And Mr. Chair, if I could just thank Commissioner -- Mr. Isles and his team. It's clear from this amendments they were really listening to the dialogue that we've had on this issue, so I want to thank them for a really good job, and all the volunteers who helped.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Cooper).

P.O. LINDSAY:

I might point out to the people that have concerns, now that the hearing is closed it goes back to committee. So it will be before us, I think it's the first week or second week of September at committee. So we'll be happy to take additional comments then. All right? Thank you.

LEG. ROMAINE:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

I would also add, anyone that has additional comments regarding this piece of legislation, particularly the farmers, they should feel free to contact whoever their local Legislator is; in most of the cases it's probably going to be me or Jay. But be happy to contact us and we'll try to convey their thoughts to the committee as well. Thank you.

P.O. LINDSAY:

Thank you.

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

Okay. Next up is *I.R. 1836, A Local Law to amend the Suffolk County Code in regard to Sewer System Refunds*. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Seeing none --

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion.

D.P.O. VILORIA-FISHER:

To close.

LEG. SCHNEIDERMAN:

To close.

P.O. LINDSAY:

To close. Do I have a second? Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Legislator Montano not present)

P.O. LINDSAY:

I.R. 1838, A Local Law to ensure fairness in the County's disposition of property acquired under the Suffolk County Tax Act. (Schneiderman) And I have one card, Pamela Greene.

DIRECTOR GREENE:

Mr. Presiding Officer, members of the Legislature. The Division would like to ask that the Legislature carefully consider this piece of legislation as it has the potential to eliminate any gain the County receives from the sale of surplus property. During the days of increasing costs and surplus property and the prices of property being sold at auction, that gain has been as much as nine million dollars

realized to the County. If this legislation were passed, it would eliminate the incentive that is often used for those individuals who have not been in compliance with paying their back taxes to come into compliance.

Earlier today as part of your Consent Calendar you had approved 22 Local 16 resolutions for the redemption of property. That is certainly what we hope to always have be the case, we hope for property owners to come back into ownership of their property. Having the ability to have that property forfeited and sold at public auction is often the incentive used to do so. Were this legislation passed, it would question whether the Division would continue to, in fact, go through the cost, the expense of holding an auction if any potential for realized gains were then to be transferred back to prior owners and not to be turned over to the County.

The wording of the resolution requires the Division to create a distribution from the sales price. That exact breakdown is not -- is not listed, so we do not know if that would include the County investment, we don't know if that would include any time spent by the Treasurer's Office, by the Division of Real Property, in holding the property for three years and then maintaining it with our inventory department.

So we have a number of concerns. We ask that you carefully consider this as we are certainly looking forward to our upcoming auction to hopefully produce a positive revenue stream to the County. And I'll yield my remaining time for any questions.

P.O. LINDSAY:

Thank you very much, Ms. Greene. We have a couple of questions. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Let me start as the author of the bill, and perhaps, you know, the language isn't as lucid as it needs to be, we can look at that, but let me make clear what the intent is. This is basically to prevent the County from unfairly taking equity. So if let's say somebody had a property worth ten million dollars, was in a nursing home in Wisconsin or something, whatever the situation might be, the County has every right to take that property for tax default and every right to take any interest, penalties, administrative costs, you know, additional types of penalties. That's fine. But you reach a certain point, if somebody owes 20,000 in back taxes, to take a million or ten million dollar property and keep all that money is not fair. Under the current procedure we could be depriving, let's say, the heirs of that individual in the nursing home of their rightful estate.

So this is basically, it's an ethical bill. If it needs to be clarified, we clarify it. The County is entitled to what's theirs plus penalty. I don't want to create any disincentive for people to not pay their taxes. It's important that people pay their taxes on time, but there are circumstances, and certainly like a lender, a mortgager, you know, who lends money to somebody to buy a house, if they default on that mortgage that property is auctioned, the bank gets what's theirs plus penalties, and then the fee holder or prior fee holder would get the remaining, the balance. And that's really what this bill is about.

DIRECTOR GREENE:

Just understand, Legislator Schneiderman, it's the concern of the Division that should this legislation be passed that a number of property owners would take advantage of the County's three year holding of the property, eliminating their liability for those taxes. And, in fact, with commercial property owners oftentimes the knowledge that their property may be sold at auction is, in fact, the incentive used to pay those back taxes.

LEG. SCHNEIDERMAN:

That incentive would still be there. Somebody doesn't want to lose their property, they're going to act. The County can at some point take the property, take all that it's owed, all the administrative costs plus interest and penalties, that's fine. But not the individual's entire equity, not way beyond what the County is owed. That's where the unfairness is there. I'll yield, I know other people want to speak on this as well.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, I understand under the current provisions that we get penalties plus 9 percent interest; is that correct?

LEG. MONTANO:

More than that.

DIRECTOR GREENE:

What we're currently looking at are just a handful of applications right now for the owner occupied provisions, so those have not been turned over or closed out as of this time. This legislation would include commercial, vacant and unoccupied.

LEG. ROMAINE:

But what we would attempt to do is collect more than penalties and interest. What is our interest rate now that we charge?

DIRECTOR GREENE:

I don't know that we're charging it from our Division, Mr. Romaine, so we can certainly get that for you. Our concern --

LEG. ROMAINE:

Yes, I certainly would like that. I believe it's nine percent, I believe you charge nine percent interest. Let's talk about that. You have penalties plus interest, and then if there's anything left over you want that, too. You're taking equity from a property because someone failed to pay property taxes on time. I think Legislator Schneiderman has an issue with that in terms of an ethical approach.

I've got to tell you from my perspective, other than occupied residential units, I'd sell a tax lien on every one of them and make the money upfront, not hold any properties for three years, save us a lot of staff, a lot of time and take our money upfront. That's a much better system of doing it. It's done in most municipalities in the United States, and I think if you excluded occupied residential properties you'd have less problems, we'd get what we were owed and no more, because we'd sell the tax lien and we wouldn't be concerned about foreclosing on that lien. Anyone who purchased it would then have that obligation. Far simpler, easier method to go and it's something that, you know, I think would make far greater sense in terms of a fiscal outlook for this County. Thank you.

DIRECTOR GREENE:

The revenue, as I'm sure you're aware, Mr. Romaine, is turned over to the County Treasurer and does go to augment the County budget. It is not maintained or kept by the Division. So it is --

LEG. ROMAINE:

I understand that. What I'm saying is that we should get our money upfront, we should sell the tax liens for any property that we're owed taxes on, and the only ones that we should restrict from that

sale are owner occupied -- occupied residential units.

DIRECTOR GREENE:

And again, the legislation is silent as to what the distribution amounts would be.

LEG. ROMAINE:

I'm sure Legislator Schneiderman will clarify that in the next few weeks. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. First of all, just with respect to what Legislator Romaine said, the tax lien sale is used or has been used in other jurisdiction is a worse system and is subject to abuse, but that's not what's before us right now. What's before us, Pam, is -- and let me just go back in time. I actually am the author of the original bill and I don't think you were here at the County at the time that it was passed, which gave back part of the equity to those that owned residential property.

DIRECTOR GREENE:

With five year residence requirement, yes, Legislator.

LEG. MONTANO:

Right. And the reason the bill was written that way is because we had a lot of difficulty and a lot of opposition getting a fairer bill passed. And with respect to Legislator Schneiderman's bill, that would have been the bill I would have wanted to pass at the time, but we simply didn't have the support. But just to explain it, you -- you're an attorney and you know that if somebody buys a house and they have a mortgage and they pay the mortgage for 19 years, and then they fall into hard times because maybe a family member gets sick, the bank comes in and forecloses, all right. Generally the taxes are not an issue because the mortgage company will pay the taxes during the foreclosure process. So when the bank forecloses on this property, if they're owed \$100,000 plus attorney fees or whatever and the house is sold at auction for three hundred, the bank will simply take the 100,000 and give back the proceeds over and above what they are owed to the homeowner.

We don't do that here in the County. What we do is we have -- we have a situation where a scenario could be that a person buys a home, \$50,000, pays it off for 20 years, no longer has a mortgage, now only has to pay the taxes. The wife gets sick, they fall behind in their taxes for 20,000, \$30,000. The house is worth a lot more, they paid it off for many years, they can't pay the taxes on it. We come in, we take the property from them after three years, no doubt about that, they have a substantial waiting period, but -- and I don't think the interest is nine percent. I think the interest and the penalties for three years probably add up, and you can get this figure later, probably 24% a year. I mean, the rates that we charge are usurious. But the bottom line is that now we've got a homeowner or even a commercial, a person who's invested in commercial property, who's held that property for many years, they fall behind in their taxes for a nominal amount. We come in, unlike the mortgage company that gets their money and pays back the difference, we take it all, and your argument is that we should keep it all because we're adding this to the General Fund. And I find that to be a very unfair position.

DIRECTOR GREENE:

I'm sorry to interrupt you. I'm just arguing the current law.

LEG. MONTANO:

Excuse me? I'm sorry, I can't hear you.

DIRECTOR GREENE:

I'm arguing the current law as it currently exists.

LEG. MONTANO:

That's right. The current law -- but that's the point. This bill is designed to make the law fair, and the current law really is inequitable. But your argument is that we would lose -- the County would lose money in its General Fund. But we're getting this money in a manner which is inappropriate. The County is making money off the mis-sufferings of people. Your statement that there's an incentive to pay the tax because they're going to lose the property; the incentive to pay the tax is, right, not to lose the property, but as big an incentive is to make sure that not only do you pay the taxes, the penalties and the interest that would have to be -- that are charged are so large that you already have an incentive. People don't decide not to pay their taxes because they're better off taking out a loan.

So the bottom line is that I guess we'll discuss this later. The one point that may not be clear is we've got -- we know what the taxes are, that's a math issue. We know what the interest rate is and we know what the penalty is. What you're I think discussing is the administrative costs in terms of taking the property, auctioning the property, and that could be figured out. And I think that your bill anticipates that, right, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

It does, but I --

LEG. MONTANO:

It anticipates administrative cost --

LEG. SCHNEIDERMAN:

-- could certainly work with Counsel in adding additional language that made it more -- in terms of how that's calculated.

