

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**Thirteenth Day**

**September 16, 2010**

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

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

**Verbatim Transcript Prepared By:  
Alison Mahoney, Lucia Braaten  
& Denise Weaver - Legislative Aide**

*(\*The meeting was called to order at 9:38 A.M. \*)*

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

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Good morning, Mr. Presiding Officer.

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

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Present.

**LEG. LOSQUADRO:**

Present.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Here.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

Yep.

**LEG. D'AMARO:**  
Here.

**LEG. COOPER:**  
Here.

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

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

**MR. LAUBE:**  
Eighteen.

**P.O. LINDSAY:**  
Okay. If everybody could stand for a salute to the flag led by Legislator Cilmi.

*(\* Salutation\*)*

If you could remain standing, Legislator Cilmi is going to introduce our visiting clergy for the day.

**LEG. CILMI:**  
Thank you. Mr. Presiding Officer, fellow Legislators, Ladies and Gentlemen. Every so often God blesses a community with an individual so special, so caring, so important to the lives of so many. It is my great privilege to introduce one such individual to you today.

Father Rick is the Rector of St. Mark's Episcopal Church in Islip. He has held numerous leadership positions, first in the Diocese of Iowa, and most recently in the Diocese of Long Island. Father Rick is Visiting Priest of St. John's Mission in Oakdale; He is the Dean of the Atlantic Deanery; the Spiritual Director of Long Island Cursillo and the area Chaplain and Fellowship Convenor of the Third Order Society of St. Francis. He is past president and current member of Islip Rotary, a past member of the Islip Chamber of Commerce Board of Directors, and is a member of the Islip School to Business Partnership, among many other things.

More than that, Father Rick is an involved, active member of the Islip community. He is my good friend, someone who I deeply respect, and he's a blessing to the church and to all of Islip. I give you the very Reverend, Richard E. Simpson.

**FATHER SIMPSON:**  
Tom, you make me blush. Let us pray.

Heavenly Father, you call us together to live in community. We ask your blessing on our County and upon this Legislative body. Grant it at all things it may govern with justice and mercy for the welfare and benefit of all your people. All this we ask in your holy name, amen.

**LEG. CILMI:**  
Amen.

*(\* "Amen" said in unison\*)*

**P.O. LINDSAY:**  
Thank you, Father.

**FATHER SIMPSON:**

I like to keep it short.

**P.O. LINDSAY:**

That's good. Short is good, short is good; we like short.

*(\*Laughter\*)*

Okay, if everybody could remain standing for a moment of silence. Former Suffolk County Legislator, Herbert W. Davis, who served in this body from January of 1990 through December of 1995, died on August 25th at the age of 81 after a long illness. While Legislator Davis, in his service in the Legislature, he wrote the County's term limits law, he was a staunch defender of funding for Police and fire issues and accompanied firefighters during the 1995 Pine Barrens wildfires. Herb served with the Yaphank Fire Department and was a long-time County and town fire official.

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

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

I'm going to come around to the podium for the purpose of really an introduction or a recognition.

What's unusual today is we have no proclamations to give out. Although, we do have a number of recognitions for all of our local firefighters and EMS workers in our various districts, our volunteers. And I'm not going to give out a proclamation because I've already given this lady one, but I'd like her to come to the podium. Valerie White, if you could please join, me along with Chief Atkinson from the Sayville Ambulance Company.

Valerie is -- I just want to tell her story because I think it's very indicative of a lot of our volunteers and then some. Valerie is a real estate broker by day and she's an ambulance and an EMT for our Greater Sayville Ambulance Company by night. She serves every Tuesday night, I think she does a 12-hour shift on the ambulance.

This summer they had a call where they picked up a woman in distress, that PD called her. She calmed down, they put her in the ambulance, they're taking her to the hospital on Sunrise Highway, Valerie's filling out all her paperwork and all of a sudden she heard "click, click", looked up, the woman was out of the gurney, removed the restraints, had the back door of the ambulance open. The ambulance is going 65 miles an hour down Sunrise Highway and Valerie gets into a wrestling match with her to prevent her from killing herself and is screaming for the driver to stop the vehicle. They eventually stop the vehicle, Valerie and the patient tumbled out onto the shoulder and they -- actually, the fight continued and Valerie trying to save her life. Eventually the patient broke free, crossed six lanes of Sunrise Highway without getting hit by a car.