LEG. MONTANO:

It could be a percentage -- yeah, it could be done by percentage, it could be done by keeping records of how much time is involved. I think the point in this bill is to make it fair so that the County doesn't unjustly take property from the public. If banks don't do it, I see no reason why the government would do it, and that's the basis of this bill.

LEG. SCHNEIDERMAN:

It's not so much, again, about taking the property. The County has the right to take the property, it's the equity that the County is stealing.

LEG. MONTANO:

Exactly.

P.O. LINDSAY:

Let's try not to debate the bill. Does anybody have any other questions for Ms. Greene? No? Thank you very much.

DIRECTOR GREENE:

Just so you understand that maintenance is required for those three years the County has taken the tax deed. There is maintenance required on the property --

LEG. MONTANO:

Right, and I think that could be factored into, and I think that's factored into the equation already. What you're saying is it's not clear enough?

DIRECTOR GREENE:

There's a six month opportunity to redeem the property once the tax deed is taken. And then of course your scenario and your example would have given rise to a 215 resolution as well had the wife fallen sick. So obviously it's a policy decision for you all to consider.

LEG. MONTANO:

It is a policy decision.

DIRECTOR GREENE:

I just wanted to bring forward the concerns of the Division as to the impact of that policy decision. Thank you, Mr. Lindsay.

P.O. LINDSAY:

And we'll look forward to this lively debate. Legislator Schneiderman, what would you like to do?

LEG. SCHNEIDERMAN:

Well, I would close it provided I can make the types of changes without having to go back for a new Public Hearing. So let me just ask Counsel to opine in here.

MR. NOLAN:

The law references another section of the code to make the computation of what the County can keep, which includes, you know, repair, maintenance and operations of the property while we're holding it. So I think you'd have -- you may not have to make any changes because it does reference another section of the code that tells us what the County's entitled to.

LEG. SCHNEIDERMAN:

Okay. I will make a motion to close.

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

A motion to close and a second. Any other motions? All in favor? Opposed? Abstentions? 1838 stands closed. Last hearing of the day is --

MR. LAUBE:

Sixteen. (Legislators Losquadro and Kennedy not present)

P.O. LINDSAY:

-- *IR 1844, Authorizing Public Hearing pursuant to Section 6-r of the General Municipal Law.*

P.O. LINDSAY:

I'm sorry, Mr. Clerk, did you call that last vote?

MR. LAUBE:

Yes, I did.

P.O. LINDSAY:

I'm sorry. I don't have any cards on 1844. Is there anyone in the audience that would like to speak on 1844? Seeing none, I would entertain a motion. Anybody? Okay. Question of Counsel. Would you like to describe what 1844 is about?

MR. NOLAN:

Right. This is the Public Hearing we were required to hold for the proposed transfer of monies from tax stabilization to retirement reserve. We can't pass a resolution to do that until a Public Hearing is held. This is the Public Hearing.

P.O. LINDSAY:

Okay. I'll make a motion to close, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Legislator Kennedy not present)

P.O. LINDSAY:

Okay. That concludes our Public Hearings for today. I'm going to make a motion to set the date for the following public hearings for September 16, 2010, 2:30 P.M. at the Rose Caracappa Auditorium in Hauppauge, New York. Southwest Sewer District Assessment Roll; I.R. 1863, a Local Law to reduce minors' access to spray paint; I.R. 1866, a Local Law to register nonprofit veterans organizations in Suffolk County; I.R. 1878, a Local Law to ensure the safe transfer of fuel to boats and water-craft in the Peconic Estuary; I.R. 1879, a Local Law establishing a County registry for animal abuse offenders; and I.R. 1883, a Local Law declaring a surplus and authorizing the execution of contract for the sale of 255 acres in Yaphank to Legacy Village Real Estate Group LLC, for mixed use development.

Okay. So I've made a motion, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Legislator Romaine not present)

P.O. LINDSAY:

Okay. There was a CN with an attached Public Hearing that is -- it's ***I.R. 1892, Adopting Local Law No. -2010, Amending Local Law No. 35-2010 (the 2010 Part A Retirement Incentive Program; Chapter 105, Laws of 2010)***. Having to do with the Retirement Incentive Program. It adds the people in the Department of Labor. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, I'll make a motion to close, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands closed. I want to go now is back to Page 7. We skipped over the two Procedural Motions this morning. Procedural Motion No. 17 has been withdrawn. It's been replaced by Procedural Motion number 21. And Mr. Conway, I believe, could you have Mr. Conway come out please, is the attorney that the committee is suggesting that we hire.

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

I want to go now back to page seven. We skipped over the two Procedural Motions this morning. Procedural Motion No. 17 has been withdrawn, it's been replaced by Procedural Motion No. 21. And Mr. Conway, I believe -- could you have Mr. Conway come out, please -- is the attorney that the committee is suggesting that we hire. Barbara, maybe you can move and let Mr. Conway sit there and give him a microphone.

Hello, Mr. Conway. Thank you for your patience. Before I ask Mr. Conway any questions or anybody else does, I just would like everybody to know that our committee had interviewed five attorneys, and after some stops and starts we decided on Mr. Conway last week and he's before us today and I'd like to start off. Mr. Conway, could you please give us a brief description of your background and your resume.

MR. CONWAY:

Yes. Good afternoon, Sir. I appreciate the opportunity to be here. Briefly, background-wise, my employment commences in 1977 when I became a Clerk with the United States District Court for the Eastern District of New York and Brooklyn. While in that position, I attended both St. John's University and Brooklyn Law School in the evening. And after I received my JD Degree in 1988, I became a Law Clerk to the Honorable Judge Constantino who is a Federal District Court Judge in Brooklyn.

After serving for Judge Constantino for two years, I was accepted into the United States Attorney's Office in the Criminal Division, Eastern District of New York. I spent roughly a year in Brooklyn and then joined the Long Island Office of the Eastern District where I began in 1991 and stayed there until approximately September of 2004, leaving as the Chief of the Long Island Office. In 2004, I opened my own practice; it's currently in Mineola under the name of LaRusso & Conway which I am a named partner in.

P.O. LINDSAY:

Mr. Conway, are you a resident of this County?

MR. CONWAY:

I am not, Sir, I live in the County of Queens.

P.O. LINDSAY:

Thank you very much. And please forgive this question but my colleagues will know the reason for it; would you mind telling us your political registration?

MR. CONWAY:

I do not mind at all. I am currently a registered Independent.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

Yeah.

*(*Laughter*)*

LEG. ROMAINE:

You have one here.

LEG. SCHNEIDERMAN:

You have two, Jack's an Independent.

LEG. MONTANO:

Wait.

P.O. LINDSAY:

Would you like to ask a question, Legislator Montano?

LEG. MONTANO:

No, no. I'm sorry, I didn't hear. Are you a registered -- Sir, I'm sorry. Are you registered Independence or are you Independent?

MR. CONWAY:

No, I'm in the Independence Party; excuse me.

LEG. MONTANO:

Okay.

MR. CONWAY:

Thank you.

P.O. LINDSAY:

Does anybody have any questions of Mr. Conway? No?

LEG. D'AMARO:

I do.

P.O. LINDSAY:

Go right ahead, Legislator.

LEG. D'AMARO:

Before I get to questions, Mr. Presiding Officer, I'd like to suggest, I guess, that this should be tabled for at least a cycle. I didn't get notice of Mr. Conway's proposed appointment until 3:30 this afternoon. We've had no due diligence, no opportunity to review. I mean, it sounds like he has a fine and distinguished record, but at the same token I would like an opportunity to conduct my own background review.

LEG. LOSQUADRO:

Bill?

P.O. LINDSAY:

Just in reply, the committee did that intentionally for one reason; the name we brought up before was pretty much dragged through the mud and we didn't want to do that to Mr. Conway. In the past, when --

LEG. D'AMARO:

Sir, I didn't drag him through the mud.

P.O. LINDSAY:

I didn't say you did.

LEG. D'AMARO:

I'm asking for my opportunity.

P.O. LINDSAY:

Yeah, I heard your request.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

I heard your request. In the past, when we've selected special Counsel, it's usually done as a committee forum and the recommendations brought back to the whole body, and I don't think we're differing in any way from past experiences. Legislator Losquadro, did you want to say something?

LEG. LOSQUADRO:

I just wanted to echo those sentiments. While you said the committee made this decision last week, again, we only got this name just recently. And while I appreciate your sentiment and want to try to protect individuals and their reputations, it sounds like a deliberate measure to not give individual's time. I mean, if there's nothing anyone has to say negative about an individual, then it should be fine. I just -- the way that you just presented that seems as though it was a deliberate effort to not give people an opportunity to review an individual's background.

As Legislator D'Amaro said, he seems like a perfectly qualified candidate, but I would like some time to look at that instead of, you know, having it apparently deliberately put forward on short notice.

P.O. LINDSAY:

Anybody else? Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. Mr. Conway, I know you said you're a resident of Queens now. Have you always been a resident of Queens?

MR. CONWAY:

Yes, born and raised, Sir.

LEG. GREGORY:

Okay, born and raised. Have you ever had or have any of your clients ever had business with Suffolk County?

MR. CONWAY:

I have done work in Suffolk County. I've never done anything -- well --

LEG. GREGORY:

I meant Suffolk County Government; the government of Suffolk County.

MR. CONWAY:

Nothing that I can think of that I've ever done directly with the government. I've worked as the U.S. Attorney in the Eastern District, I've worked closely with the Suffolk County District Attorney's Office on some investigations, but no other County work per se.

LEG. GREGORY:

Okay. So were you ever the Counsel for a defendant in some way, opposing Counsel against Suffolk County in any manner?

MR. CONWAY:

I have done defense work where the DA's Office has charged people or the U.S. Attorney's Office has charged people, but I've done no work that I can think of where the County of Suffolk itself was either a named plaintiff or a named defendant.

LEG. GREGORY:

Now your practice is mostly criminal in nature and business?

MR. CONWAY:

It's mostly criminal in nature and some business litigation.

LEG. GREGORY:

Okay. All right, thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Mr. Conway, I don't have any questions of you, because I -- you're not the problem as far as I am concerned. I have very deep concerns with reference to this Procedural Motion.

This resolution to approve a Special Counsel to assist a special Legislative committee to probe the Suffolk Ethics Commission comes about as a result of a series of articles written by a Newsday reporter. The freedom of the press in this country is spelled out in the First Amendment of the Constitution; it's vital and necessary if democracy as we know is to survive and flourish.

The importance of the press in covering, investigating and editorializing can be seen and heard throughout the history of the Republic. We in the County Legislature have often reacted to in-depth, knowledgeable and unbiased stories by introducing legislation to correct an inequity, to remedy a flaw in an existing law, or to implement laws to deal with new problems and challenges. For example, stories recently dealing with school bullying and cyber-bullying resulting in my colleague, Mr. Cooper, introducing legislation to deal with both of these very serious issues; Mr. Horsley introducing legislation to deal with dangerous and at times fatal drop-down side cribs; and Mr. Stern's legislation dealing with the removal of the chemical Bisphenol, BPA, from baby bottles to help ensure the safety of our children. All of these very worthwhile pieces of legislation came about either as a result of strong initial media investigative coverage, or in conjunction with the legislation to help promote the need for new laws to deal with these issues.

The plethora of articles published by Newsday resulting in a committee with Special Counsel to probe the County Ethics Commission do not meet, in my judgment, the high standards of a fourth estate but exemplify a diatribe without substance and designed with one ultimate goal, to purposely defame the good name of a public elected official and that of his spouse. These articles are without merit. When one describes, and I quote, "yellow journalism," there are many techniques used including the exaggeration of news, scandalmongering and/or sensationalism. These techniques identify with the articles written in Newsday leading up to this resolution before us.

From the very outset, from the very outset, the core premise of a Newsday article was fundamentally flawed. The County Executive of Suffolk County did file a financial disclosure form. If the reporter was really interested in financial disclosures, the reporter should have launched an investigation into all levels of government and no doubt would have found a number of elected officials who over the years did not file or were late in filing either a financial disclosure or campaign financial reports, but that was not the goal. The reporter and her editor were determined to concentrate on one person and one person only, the County Executive. Realizing that they could

never make the case that the County Executive never filed a financial disclosure, plan B went into effect, build a case against him because he filed a State financial disclosure form instead of the County form, the equivalent of trying to build a house over a swamp; in the end it might look like a house, but it is quickly sinking into the mud because it has absolutely no foundation. Newsday, in one edition alone, devoted six pages in an attempt to force the credibility to this ridiculous assertion. All six pages quickly ended up where they belong, in resource recovery or the local dump.

When it became evident that the County Executive had filed a State financial disclosure form, as required being a member of the New York State Pine Barrens Commission, and having inquired as to whether he should also fill out a second form for the County and having received in writing from the Commission Ethics Director that the filing of the State form complied with County requirements, this matter should have been dropped, closed, finished. Especially after two highly regarded individuals with extensive knowledge of issues dealing with public integrity provisions stated their opinions. Mr. Barry Ginsberg, Executive Director and General Counsel of the New York State Commission on Public Integrity, said, "State law allows a local municipality to accept the State disclosure form in place of the local form." Mr. Mark Davis, Executive Director of the New York City Conflicts of Interest Board, said, "State General Municipal Law was "crystal clear" in allowing a person subject to two filing requirements to file the State disclosure form to satisfy a Local Law."

But the matter did not end there. The Newsday reporter and editor were determined to hit their target; plan C would now go into effect. Regardless of what the Ethics Commission said, or what the experts said, let's go after his spouse; after all, she runs a court reporting business. Let's go for a connection between her customers and the County. Newsday found a number of law firms who used the spouse's firm and were receiving funding from the County. One problem, however, was that the overwhelming majority of the law firms were the spouse's clients years before her husband was elected County Executive in 2004. Another problem, her firm does not do any County business for her customers. But the most telling statement came from the spouse herself; her marriage to the County Executive has hurt her business more than it has helped. She points out, "We're good people and we try to do the right thing." The only net result of plan C, going after the spouse, is that her firm suffered the financial loss of business when an entity of a major hospital discontinued the company. The spouse's words about how her business has been hurt proved to be prophetic. May I suggest to the Newsday reporter plan D? Does the County Executive have a dog? Let's find out who the veterinary is and whether the veterinarian belongs to the County Veterinarian Society and whether the Veterinarian Society receives funding from the County to help dogs in distress, and whether the veterinarian ever operated on the County Executive's dog, and what did he charge for the operation? Did the County Executive's dog get a discounted rate because of the County's funding? And if the answer is yes, we at Newsday demand that the dog be listed on the financial disclosure forms. Yes, plan D, that is the plan that is finally going to work. And if he doesn't have a dog, find out if he has a cat, a gerbil or goldfish. Yes, we at Newsday smell victory in the air.

In summary, the resolution calling for a Special Counsel to probe the County Ethics Commission is nothing more than an exaggerated and irrational investigation put together because some people in power disagree with his decisions. If you disagree, the right course of action is to move to replace each member when they are up for reappointment. We may disagree at times with decisions made by the New York State Court of Appeals or the U.S. Supreme Court, but do we launch committees with special counsel to probe them? Of course not. There is a process in place to appropriately change the makeup of both courts. There is a process in place to appropriately change, if need be, the members of the County Ethics Commission and it must be adhered to, less we all -- all we do is besmirch and defame the good citizens who makeup the current commission and that would be absolutely inexcusable.

Between the Newsday articles and public statements by certain elected officials, Ethics Commission members already feel that they have been accused of acting unethically. I quote from a letter to the Presiding Officer dated August 2, 2010, from the members of the Ethics Commission, and I quote; "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 an 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 contemptable."

P.O. LINDSAY:

Are you almost done, Tom?

LEG. BARRAGA:

In about one minute. If the committee is pursued, which would be extremely unfortunate, the attorney that is picked should be completely independent, one who is not involved with County government and has never represented anyone before the Ethics Commission.

As for Newsday, over the years the paper has been a tremendous asset to the people of Long Island. In this particular case, I believe Newsday has fallen well below its normal standards. The people want and deserve Newsday, not a second rate National Enquirer. Newsday's readership is down, store sales are down, advertising is down, employees salaries have been cut by five to 10% and editors and publishers come and go depending upon how fast the revolving door can operate on a given day. Maybe it is time for Newsday to end stories without substance that can only be described at best as inside political baseball, and cover stories that deal with the serious economic plight of a Suffolk County taxpayer which could well lead to a renewal of what seems to be the slow but steady demise of a great newspaper. I'll be voting against this resolution. Thank you.

P.O. LINDSAY:

Forgive me, Mr. Conway, I was hoping that we would ask you questions and I know your time is valuable. Does anybody else have any other questions for Mr. Conway before we debate the resolution? Legislator Montano.

LEG. MONTANO:

Good afternoon, Mr. Conway.

MR. CONWAY:

Good afternoon, Sir.

LEG. MONTANO:

And welcome to our meeting.

*(*Laughter*)*

MR. CONWAY:

Thank you.

LEG. MONTANO:

Unlike my colleague, Legislator Barraga, I don't have a prepared statement to read, nor have I reached a conclusion with respect to any of the facts that may or may not have come out. But I just want to ask you a couple of questions, but I'll preface that by saying I also am an attorney, I've been an attorney 35 years. I'm looking at your resume, I find it extremely impressive. I know the kind of work you've done, I've also worked in the Federal Government and I've been an Assistant DA and I've worked for the Attorney General's Office. So, you know, reading your background, I know where you stand. But the question I have is are you aware and have you -- or have you read the stories in Newsday relative to this issue with the Ethics Committee?

MR. CONWAY:

I did not read them initially. Once I was contacted about possibly being hired here, I did look at a few of the articles; I don't think I read them all, but I must admit I read a few.

LEG. MONTANO:

Okay. Are you aware or did you see a -- well, let me put it to you this way. What I read in Newsday, that first an attorney was named and objections were raised with respect to his political affiliation; are you aware of that, that particular story?

MR. CONWAY:

I did not read it, I am aware of the particulars.

LEG. MONTANO:

You're aware. And you're aware of the name of the attorney.

MR. CONWAY:

Yes, I am.

LEG. MONTANO:

Okay. And then there was a second attorney who was proposed and there was a letter that was sent out by the County Executive to, I believe, the Judicial Disciplinary Committee objecting to the naming of that attorney because of the fact that he represents a party before the Ethics Commission currently; are you aware of that?

MR. CONWAY:

I can't say that I am. I know the first instance you're talking about, but I did not read or hear about the second instance.

LEG. MONTANO:

All right. Well, there is a letter that I received a copy of that was written I believe by the County Executive and it was addressed to Rita Adler who is the head of the Disciplinary Committee, I guess that's for the 10th Judicial Department; I don't believe that there's been a determination made on that.

What I'll ask you very simply is are there any issues or anything that you may know of with respect to yourself being selected for this position that would put you in any potential conflict of interest along the lines of what has been put out there before?

MR. CONWAY:

No. Simply, the answer is no.

LEG. MONTANO:

That answer is acceptable. Thank you very much.

P.O. LINDSAY:

Legislator Cooper, did you have any questions for Mr. Conway?

LEG. COOPER:

No, I don't.

P.O. LINDSAY:

Okay.

LEG. COOPER:

I do want to make a comment later. Thank you.

P.O. LINDSAY:

Okay. Do you have any questions, Legislator D'Amaro, for Mr. Conway?

LEG. D'AMARO:

Yes.

P.O. LINDSAY:

Please go.

LEG. D'AMARO:

Okay, thank you. And I do have comments for when we debate the bill, but just as long as -- Mr. Conway, I want to welcome you as well, and thank you for your willingness to serve.

MR. CONWAY:

Thank you.