But it's quite an unusual story. As a result of this, Valerie was named the EMT, the Emergency Service Worker-of-the-Year by the New York State Fireman's Association. It's the first time in that association's history that they've ever awarded this award to a woman and that they've ever awarded it to an ambulance company volunteer; it usually always goes to a fireman.

So, I wanted to bring Valerie here today and hold her up as a shining example of what our volunteers do for all of our communities above and beyond.

*(\*Applause\*)*

And I would be remiss to say that Valerie comes from a family that serves. Her Dad is a retired Detective from our elite Homicide Squad in the Suffolk County Police Department and he's the Commander of our local VFW, so they come from a family that serves our community.

So I salute Valerie today and, Jamie, who runs our ambulance company that covers four hamlets in my district. They just do a wonderful, wonderful job, all right. Thank you very much. Come on forward, guys.

**(\*Applause & Standing Ovation\*)**

Okay, I said we don't have any proclamations, but Resolution No. 339 of 2001 established a Volunteer Recognition Program for Firefighters and EMS Personnel whereby each Legislator has the opportunity of formally nominating one person in his or her district for their outstanding service to the community as a firefighter or EMS worker.

At today's General Meeting, I will read into the record the names and brief descriptions of each district's designated volunteer. Any presentation or proclamations will be done in each individual district, but if any of the recipients are in the audience, please stand when your name is announced to be recognized. Thank you very much.

From the **1st Legislative District**, Legislator Romaine has nominated **Kathy Hartman**. Not only was Kathy Hartman recognized as Cutchogue Fire Department's EMS Provider-of-the-Year for 2009, but also as their 2009 Firefighter-of-the-Year. Kathy has given 21 years of tireless dedication as a paramedic for the ambulance. She is a composed and quiet leader, educating new EMS providers with her calm demeanor and top-notch skills, elevating the standard of care to its highest. Kathy also volunteers her time and energy in many capacities, including marching in parades, attending training classes to advance her paramedic skills, and has been a long-time member in the Ladies Auxiliary.

From the **2nd District**, Legislator Schneiderman has nominated **Nicole Brooks**. Nicole Brooks of the Flanders Fire Department has been a dedicated and active firefighter. She embodies the spirit of community service every day of the year as she stands ready to protect the lives and homes of her neighbors.

Nicole joined the fire department in November of 2007 and completed her fire school in August, 2008. During this time, to the present date she has been a full-time college student, coached high school soccer and basketball at Mercy High School, along with working and supporting the family deli business. She has been in the top five responders in the fire department for these years. Nicole selflessly gives her time, knowledge and energy into making this community a safer place to live. She is truly worthy of the day's honor and the admiration and gratitude of Suffolk County.

**Legislator Browning's District, Edward Merchant**. Edward Merchant has been a member of the Mastic Beach Ambulance Company since 2009 and has always been an asset to the company. He consistently goes above and beyond what is required of him by stepping up and taking on additional duty shifts on weekends and on overnights to help ensure the community is well protected.

On the morning of August 1st, 2010, Edward Merchant was in Amityville when he came upon a car with flames shooting out of it. He noticed that a person was still inside the vehicle and without hesitation he sprung into action. Edward Merchant was able to pull a man safely from the vehicle just before the car was consumed by flames. In the words of the Chief of the Mastic Beach Ambulance Company, "*Mr. Merchant does not consider himself to be a hero for his actions, but he is the only person who believes that he is not a hero.*"

From **Legislator Muratore's District, John Skippon**. Mr. Skippon has been volunteering in the Farmingville Fire Department since 2003 where he handles about 200 calls per year as EMS Lieutenant. On August 10th, 2010, at a meeting of the Firefighters Association of the State of New York, 75 year-old Mr. Robert Scott starting choking on a piece of food. Mr. Scott could not breath and was losing consciousness. John Skippon rushed to assist and after several applications of the Heimlich Maneuver, John was able to dislodge the obstruction saving Mr. Scott's life.

**Legislator Vilorio-Fisher** has nominated **Raymond Calabrese**. Raymond Calabrese is a 15-year volunteer with the Port Jefferson Fire Department and former Captain of the Patrol and Salvage Company. During his continued tenure with PJFD, Raymond Calabrese has been extremely active in the mission of teaching residents about the dangers of fire, offering informational tours of the department and emphasize fire safety and prevention topics. Hundreds of residents have participated in the program, including many students, teacher, parent and scouting groups. For his efforts to safeguard the public through education, ex-Captain Calabrese earlier this year received the Suffolk County Fire Safety Educators Association Outstanding Fire Safety Educator Award.