LEG. D'AMARO:

If you're going to be acting as Special Counsel for this committee, the special committee which was created, I guess, under our rules by the Presiding Officer, what do you see as the mission of this committee?

MR. CONWAY:

I assume that if I am approved and hired, I will meet with the committee to get their thoughts as to what they believe the mission would be. I will carry that out to my -- to the best of my ability, taking whatever testimony or documentary evidence I receive takes me.

LEG. D'AMARO:

So sitting here right now, you don't have any idea what direction this committee wants to go through or towards? You haven't had any preliminary discussion about the mission of the committee, the objective of the committee?

MR. CONWAY:

I've met with the committee but I have not had an in-depth conversation as to the mandate and where this probe will go.

LEG. D'AMARO:

Okay. And so when you're deciding for yourself whether or not you feel this is a position that you would welcome as an attorney, if you don't know the mission of the committee, how are you making that evaluation?

MR. CONWAY:

I understand the issues in general --

LEG. D'AMARO:

What are the issues?

MR. CONWAY:

Well, I understand that there is an elective official who has filed disclosure forms and there's an issue whether the proper forms were filled out and whether there was any violations in not filling out particular forms.

In making the evaluation, if this is something I would like to do, it's simply a continuation, in my eyes, of what I've been doing for the last 20 years which is investigations. To me, I look at this as another investigation where I will look at the facts, speak to numerous people, look at various documents, and at the end of the day I assume I will be writing a report as to my findings. And that's the basis of my acceptance of this position.

LEG. D'AMARO:

All right, so that is an issue that we've all read about in the newspapers. Various correspondence has been submitted on that issue, certain ethics experts have opined on the issue that there was nothing improper and on the other side I guess there's some innuendo and allegation, especially what we read in the newspaper. So I -- well, I appreciate your answer and I don't question your objectivity here.

I don't know you, I've never met you. Your resume seems to speak for yourself, and as an attorney myself, I admire your credentials. But I do -- I do question -- well, let me put it this way. I would like to give you an opportunity to explain to me a little further about your experience with investigating a commission or an Ethics Commission, if you have in the past, these types of issues; can you tell me a little bit more about that?

MR. CONWAY:

Mr. D'Amaro, I can't sit here and tell you that I have previously investigated a commission. But in my eyes, most investigations, although each one is different, is similar in the nature of how you go about it.

All due respect to Newsday, I don't consider anything that's in a newspaper as evidence. I believe evidence will come from people that I will speak to, hopefully they will speak to me freely. Evidence will come from documents that I receive from various polices and I will reach out and speak to the Ethics Commission and ethics advisors. I will take that information, review that information, determine its credibility, as I've done in numerous other investigations. And at the end of the day, based on the law, I will take all the evidence that I find, apply it to the law, and at the end of the day write a report, good, bad or indifferent, depending on what the evidence of the law shows.

LEG. D'AMARO:

Very good. Now, let me just draw on your experience of I think you said numerous investigations over the course of your career. In your experience, is there a threshold that must be crossed before an investigation is initiated? I mean, you know, you don't want to just pick a name out of a hat and say, "Let's go investigate," obviously, for one extreme. On the other extreme, you know, if you find a smoking gun and someone's fingerprints on it, you might warrant an investigation. But what's the threshold?

MR. CONWAY:

Well --

LEG. D'AMARO:

And the second part is are you in a position to advise whether or not you believe that threshold has been crossed in this particular case?

MR. CONWAY:

In response to your first question about a threshold, obviously it depends on the nature of an investigation, whether it's criminal, civil, and maybe in this particular case an ethical or a potential ethical violation.

Yes, as a former criminal prosecutor, I think there's always a threshold. It might be very difficult to ascertain what that threshold is or determine what that threshold is, but certainly there must be something that leads one or leads somebody to determine that, you know, somebody independently should look into this to see if there was any violation. So I don't know in this particular case, I don't think I can give you a definitive in this particular case what the threshold is. Apparently there's a committee here that's made the determination, and if I'm hired I will look at all the evidence to make that determination.

LEG. D'AMARO:

Well, there's no determination that has been made yet. This was a committee that was not created by a vote of this Legislature but by -- under the rules by the Presiding Officer. So I don't think there's even been a determination.

What I'm saying to you, is it possible that if you are appointed and you begin to conduct your investigation of what I believe to be a very hard-working Ethics Commission, is it possible that that threshold hasn't even been crossed? I mean, you just said yourself, you know, we don't take as evidence what we read in the newspapers. So is that one possibility?

MR. CONWAY:

That certainly is a possibility, and if that is the case that would be reflected in my report, or my final report.

LEG. D'AMARO:

Okay. Well, I very much appreciate, again, you being here today and answering my questions. Thank you, Mr. Presiding Officer.

MR. CONWAY:

Thank you, Sir.

P.O. LINDSAY:

Is there any other questions for Mr. Conway? Seeing none, I'm going to make a motion to approve *Procedural Motion No. 21-2010 - Authorizing retention of Counsel to assist the Special Legislative Committee reviewing the operations of the Suffolk County Ethics Commission (Presiding Officer Lindsay)*.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick. Is there any other -- I'm going to recognize you, Legislator Cooper, I just want to put a couple of things on the record.

Mr. Conway, if you'd like to sit in the audience, you're more than welcome because I don't think -- oh, you have a question --

LEG. LOSQUADRO:

No.

P.O. LINDSAY:

-- for Mr. Conway? Oh, okay. You could stay there if you feel comfortable.

I just want to make a statement and then I'll go to Legislator Cooper, maybe to clarify a couple of things. This isn't an investigation of Newsday, it isn't about Newsday's reportings, it isn't -- this isn't an investigation of our County Executive. This is an investigation of a committee, a commission, that was designated by this Legislature, and just to make it crystal clear, our responsibility as a Legislative body is to oversee every facet of this government. And I'm going to quote someone, and this goes back to the original debate on this bill in 1988; "I had some real problems with the idea of setting up a powerful committee that would not be directly accountable to the public to oversee elected officials. The question becomes who checks the checker? And that should be us." That quote is from Legislator Steve Levy in 1988.

*(*Laughter & Applause*)*

The intention of this committee, Mr. Conway, if we hire him, is an employee of the committee. The committee's direction -- and I think all four of us are pretty clear on this -- is to examine some of the questionable decisions that we think have been coming out of the Ethics Commission, and we could be totally wrong once we examine them. The problem is we don't know what they do. We find out more of what they do from Newsday. And I'll tell you what, over the last two weeks, since our last meeting, some of the things that have transpired as a result of these Procedural Motions are -- I've got to be careful what I say with this. There are certain matters that have recently occurred that I've referred to the District Attorney's Office, because that's the level that I think they're at, and I'm just going to leave it at that.

But I think we have an obligation to look at how the Ethics Commission is performing their duties, to see if the existing law needs to be tweaked or changed or added to or detracted from, or if the existing law is okay and somewhere along the lines, from 1988 till now, there's practices that have been put in place that were not part of the original statute. That's what the mission of this committee is. That's what the mission of this committee is.

And when all is said and done, I hope that we will issue a report with suggestions to this body for legislation, to either add or detract from the existing legislation, maybe to say the Ethics Commission is doing a great job, or maybe to say that they've lost their way a little bit. But I just think it's absolutely time that this body exercises its responsibility of oversight over the Ethics Commission. With that, I'll recognize Legislator Cooper.

LEG. COOPER:

Thank you, Mr. Chairman. With all due respect to Legislator Barraga and his earlier comments, the matter before us today is not a joke. I take great umbrage at the blatant attempts by County Executive Levy and the Republican County Chair to intimidate Legislators, influence the Legislative process and prevent the special Legislative Committee from moving forward with its review of the operation of the Ethics Commission.

The County Executive has personally issued threats against me and he has told me that he has information to use against all of my Legislative colleagues, as well as the County Comptroller and the County Treasurer for that matter; this is the County Executive's words to me.

The damning charge that he is prepared to level against me publicly is that my husband, Rob, used to serve without compensation on the board of the non-profit Family Service League, which is headquartered in my district, and that he volunteers at the Family Service League's Manorfield Family Center where he works with underprivileged kids and adults in Huntington Station and other parts of Huntington. Once again, has never received a penny in compensation; as a matter of fact, we donate several thousand dollars to the Family Service League. As I told the County Executive when he issued this threat to me personally in a phone conversation Sunday evening, "Bring it on." If that's the best he has to use against me, I'm -- I will gladly deal with that.

I've had my motives publicly questioned on repeated occasions by the County Executive and have had my personal integrity questioned and I for one am sick of it. I've personally witnessed the County Executive telling a group of my constituents that I'm a liar who is attempting to mislead them. I've had a top aide to the County Executive tell me to go screw myself in front of my constituents.

This is a defining moment for this Legislative body. I am tired of the ongoing efforts by the County Executive to interfere with our Legislative process and our independence as a coequal branch of government. I am going to be voting for this resolution and I would hope that we would all stand together, Democrats and Republicans alike, and support these efforts. Thank you very much.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Thank you, Mr. Presiding Officer. And I appreciate you recognizing me again, I'll be very brief.

I just want to make it clear on the record that I don't question the oversight function. I think that's our job, that's what we're here to do. I don't question the formation of the committee, it's certainly provided for under the rules. What I do question, though, today, and I want to make very clear, is just how we're going about doing this.

I asked Mr. Conway about a threshold. I don't -- sitting here today, I can't tell you whether that threshold has been crossed or not. Certainly I think it's, at best, premature to have this gentleman come here today and to vote whether or not this committee needs special Counsel before the committee meets and provides and conducts its oversight function, as we do week after week, month after month and year after year with every other committee in the Legislature.

My second objection today is really about this procedure. I mean, when I came in here about 9:30 this morning, I was under the assumption we were voting on a different individual for a special Counsel. When I was here two weeks ago it was yet a different name. Now I have before me Mr. Conway -- again, nothing about you, Sir. I've never met you and, again, I've made it clear how I feel about your credentials -- but I don't know you and I've never had an opportunity even to think about hiring you as my lawyer, which is, in effect, what I'm being asked to vote on today. This special committee hasn't met yet, other than in secret, and at 3:30 today I'm told, "Here's the guy we want, let's take a vote." I just think that we can do a little better than that. In my opinion, that's almost investigation by ambush.

So I think this special committee should go on, but it should conduct its business in public, in the open. If a legal question comes up in the preliminary meetings, Mr. Nolan, our Counsel, is always available. I just don't see the need and the rush into this special Counsel situation.

The Presiding Officer has indicated that there are some matters that have been referred to the District Attorney's Office; well, that's for the DA and that's fine. This committee hasn't even met and you're asking me today to vote on hiring for \$23,000 of taxpayer money a gentleman that I've never met before and never even heard of until 3:30 this afternoon. That is not the way we should conduct this business and that is not the foot that this committee should get off on. I am not going to support this.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I don't want to repeat a lot of what Legislator D'Amaro said, but I will just say I really think you do a disservice to your own cause here. I mean, by your own words, this was -- this information was deliberately withheld from members of this body so people would not have an opportunity to look into this person's background or credentials. I can't put it better, that this is really getting this committee off on the wrong foot, if we're really serious about having this be successful.

You know, I don't think anybody feels that this body does not have the right to oversight any entity within government, we do. But I really feel that this -- handling it in this manner does a disservice to the cause that you're trying to move forward. I would have preferred an opportunity to have this person's name be before us when we were coming in today. I don't appreciate that it was deliberately withheld and I won't be supporting this today.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Just briefly. I wanted to apologize because I didn't have a chance to write a prepared statement; what I had read earlier I wrote during the Legislative debate.

I wanted to clarify, the threats that were issued by the County Executive against me were that I did not disclose on my financial disclosure form the fact that my husband Rob volunteers at the Family Service League and used to serve on their board. For the record, when Rob and I got married, we just celebrated our 30th Anniversary, but we were legally married in Connecticut in April of last year. And even though we cannot get married in New York State, it is legally recognized under New York State Law. So when we came back from Connecticut, I decided to reach out to the Ethics Commission and ask them whether they thought that Rob should resign from the Family Service League since he was now my husband as opposed to my domestic partner. I took it upon myself to reach out to them, I eventually got back an opinion from them that they thought it would be best for Rob to sever his ties to Family Service League, which he did, he resigned from the board. So Rob is no longer a member of the board of the Family Service League, but he does still volunteer there probably about 20 to 30 hours a week, giving his own time to work with underprivileged kids and adults. That was going to be the line of attack that the County Executive threatened to use against me, the fact that I did not disclose that on my financial disclosure form.

He has information on virtually all of you that he has threatened to use against you if we proceed with this committee, as well as County-wide elected officials. He basically said if we want war, we've got war. All of you should take umbrage at this and this blatant attempt by the County Executive to influence our process.

So with all due respect to Legislator D'Amaro and Legislator Losquadro, I think it's imperative that we move forward with this now. I would really like to get this entire issue resolved as quickly as possible and put behind us and the way to do that is to approve both of these resolutions today. Thank you.

P.O. LINDSAY:

Legislator Horsley, did you want to speak?

LEG. HORSLEY:

Yeah, I just had a quick question. Mr. Conway, just quickly; what type of timeframe do you think this inquiry is going to take? You know, how long are you thinking, two months, three months; what are you looking at?

MR. CONWAY:

Well, I haven't discussed this specifically with the committee, but I approach every investigation the same way. It will take whatever time it takes, but from the little I know now, I'm thinking it's going to be relatively short, and I can define short as a two or three month period of time.

LEG. HORSLEY:

Boy, I hit it on the head, huh?

MR. CONWAY:

You were good.

LEG. HORSLEY:

Okay, thank you. I was just curious. Thank you.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Thank you. I just want to sort of mimic some of the comments that Legislator D'Amaro made. Without begrudging the members of this body or the members of this committee, the need or desire to review and watch over the matters before the Ethics Commission, it seems to me that there's a good deal of experience, both from a Legislative point of view as well as from an experiential point of view, and a varied experience from an experiential point of view of each of the members of this special committee, including at least one attorney with a great deal of experience. And I'm certain that the committee could avail itself of our own Counsel who, again, has a great deal of experience. So I don't quite understand why we need to hire an attorney -- with all due respect to you, Mr. Conway -- at this point in time.

If the committee investigates the Commission and determines at some point that there are significant legal matters that need to be addressed, then let the DA have at it. If there are legal matters to be addressed that are beyond the scope of the members of the committee but that are not appropriate for the District Attorney to look into, then at that point come before this body and ask us to appropriate some money for an outside counsel. But at this point, given everything in front of us today, I cannot support this resolution. Thank you.

P.O. LINDSAY:

I'd like to answer Legislator Cilmi, if I could. First of all, the reason a decision was made to ask that we hire outside Counsel is we really wanted to keep our Counsel out of this fray. He has to deal with the County Attorney on a daily basis, he has an awful lot to do as far as writing proposed laws for us and bills, and we thought that it would be much more difficult to hire someone from the outside.

And let's not make any mistake about this, folks. Come on, this is a hot potato. I originally appointed five members of the committee, three of them were attorneys, and a lot of them begged off, and I don't blame them. And I gave everybody an opportunity, you don't want to serve, that's okay, I understand, for whatever reason. But this is a hot potato, and it's something that I agonized over quite a few days before I made the decision to form the special committee because I think it has to be done.

The disclosure forms that we argue over -- by the way, the Ethics Commission has hired two outside counsels to give them opinions on it so far, so there doesn't seem to be any concern about taxpayer dollars there. But that is at the basis of who we are as an open government, is that we're open to everybody. And we fully intend to have open public meetings. They're not going to be behind closed doors, they're for everybody to see and to hear what we're doing. If we have to launder some dirty laundry, we're going to do that; if we have to praise people for serving, we'll do that. But what we're doing is something that has to be done, I feel that strongly about it. It goes to the core of who we are in Suffolk County and our government. Legislator Stern and then Gregory.

LEG. STERN:

Thank you, Mr. Presiding Officer. First of all, Mr. Conway, it's good to see you, and thank you so much for being here and your willingness to serve.

MR. CONWAY:

Thank you, Sir.

LEG. STERN:

And of course anybody can look at your credentials and know that they are just absolutely stellar.

MR. CONWAY:

Thank you.

LEG. STERN:

From the beginning, you know, I've had concerns about this process. I strongly believe, strongly believe in the mandate of the special committee, and that is to -- supporting a process that takes a look at our existing system, asks difficult questions if they need to be asked, and determines what, if any, changes need to be made to make it a more perfect system, one that is open, one that works with transparency, one that gives all of our Suffolk County residents the assurances that are so necessary to know that we have a system that works. That is my understanding of the mandate of the special committee and, as I said, it's one that I strongly support.

My concern is, you know, exactly what we've just seen in that we spend time talking about a specific individual and specific forms that may or may not have been necessary to file. I think it's important to keep in mind here that the -- as I understand it, the mandate of the special committee here is not necessarily to investigate an individual but to investigate a process and determine whether or not it works. And that means asking the questions of those who were there and those who are there, and that is the members of the Suffolk County Ethics Commission.

And that's my concern. Because we are talking about individuals who are professionals in their own right, who have reputations of their own within our community, that serve as volunteers. And I think everybody who's already been asked will say that they work long and they work hard and they take it very seriously. That's my concern.

And again, I want to strongly support the mandate of the special committee. I agree with the vision of the Presiding Officer in that regard. My hope, however, is that we'll be able to get the answers to these important questions by bringing in members of the Ethics Commission and asking them the questions; that's how I would like to go about this process from the beginning. And I agree with my

colleagues, if we need additional information, additional documentation that's not forthcoming, well, then let's have at it. But it was my hope that we'd be able to proceed in a way where we can bring in those that are serving as volunteers and simply ask them the questions first.

P.O. LINDSAY:

Okay. Legislator Gregory? I'm sorry.

LEG. GREGORY:

Mr. Chair, thank you. Mr. Conway, I don't know if you actually knew the bonfire that you were stepping into --

*(*Laughter*)*

-- when you, I don't want to say volunteered, but expressed an interest. Should I ask if you are still interested in serving?

*(*Laughter*)*

Mr. Presiding Officer, and actually members of the special committee, I think this is absolutely the right approach. The County Executive -- from Legislator Cooper's words, and I take him at his word -- is going to take a scorcher's approach to this. We've seen the press releases, we've seen the Newsday articles, you know, the push back is tremendous. And I think it's important that as a Legislative, special Legislative committee, that you have someone there to advise you every step of the way from the beginning to look at everything that you're doing.

I'm sure Mr. Conway, with his very impressive background, is not willing to put himself in a light that -- you know, an impartial light and tarnish his record and his image. I think he's going to -- I think, I would assume he would take his duties very professionally, as he has throughout his career, and I think he'll be of great benefit to the committee and add credibility to what the committee is looking to do.

The timing of it, I think it's perfect. I don't think that, you know, that there is some time threshold that should be applied to this Procedural Motion. And his record stands for itself, it speaks for itself. The committee has a mission, we should endorse that mission, and I will certainly be voting to approve this Procedural Motion.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Thank you for being here, Mr. Conway. You certainly do have an impressive resume and we're happy to have you on board.

MR. CONWAY:

Thank you.

D.P.O. VILORIA-FISHER:

I'd like to refer to some of the comments made by Legislators Cilmi and Stern, which is that they question the need to have an outside counsel. And I feel that having independent counsel is critical to this process because of the acrimony that already exists between the Legislative and Executive branches of government in Suffolk County.