From **Legislator Losquadro is Caroline Negus**. Caroline is an EMT in EMS Company No. 5, the Rocky Point Fire Department, and she is very passionate about helping the community. She is dedicated to the community and the fire department at all times of the day when she is called to duty and always does her job with a smile and professionalism. A true volunteer. She has been an EMT for two years and a volunteer with Rocky Point for almost three years.

From **Legislator Eddington's District, Randy Miller**, an East Patchogue resident. Randy Miller is the Hagerman Fire District's Commissioner and South Country Community Ambulance paramedic. He traveled to Haiti with the New York Task Force as a member of the FEMA Urban Search and Rescue team from January 14th to January 24th.

And from my district, **(District #8)**, I've already introduced you to **Valerie White** and told you of her very unique story and her distinctive award.

And now I'm going to turn it over to Legislator Fisher so I can catch my breath.

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

Thanks, Bill. In **Legislator Montano's District**, Legislator Montano has named **John Kenavan**. Ex-Captain John Kenavan has been an active member of the Brentwood Fire Department for over 22 years. His extraordinary commitment to serving the residents of the Brentwood and North Bay Shore community is evidenced not only by his years of active service as a volunteer firefighter, but by his other outstanding accomplishments. He entered the department in 1978 and served every rank as Company Officer from Captain, 1st Lieutenant, 2nd Lieutenant, Secretary and Treasurer. While serving these line officer positions, he was also an active member of the Wanderer's Band and led the band as New York State champions for several years.

Ex-Captain Kenavan was also active in the Tiger's Drill Team and the departmental softball team. He is currently in charge of the department's CPR Program; it has trained over 200 firefighters in life-saving CPR. He has completed numerous County and State training programs ranging from Firefighter I to Heavy Rescue and Building Construction.

**Legislator Cilmi** has nominated **Thomas Connors** and **Eric Surbito**. Thomas J. Connors and Eric Sorbito helped to save Alice Benedict from a fire. Ms. Benedict, 74, was overcome by smoke on the second floor of the two-story convent where she resided after fire smoke-out -- oh, is it Sister Benedict?

#### **LEG. CILMI:**

(Nodded head yes).

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

Oh, thank you. Pardon me, that was Sister Benedict was overcome by smoke on the second floor of the two-story convent where she resided after fire broke out in the chapel. As the convent was located on the campus of a hospital, the hospital security guards -- including Connors, 52, and Surbito, 28 -- were alerted. They immediately responded and learned that Benedict was inside.

Connors and Surbito, who was also a full-time firefighter for another municipality, broke through a door to enter, but dense smoke precluded visibility and, unable to breath, they exited for air. Reentering, Connors heard Benedict call out for help as he advanced toward the second floor. Surbito reentered the building and joined him. They proceeded to the second story where they found Sister Benedict on the floor. The men took her to the stairway and down to the first floor where they met arriving firefighters. Sister Benedict was taken to the hospital where she was treated for smoke inhalation. She fully recovered thanks to Thomas Connors and Eric Surbito who themselves received hospital treatment for inhaling smoke and have also recovered.

**Legislator Kennedy** has submitted the names of **Terry Gross-Stubing** and **William Brown**. Terry Gross is a pediatric nurse practitioner and CPR instructor who has held several positions in the Commack Volunteer Ambulance Corp. Over her 25 years with the organization, Terry was at a barbecue July 11th, 2010 when a child stopped breathing. A bystander, Mark Singer, had spotted Ethan Kampel, age four, at the bottom of the swimming pool and dove in after him. Singer brought Ethan to Terry and another nurse in attendance. They found Ethan had no pulse and was not breathing and commenced CPR, eventually restoring Ethan's breathing. The child was transported by the East Northport/Northport Fire Department to Huntington Hospital. Because of his rescuers' efforts, Ethan is alive today.

William Brown responded to a car fire on his way back to the firehouse. He rushed to the car and saw a man trapped in it. He quickly cut the motorist out of the car before it became engulfed with flames. William Brown has been part of the Nesconset Fire Department since 1994. He is an ex-Captain and currently is part of Ladder Company -- of the Ladder Company in Nesconset.