You could hear the words of the members of the Ethics board in the letter that was quoted by Legislator Barraga. And having heard the language and the tenor of that letter, it would be hard to imagine that that group of people would willingly and comfortably sit before the committee that's been formed by this Legislature to look at the process of the Ethics Commission in a very -- I don't see a very amicable dialogue and open dialogue. I think that we're better served by putting this investigation and the query at arm's length. And so I believe that having an independent Counsel is the way to go. I think it's the only way that we can have an objective look at the process without the kind of finger-pointing and acrimony that's been so evident in the past few months. Thank you, Mr. Chair.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Thank you, Mr. Lindsay, for recognizing me again. I just wanted to say, Mr. Conway, Legislator Lindsay stated a little while ago that there were several members that were appointed to the committee that declined or stepped out of the committee for one reason or another, and I just want to put on the record that I was one of the members of the Legislature that was initially asked to serve on the committee and I asked Mr. Lindsay to relieve me from that assignment. And the reason is that, number one, I'm the author of legislation that was introduced two years ago that recently passed and was overridden and then vetoed by the County Executive and overridden at the last meeting providing for the independent -- the appointment of an independent Counsel to the Ethics Commission. And more particularly, it's pretty well known that the County Executive and myself have had a rather acrimonious relationship over certain policy issues over the years, and this -- the work that this committee is charged with doing is a tremendous amount of work, and I didn't feel that -- I didn't want to taint the process of any outcome or any decisions or recommendations by this committee by having myself on it.

But I fully endorse what the committee is going to do. It is a tremendous amount of work, I don't believe that it -- and as an attorney with experience similar to yours, there's no way that this should be done by someone in-house. It needs independence, it needs someone with a particular understanding of how to conduct an investigation, and your resume tells me that you have that.

With respect to Legislator Cooper's comments, I agree with him; bring it on. You take this -- if you -- I hope you are appointed by the body and I hope that you -- you are selected. My advice is, and I know this is unnecessary, to take this wherever it leads, and if it leads nowhere, we're fine with that. We want a fair process, we want an airing of what the issues are. I'm not interested in what I read in Newsday, I'm interested in what the facts are and you're going to need the time and the power to uncover, and those that have been involved in investigations know what we're talking about. So I just wanted to put that on the record. I will be supporting this resolution. And as I said, wherever this leads then let it lead. And if there's anything to be brought on, then bridge that on, too, and we'll deal with that as it comes up. So with that, I will be supporting this resolution.

P.O. LINDSAY:

Okay. Mr. Clerk, we have a motion and a second?

MR. LAUBE:

Yes, you do.

MR. DUMAS:

Mr. Presiding Officer, can the Executive Branch speak on this issue?

P.O. LINDSAY:

This is a Procedural Motion of the Legislature, the Executive Branch has no business in the middle of this.

*(*Laughter From Audience*)*

LEG. LOSQUADRO:

I would only say that being that it is the expenditure of taxpayer funds, the Executive Branch has no say in that?

P.O. LINDSAY:

Let me just ask you this.

LEG. LOSQUADRO:

I'm just asking, being that he asked to speak.

P.O. LINDSAY:

When the Executive Branch hired outside Counsel to the Ethics Commission, did they ask us? Okay. We have a motion and a second. Roll call.

*(*Roll Called by Mr. Laube - Clerk of the Legislature*)*

P.O. LINDSAY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Thirteen.

LEG. EDDINGTON:

Jon, we have an anti-bullying policy here.

*(*Laughter*)*

Procedural Motion No. 18-2010 - Authorizing the Special Legislative Committee reviewing the Suffolk County Ethics Commission to administer oaths (Presiding Officer Lindsay). I'll make a motion.

LEG. KENNEDY:

Second.

LEG. LOSQUADRO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

To my recollection, when we last -- this wasn't discussed at the last meeting, but is the term *compel* still in there, and does that basically constitute subpoena power for the committee?

P.O. LINDSAY:

I'm going to let Counsel answer that.

MR. NOLAN:

This is just to give an oath or an affirmation to a potential witness. There's nothing about subpoena power.

LEG. LOSQUADRO:

As I recall when I read it last time, I'm not able to pull it up in front of me right now, but it did say you could *compel* individuals to come forward; that language was included in the resolution. Let me see if I can get it in front of me again.

P.O. LINDSAY:

I'll tell you the intent of the committee is that at some point in time we might come back to this body and ask for subpoena power if we don't have the cooperation of the people we want to talk to. But that is not the intent now, the intent is to give an oath.

D.P.O. VILORIA-FISHER:

It does say *compel*. It's in the second WHEREAS, it says, "*Authorize the County Legislature to administer oaths and affirmations and to compel the attendance*" --

MR. LAUBE:

Microphone.

LEG. LOSQUADRO:

Yeah, "*Compel the attendance of witnesses in course of investigations and the Legislature may delegate these powers to committee.*"

MR. NOLAN:

We'll amend that. Don't vote on this yet, we'll amend that. That should come out.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

If the intention was to come forward, come back to us with that, I knew that wasn't --

P.O. LINDSAY:

It's in the WHEREAS clause, it isn't in the RESOLVED, but Counsel will amend it right now.

LEG. LOSQUADRO:

Okay, thank you.

P.O. LINDSAY:

All right? All right, let's go to page --

D.P.O. VILORIA-FISHER:

Eight?

P.O. LINDSAY:

No, I think we're beyond eight.

D.P.O. VILORIA-FISHER:

We're way beyond, yes.

MS. LOMORIELLO:

We're on eleven.

P.O. LINDSAY:

Page eleven.

1791, halfway down the page. Is everybody on board? Page eleven, ***1791-10 - Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 5 – Strathmore Huntington (CP 8115) (County Executive).***

LEG. D'AMARO:

Motion, Bill.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1792-10 - Recommendations of the Suffolk County Sewer Capacity Study RFP Committee regarding award of consultant assistance services (CP 8185/8189) (County Executive).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

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

P.O. LINDSAY:

Eighteen.

P.O. LINDSAY:

IR 1793-10 - Appropriating funds in connection with rehabilitation of various bridges and embankments (CP 5850) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Do I have a motion? Motion by Legislator Schneiderman.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying Bond Resolution, *1793A-2010 - (Bond resolution of the County of Suffolk, New York, authorizing the issuance of \$850,000 bonds to finance the cost of rehabilitation of various bridges and embankments (CP 5850.322) (County Executive).*

Same motion, same second; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1794-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with reconstruction of Shinnecock Canal Locks (CP 5343) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. I'll second it.

LEG. MONTANO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

Gail, this amendment, my understanding is it's coming out of the project CR 17, County Road 17?

MR. LIPP:

Correct.

LEG. MONTANO:

Could you put on the record why we're taking money from that project?

MR. LIPP:

According to DPW, the project was completed and 23 funds were made available.

COMMISSIONER ANDERSON:

The project was constructed in '09.

LEG. MONTANO:

It's already completed? There's no further work to be done on this project? I thought that was one phase of it.

COMMISSIONER ANDERSON:

No, this was the funding that was pushed ahead to 2009.

LEG. MONTANO:

So this is excess funding.

COMMISSIONER ANDERSON:

Correct.

LEG. MONTANO:

Okay. All right, thank you.

P.O. LINDSAY:

So we have a motion and a second on 1794?

MR. LAUBE:

Correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

So we still need to do the bond then?

LEG. MONTANO:

Yeah, because we're amending --

D.P.O. VILORIA-FISHER:

Yes, we still have the bond.

P.O. LINDSAY:

Okay, okay. Okay, same motion, same second on **1794A**, the accompanying Bond, ***Bond resolution of the County of Suffolk, New York, authorizing the issuance of \$850,000 bonds to finance the cost of rehabilitation of various bridges and embankments (CP 5850.322)***; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

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.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. I'm going to do something here, I want to go back to page ten. **1797A** under Labor, Workforce Housing, I told you earlier that we didn't need the bond; Counsel is telling me we do need the bond, ***this is for infrastructure improvements at Gabrini Gardens, an affordable housing community***. We thought we had the money bonded already, but it turns out that we don't. So I'll make a motion approve the bond.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy; roll call.

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

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

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.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, *IR 1802-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with dredge support equipment (CP 5201) (County Executive).*

LEG. LOSQUADRO:

Motion.

CHAIRMAN EDDINGTON:

Motion by Legislator Losquadro.

LEG. ROMAINE:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Romaine.

LEG. MONTANO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

This is the same situation as earlier; this money is coming from CR 17 and that project is complete.

COMMISSIONER ANDERSON:

Correct.

LEG. MONTANO:

So I will be supporting it. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second, Mr. Clerk?

MR. LAUBE:

I didn't catch it, I'm sorry. We were discussing the last bill.

P.O. LINDSAY:

Okay. Do we have a motion on 1802?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

We did, we did.

MR. LAUBE:

Yeah, I just didn't hear it.

D.P.O. VILORIA-FISHER:

Dan made the motion and --

P.O. LINDSAY:

And Ed Romaine. You got it? Dan Losquadro motion, second by Ed Romaine. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

LEG. ROMAINE:

Please list me as a cosponsor.

P.O. LINDSAY:

On the accompanying Bond Resolution ***1802A - (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$150,000 Bonds to finance the cost of engineering and construction in connection with dredge support equipment (CP 5201.518)***; same motion, same second; roll call.

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

LEG. LOSQUADRO:

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. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

LEG. BROWNING:

Tim, 1802, cosponsor.

P.O. LINDSAY:

IR 1805-10 - Amending policies and procedures governing the County's Procurement of Goods and Public Work, to be in conformity with section 103 of the General Municipal Law as amended (County Executive). Do I have a motion? Do we need an explanation?

LEG. MONTANO:

I do, yeah.

P.O. LINDSAY:

Yes, okay.

MR. NOLAN:

This resolution would amend our procurement law to reflect changes in the State law that raises the threshold for competitive bids on purchase contracts from 10,000 to \$20,000 and the threshold for Public Works awards requiring an advertisement and the sealed bids from 20,000 to \$30,000. And again, this has been changed in the General Municipal Law and we're changing our procurement laws to reflect that.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay, do I have a motion?

LEG. GREGORY:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, *1825-10 - Authorizing transfer of surplus County computer systems and hardware to the Ascent School (Stern)*. Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1408-10 - Adopting Local Law No. - 2010, A Charter Law to increase Legislative oversight of RFP process (Romaine).

LEG. ROMAINE:

Motion to table at the request of the Comptroller to make a technical change to the resolution, and I've also spoke with the Majority Leader about the change.

P.O. LINDSAY:

Motion to table by Legislator Romaine, seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1489-10 - Adopting Local Law No. -2010, A Local Law to establish a notification requirement for consultant contracts (Montano).

LEG. MONTANO:

Motion to approve.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Montano, seconded by Legislator Kennedy? Okay, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1730-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of Babylon) (SCTM No. 0102-005.00-01.00-048.006) (County Executive). Do I have a motion? It's Incorporated Village of Babylon.

LEG. HORSLEY:

Yes, motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1734-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Christina LaSala and Angela LaSala, Joint Tenants with Rights of Survivorship (SCTM No. 0500-040.00-02.00-018.000) (County Executive). Do I have a motion?

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. MONTANO:

I'll second it, but I had a question on this.

P.O. LINDSAY:

Second by Legislator Montano. Legislator Montano is recognized for the purpose of a question.

LEG. MONTANO:

Yeah, maybe to Legislator D'Amaro. My understanding was that this is an adjoining property sale, it's a 13? And the appraisal -- the selling price is much higher than the appraisal; is that normally the case? I mean, can you explain why the purchase price is so much beyond -- are these sealed bids? How does that work again?

LEG. D'AMARO:

Okay. Legislator Montano, forgive me, I was just writing something.

LEG. MONTANO:

I apologize, and I understand.

LEG. D'AMARO:

That's okay. Give me the bill number again? I'm sorry.

LEG. MONTANO:

We're on 1734. What happened here was it's Local Law 13. The appraisal was a certain amount but the property is being sold for much more than the appraisal, and I was just wondering why.

P.O. LINDSAY:

Sounds like a Greene question to me.

LEG. MONTANO:

I don't get it.

DIRECTOR GREENE:

Legislator Montano, the --

LEG. D'AMARO:

Yeah, just before --

LEG. MONTANO:

Oh, Greene, Pam Greene, now I get it. I'm sorry, I didn't see you, Pam.

D.P.O. VILORIA-FISHER:

He thought you were talking about the environment.

LEG. D'AMARO:

Legislator Montano, just to give the information I have and then I'll defer to the Director. A 56 x 200 parcel located in Central Islip, which you're right, it appraised for fifty-five hundred and sold for a little over 20,000. My -- when the committee voted on it, it is a 13, a Local Law 13, which is an adjoining owner auction, so if you have a contiguous property you're permitted to bid on the property.

LEG. MONTANO:

But my understanding, I thought no one else bid on the property; am I correct on that?

LEG. D'AMARO:

I don't have that information in front of me.

LEG. MONTANO:

Okay.

LEG. D'AMARO:

But what I can tell you is in committee I did question it myself and asked whether or not this particular lot had been a candidate for perhaps Workforce Housing.

LEG. MONTANO:

What we had discussed in the past in terms of -- you said the size was 50 by what?

LEG. D'AMARO:

I have 56 x 200.

LEG. MONTANO:

Yeah, that's a buildable --

LEG. D'AMARO:

Well, that's what I was questioning.

LEG. MONTANO:

Right.

LEG. D'AMARO:

And whether or not it was vetted through the whole process for Workforce Housing and that type of thing. And the answer was yes, but it was not a candidate for that, and I'll leave it up to the Director to explain that.

LEG. MONTANO:

Okay. Then I appreciate the explanation. Pam, could you explain maybe what I'm missing here?

DIRECTOR GREENE:

To address your first question, Legislator Montano, the adjoining property owners are advised of the appraised value, they are then given the opportunity to submit their bids. Often times if the adjoining property owner has a particular interest in adjoining their property to the one being offered, they will submit a bid higher than the appraised value so to avoid a mini-auction held with their neighbors. So we --

LEG. MONTANO:

Are these sealed bids that come in?

DIRECTOR GREENE:

They're not sealed, there's one bid from each adjoining property owner. Then if there's similar bids, if there's more than one bid then there's a mini-auction and the adjoining property owners are apprised of what the competing bids are going to be. But in this instance, there was only one person who did want to pay that much for it; we in the division are happy to receive that funding and turn that over to the Treasurer.

This was considered for, Legislator D'Amaro, the Local Law 3 Law. It was not considered a candidate because it is in not as much of a residential area located along Motor Parkway, if you've seen the aerial. And also, the surrounding properties all have greater road frontage than 50 feet, it would not be conforming to the nature and character of the neighborhood, therefore we did not consider it right for the Legislature's Local Law 3 Law.

LEG. MONTANO:

So the adjoining property is -- but the adjoining property is residential?

DIRECTOR GREENE:

I don't know what the use of the adjoining property is.

LEG. MONTANO:

Well, the people -- the family that's purchasing the property, the LaSala family.

DIRECTOR GREENE:

Yes.

LEG. MONTANO:

Is that a house or is that commercial property?

DIRECTOR GREENE:

I don't know what their use is, but they will be acquiring this property and they will not be able to independently erect any additional or individual improvements upon it. They will not be able to subdivide or erect any new structures upon it, like a new house. There's a covenant in the deed.

LEG. MONTANO:

Okay. All right, thank you very much.

DIRECTOR GREENE:

You're welcome.

P.O. LINDSAY:

Okay. Everybody okay now? We have a motion and a second; am I right, Mr. Clerk?

MR. LAUBE:

You are correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1735-10 -Sale of County-owned real estate pursuant to Local Law No. 13-1976 Phillip E. Davison and Elizabeth Terri Gerard Davison (SCTM No. 0900-376.00-01.00-048.002)(County Executive). Do I have a motion?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman second by Legislator Stern.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1736-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law – Town of Brookhaven (SCTM No. 0200-497.00-04.00-032.000)(County

Executive).

LEG. EDDINGTON:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1737-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law – Town of Brookhaven (SCTM No. 0200-561.00-03.00-020.000) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Same motion, same second, same vote; how's that?

LEG. EDDINGTON:

Yeah.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1761-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven. (SCTM No. 0200-837.00-03.00-004.003) (County Executive).

D.P.O. VILORIA-FISHER:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1762-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven. (SCTM No. 0200-250.00-04.00-010.001) (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1763-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Kevin T. Hamilton and Catherine H. Jacobs Family Trust (SCTM No. 0900-044.00-01.00-059.000) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1764-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-467.00-01.00-052.000) (County Executive). Motion by Legislator Eddington, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1801-10 - Authorizing the extension of the lease of premises located at 1869 Brentwood Road, Brentwood, NY for use by the Department of Health Services (County Executive). Legislator Montano, you want to do that?

LEG. MONTANO:

Well, I'll make the motion, but I had some questions on this.

P.O. LINDSAY:

Okay, motion by Legislator Montano. I'll second it for the purpose of discussion. Legislator Montano.

LEG. MONTANO:

Quick question; the expiration on this extension is July 1st, 2022?

D.P.O. VILORIA-FISHER:

Uh-huh.

LEG. MONTANO:

Is that a standard period? It seems rather long.

MS. DEREN-BRADDISH:

Well, for Health Centers we often go out 20, even more years.

LEG. MONTANO:

Oh, you do, okay.

MS. DEREN-BRADDISH:

But this one is an extension. The 12 years is an unusual time period because of the HEAL Grant, and that is a requirement when we use the funding for the improvements of the \$5 million grant; they require that you have it for 12 years.

LEG. MONTANO:

Okay. Thank you very much for the explanation.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1804-10 - Authorizing the lease of premises located at the Riverhead County Center, Riverhead, NY for use by the U.S. Veterans Administration for "East End Veterans Clinic" (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Cosponsor.

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

IR 1815-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon - (SCTM No. 0100-040.00-02.00-010.004) (County Executive).

LEG. D'AMARO:

Motion.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Motion by Legislator D'Amato, second by Legislator Gregory.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. GREGORY:

Cosponsor.

P.O. LINDSAY:

1816-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law -Town of Babylon - (SCTM No. 0100-040.00-02.00-012.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same cosponsor, okay? You go it? Same motion, same second, same cosponsor, same vote.

LEG. HORSLEY:

Cosponsor, too, Tim.

P.O. LINDSAY:

1841-10 - Authorizing the lease of premises located at 365 East Main Street, Patchogue, NY for use by the Department of Health Services. (County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to --

LEG. EDDINGTON:

I'll give you an explanation.

P.O. LINDSAY:

Motion to approve by Legislator Eddington --

LEG. D'AMARO:

Second.

P.O. LINDSAY:

-- and I'm going to second that because I really want to hear the explanation.

LEG. EDDINGTON:

Well, it's based on a promise from the County Executive.

*(*Laughter*)*

So I'm showing good faith here. I met with -- come on, you've got to -- the glass is half-full, I really believe that.

LEG. ROMAINE:

Jack, he told me he loves you.

*(*Laughter*)*

LEG. EDDINGTON:

I spoke with Mr. Frost who came before us earlier, I talked to the civic leaders who came before us earlier, and he is in agreement that he will -- he's leased the property for the least amount he can do, which is five years. It will take almost that time to move it.

The County Executive -- Ben will, I think, validate this -- that they agreed that they will put the RFP and look for a larger, more appropriate venue other than where the downtown revitalization is going.

P.O. LINDSAY:

Jack, if you're happy with it, we're happy with it.

LEG. EDDINGTON:

Well, I'm trying. Can you validate that please, Mr. Zwirn?

MR. ZWIRN:

Yes, what Legislator Eddington said is true. We're looking for another location. It will probably take us about three years to move once we find one, so this is a short-term lease. This area will ultimately be part of the redevelopment of Patchogue, so this is not the perfect site for this facility at the present, but we are in the process of looking for a new site. You have our commitment that we will do that.

P.O. LINDSAY:

Okay. We have a motion and --

LEG. EDDINGTON:

Well, could I just --

P.O. LINDSAY:

Sorry, sure.