**Legislator Nowick has named William Howard**. Chief Howard has been a member of the department for 31 years and is presently in his third term as Chief. Chief Howard and his department have the responsibility of protecting the citizens and property of Nissequoque, providing emergency medical services, technical rescue as well as providing first response. This past year has been extremely challenging for Chief Howard. While undergoing his own battle with cancer at Sloan Kettering in New York City, he continued his efforts to secure Federal and State grants that will benefit the department and the community for many years to come.

In addition, he has been successful in obtaining Electronic Prehospital Care Report, EPCR, computerized tablets which allow ambulance workers to record needed medical information electronically which will allow hospital workers quicker access to vital signs and medical histories to expedite treatment of the patient. Chief Howard is adept at training the members on the use of extraction tools so that each one is prepared when an emergency occurs and can be confident in his preparation for any situation. While the community of Nissequoque is proud of each of their fire department members, as the head of the department, Legislator Nowick is honored to bestow this recognition on Chief Howard.

**Legislator Horsley has named Christine Manzi**. Third Assistant Chief, Christine Manzi, of the West Babylon Fire Department is the first woman to achieve the rank of Chief in West Babylon as well as the entire Town of Babylon; I like that, two women firsts today. Chief Manzi has been a member of the fire department for more than 15 years, starting in the West Babylon Fire Department's Youth Corps Program. She was Captain for four years and Lieutenant of Truck 4 before being elected to the Chief's position. Christine is an extraordinary woman who is a role model for everyone. In addition to serving as Chief, she is also a school teacher in the West

Babylon School District and the proud mother of a one-year old; busy woman.

**Legislator Gregory** has submitted the name of **Jeffrey Allen**. Jeffrey Allen is an emergency medical technician with the Wyandanch/Wheatley Heights Ambulance Corps. He began with the Wyandanch/Wheatley Heights Ambulance Corps over 15 years ago, but left to pursue his education and career. He returned to the ambulance corps two years ago and since then he has dedicated many hours of volunteering with the department, providing emergency medical services. In addition to which -- he is riding in the ambulance, he has offered his professional knowledge of information technology to assist the ambulance corps in implementing technology as an additional resource to providing patient care.

**Legislator Stern has nominated John McKenna**. John McKenna is a 38-year active member of Greenlawn Fire Department. He is a firefighter and EMT who is consistently one of the top responders, responding to an incredible number of alarms annually; 738 alarms through August of this year alone. He has been an EMT for 30 years and is the backbone of the department's daytime medical response efforts. John served briefly as a Lieutenant of the department's Columbia Hook and Ladder Company in the early 80's and has performed the role of department Chaplain since 1985. He is a two-time Rescue Responder-of-the-Year for the Greenlawn Fire Department, as well as the department's Firefighter-of-the-Year award in 1984.

John is a highly respected member of the department and community who is known for his good humor, compassion, love of all things Irish, and his fondness for a good tale about alarms past. He has contributed a lifetime of dedicated service and has been an invaluable member of the Greenlawn Fire Department for nearly four decades, as well as a tremendous friend to the people of Greenlawn.

**Legislator D'Amaro has named** Alexander (sic) **Aleksandra Klimas**, I'm going to read this phonetically, {Mickalouscis}; **MiKalauskas**, excuse me, as District 17 Volunteer Firefighter EMS Worker-of-the-Year. A life-long North Babylon resident, Aleksa joined the North Babylon Fire Company in 2006 as a volunteer firefighter and quickly began making her mark. Did I say Alexander earlier? I should have said Aleksandra, sorry. Began making her mark on the community as she was named Probationary Firefighter-of-the-Year. She earned her EMT certification in 2006 and her EMT Critical Care Certification just two years later.

Aleksa responded to 685 alarms last year and received the department's prestigious Top Responder Award for her efforts. She was honored with the Town of Babylon Fireman's Association Commendation for Life-Saving efforts for being a member of the crew that revived an elderly patient who had gone into cardiac arrest. An active community volunteer, Aleksa goes out into the schools to teach fire prevention classes to elementary school children. Aleksa is a member of the department's Fire Prevention Committee and a member-at-large on the board of the Suffolk County Volunteer Firefighter's Burn Center Fund. Fire company representatives describe her as "superb."

**Legislator Cooper has named Dr. Lehti Laas Ramos**. Dr. Lehti Laas Ramos is a 14-year volunteer and currently serves on the Board of Directors at the Huntington Community First-Aid Squad. A Huntington Station resident since childhood, in 2008, Lehti cofounded "Huntington Station Happy Helpers" whose mission is to strengthen community relations by encouraging others to take pride in Huntington Station by participating in beautifying events in their neighborhood.