LEG. EDDINGTON:

I wanted to discuss something on this issue with Mr. Laguardia, if he's here.

LEG. KENNEDY:

Not anymore, Jack.

MR. ZWIRN:

With all due respect, when --

LEG. EDDINGTON:

Well, then maybe you can bring the message back. Because at the Ways & Means Committee, which I'm not a member, there was a statement that "Legislator Eddington had every opportunity to discuss it"; there was no discussion. I think it's prudent that we move on with the legislation that was here.

I want to, for the record, say that I had been in communication with him, and I gave all the Legislators a copy, since June 4th, 2008;

June 16th, July 3rd, July 7th, December 22nd of '08, these are '08's, May 5th of '09, August 3rd of '09, and he responded to these. So I don't -- I don't take kindly to making a reference that I have like dropped the ball or have not been involved.

MR. ZWIRN:

I think it's just splitting hairs.

LEG. ROMAINE:

He said, "Jack who?"

(*Laughter*)

LEG. EDDINGTON:

I want to make sure.

MR. ZWIRN:

He was here earlier, but I --

LEG. EDDINGTON:

Well, I want you to let him know that he misspoke.

P.O. LINDSAY:

You were moving down the list.

LEG. EDDINGTON:

So anyway -- okay, thank you.

(*Laughter*)

LEG. GREGORY:

Bill, he can't top me.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. We have a corrected *Procedural Motion No. 18-2010 - Authorizing the Special Legislative Committee reviewing the Suffolk County Ethics Commission to administer oaths (Presiding Officer)*. Okay, we need a motion. I'll make the motion, second by Legislator

Stern. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. We have some Procedural Motions, ***No. 20.-2010 - Authorizing funding for Community Support Initiatives (Phase VI) (Presiding Officer).***

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

What is this one?

MR. NOLAN:

This is just updating the resolution.

P.O. LINDSAY:

Okay, okay.

LEG. D'AMARO:

Excuse me. Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

My apologies for interrupting, but what was the last vote? Was it on the bill that Legislator Eddington was discussing?

LEG. MONTANO:

No, a Procedural Motion.

P.O. LINDSAY:

Procedural Motion that Legislator Losquadro objected to that was -- we had corrected.

MR. NOLAN:

The oaths.

D.P.O. VILORIA-FISHER:

The swearing in.

LEG. D'AMARO:

Oh. Well, I apologize, I wasn't -- I did not intend to vote for that bill.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

If there is an opportunity or a possibility of going back just to correct my vote on the record.

LEG. MONTANO:

Yeah, let's reconsider it.

LEG. ROMAINE:

I'll make a motion to reconsider.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

LEG. D'AMARO:

Opposed.

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

No, no, no, no, no.

LEG. MONTANO:

No, you're in favor. You're in favor.

P.O. LINDSAY:

This is to reconsider. This is to reconsider.

*(*Laughter*)*

LEG. D'AMARO:

Not opposed.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. So the bill --

LEG. D'AMARO:

You know, I missed the first time, I don't want to miss again.

P.O. LINDSAY:

The *Procedural Reso* is back before you for reconsideration, *No. 18-2010 - Authorizing the Special Legislative Committee reviewing the Suffolk County Ethics Commission to administer oaths (Presiding Officer)*. Again, I'll make the motion, second by Legislator Stern. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

Okay, CN's, red folder.

Okay, we have *1884-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with renovation to the Old 4th Precinct for general office space or other County use (CP 1641) (County Executive)*.

LEG. KENNEDY:

I'll make a motion for the purposes of discussion, Mr. Chair.

P.O. LINDSAY:

I'll second the motion for purposes of discussion. Go ahead.
I'll recognize you.

LEG. KENNEDY:

Thank you. My only question is why are we looking at this as a CN and not through the committee process?

MR. ZWIRN:

I haven't gotten it in front of me. I know that the District Attorney's Office I think is going to be going in there.

LEG. KENNEDY:

That's been the -- I think the Space Committee, as a matter of fact, determined that well over a year ago, Ben, that it was the DA; in fact, there were several different entities that could have benefitted. Obviously I want to be able to see the District Attorney get into space. My only question is why do we have it as a CN?

MR. ZWIRN:

I think it's just to expedite it so we can get going sooner so they can start putting people in there.

LEG. NOWICK:

How bad could that be?

LEG. KENNEDY:

All right. And we have a plan then kind of in place as far as how things are going to go forward?

MR. ZWIRN:

I think they're going to do some renovations and try to get staff in there as quickly as possible.

LEG. D'AMARO:

If I may, through the Chair. Legislator Kennedy, I'm listening to your dialogue. I sit on the Space Management Committee and I do recall that the District Attorney's Office sent a representative down to speak to this. And there is some urgency in the sense that they are in very tight quarters right now and I would assume that they want to move this just as fast as possible.

LEG. KENNEDY:

Okay. If that's the explanation, then fine. If this gives a 30-day opportunity for something that was more or less ministerial going through committee, then that's why I began with a motion to approve. Is there anything else from the Executive's Office to add? Is that it, Ben; it's just a matter of urgency?

MR. ZWIRN:

Yes, and we're trying to accommodate the District Attorney's Office with respect to that.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second.

MR. LAUBE:

Could you repeat the motion and second again?

P.O. LINDSAY:

Okay, the motion is to approve by Legislator Kennedy and seconded by myself.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Bond Resolution.

P.O. LINDSAY:

And the accompanying Bond Resolution, which would be ***1884A - Bond resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance the planning, engineering, design and construction for renovation of the Old 4th Precinct for general office space or other County use (CP 1641.110 and .310)***, same motion, same second; roll call.

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

LEG. KENNEDY:
Yes.

P.O. LINDSAY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
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.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Although it wasn't in the red folder, we had a Public Hearing earlier on the retirement incentive for the Department of Labor; it's **1892**, it's attached to a hearing notice. Could everybody find it?

1892-10 - Adopting Local Law No. -2010, Amending Local Law Lo. 35-2010 (the 2010 Part A Retirement Incentive Program; Chapter 105, Laws of 2010). Motion to approve by Legislator Losquadro, seconded by Legislator Eddington.

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

I had dialogue with the Labor Department, I understand the reason I have to bring this forward in this fashion because we need to correct some technical language. But the previous resolution that commenced the process, 1724, actually had some very specific language in it, in particular when it came to the Office for the Aging, and I've been contacted by constituents who are in those categories indicating that they were first identified as eligible and now have been denied. Is there anybody from the administration who could explain to us why we're not adhering to that language on that prior resolution?

DIRECTOR NAUGHTON:

Good evening. Eric Naughton, Budget Director. Yes, after reviewing the workload, it was determined that we could not afford to lose those positions because they handle direct caseloads. And to adhere to our backfill of having an 80% savings, we felt that we could not afford to lose those people.

LEG. KENNEDY:

Well, that may be the case, Eric, but I'm looking at the resolution, as a matter of fact, in front of me right now, and as a matter of fact, it is about the only category that actually says, *"Provided further in the Office for the Aging, three Caseworkers, one Senior Caseworker and one Senior Citizen Aide shall be deemed eligible employees."*

DIRECTOR NAUGHTON:

The language meant eligible in the sense that we would take a look at it. And then after the County Exec had reviewed it, because we were doing the targeted incentive, it was then determined that although we had said that we would look at them, we then decided that it would cost us money because we would have to backfill the positions.

LEG. KENNEDY:

So then what is to make me think that this resolution we're going to vote on now presumably won't be the same case?

DIRECTOR NAUGHTON:

I can guarantee you that we will approve every single person in Labor that has applied.

LEG. NOWICK:

It's on the record.

LEG. EDDINGTON:

Trust the man, trust. Come on, trust him.

LEG. KENNEDY:

You know what? I don't want to delay. We're on the very last resolution, I would like to see the Labor resolution go forward.

But then I'd like to have a conversation with you, because to be candid with you, I'm not understanding why I see in plain ink, black-letter, one representation under an adopted resolution and now something that deviates wildly from what was before us.

DIRECTOR NAUGHTON:

That section also mentions that we would also look at Department of Health people and Social Services who are funded. In Social Services we only approved roughly half of the people because it was determined that there were some positions that we could not afford to lose because it would impact services, and in the Health Department we approved roughly 94 out of 111 people just to make sure that services were not impacted.

LEG. KENNEDY:

Again, I'll have this conversation after we conclude.

DIRECTOR NAUGHTON:

Sure thing.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Do we have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Yes, okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. COOPER:

Mr. Chair, if I could just for a moment, before we leave CN's. I just wanted to make a brief statement, that the County Executive has been pushing for months, for months now, for a vote on the sale of the Foley Nursing Home, and I think that there was expectation that he would be bringing a CN before us today. We have all these folks that have been waiting all day for a resolution on this matter. They have been in limbo for months now, they're trying to move on with their lives.

LEG. ROMAINE:

Years.

UNKNOWN AUDIENCE MEMBER:

Years.

Applause

LEG. COOPER:

And I have to say, not that I'm agreeing with this, but for those people that have referred to the County Executive as a bully and as a coward, I think it was disappointing that when he counted heads today and it was clear that he was going to fall far short of the votes needed to pass the resolution to sell Foley, he took the cowardly way out and decided not to move forward with the CN. And these poor folks are left in limbo now until at least the next meeting, who knows when this is going to be resolved. So shame on the County Executive.

Applause

UNKNOWN AUDIENCE MEMBER:

You people can end it right now, right now.

P.O. LINDSAY:

Okay. I'm going to make a motion to lay the following Late Starters on the table, waive the rules and lay the following Late Starters on the table; IR 1885 to Vets & Seniors; 1886 to Health & Human Services; 1887 to Health & Human Services; 1888 to Public Works; 1889 to Health & Human Services; 1890 to Health & Human Services; 1893 to Public Works, and that's it. I made the motion. Do I have second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I'll accept a motion to adjourn.

D.P.O. VILORIA-FISHER:

So moved.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We stand adjourned.

*(*The meeting was adjourned at 6:32 P.M. *)*

{ } - Denotes Spelled Phonetically