Congratulations to everyone.

**P.O. LINDSAY:**

Thank you very much, Legislator Viloría-Fisher, for helping me. But I know we have some of the firefighters and the ambulance workers, our volunteers in the audience. The ones that are here, would you please stand up?

(\*Numerous volunteers stood up\*)

(\*Applause\*)

There you go. Thank you very much. And we all -- we owe you a debt of gratitude from your community.

Okay, I just have one more announcement. Today at 12:30 is the infamous Legislative picture. So please, nobody disappear and please cooperate and we'll try and get it done quickly.

I believe, and I hate to say this, that we have a short agenda today.

**MR. LAUBE:**

No, you jinxed us.

**P.O. LINDSAY:**

So I'm looking forward to maybe an early dismissal; we'll see.

**LEG. D'AMARO:**

That's it, you put the whammy on it.

**P.O. LINDSAY:**

Okay, Public Portion. First up is Jackie Selva. Jackie Selva?

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

Jackie, please press the button on the bottom and keep your finger on it.

**MS. SELVA:**

Okay. Good morning. My name is Jackie Selva. I'm a lifelong resident of Suffolk County in the Town of Bay Shore, the Islip School District, and I'm here to ask you to please all vote in favor of a new law that will restrict the access of our children under the age of 21 to deal with pawnshops.

The reason for that is I have an 18 year-old son, and my son is a heroin addict. And one morning I had a particularly special meeting that I had to attend at work and I went to get a gold necklace out of my jewelry box, only to find that my son had stolen every piece of gold jewelry that I owned and had pawned this jewelry at local pawnshops for quick cash for heroin. My son ultimately admitted to me that he had done this, and I quickly learned, from speaking with him and many other families, that this is a pervasive problem in Suffolk County. The kids don't have jobs. Heroin addiction is pervasive, it's an epidemic in Suffolk County. And the kids need anywhere from 50 to \$100 a day to support their habits. They're not getting it from jobs, they're not getting it from their parents' wallets, which are already thin from the economy. They're getting it from the jewelry from mom and dad, their siblings, their grandparents, and taking it to pawnshops and getting quick cash.

In Suffolk County -- I'm sorry. I also wanted to tell you about another mother in Suffolk County whom I learned of from Joye Brown at Newsday. This mother's son, the same thing; stole jewelry from her, took it to local pawnshops, had suffered a heroin overdose and died. And that mother, at the day of her son's funeral after the funeral was over, went to the local pawnshops and passed the mass cards out for her son, to all of the local pawnshops.

Heroin is an epidemic. It's devastating our youth, it's devastating families in Suffolk County. We were smart enough in this County to restrict the access of cigarettes to the age of 21 and under; you can't buy cigarettes in Suffolk County unless you're under (sic) 21. You can't -- excuse me, I'm very nervous right now, sorry. You can't buy alcohol in Suffolk County unless you're under (sic) 21. And so, likewise, our youth should not be able to quickly go to pawnshops, sell jewelry that they've

stolen from their parents, or even their own personal possessions such as their X-Boxes and their video games, because my son did that, too. His X-Box disappeared, the games disappeared, his Mac computer disappeared; everything was sold at local pawnshops and all of the money was used for heroin.

And so, what I want to do is implore all of you, our Legislators, our representatives, to step up and protect our youth. As we protected them from cigarettes and we protect them from alcohol, please protect them from getting this quick cash to use for heroin and other drug addiction. Will this particular law solve the heroin problem in Suffolk County? No, it will not. It will provide a deterrent from getting that cash in the kids' hands that they can use for the substance abuse. Thank you very much.

**P.O. LINDSAY:**

Thank you very much for coming today. Richard Amper.

**MR. AMPER:**

Good morning. I just want to speak briefly on 1835. We have not resolved the lot coverage issue on TDR farmland; I'd ask the Legislature to do this. The administration has not been responsive. I must tell you that Joe Gergela at the Farm Bureau has been very understanding and has worked very cooperatively.

What we had asked is that the Agriculture and Environment Committee control just the waiver portion. The administration is right, where you have land restriction laws there needs to be a waiver procedure, but we think that should not be left in the hands of the industry and they indicated a willingness to put that in front of the Agriculture and Environmental Committee. But as it turns out, in the draft it's only to ratify what the Farm Commission does itself, and we've really described this as though BP could grant waivers for off-shore drilling, waivers of regulation; that's just not proper. But we're close, and if the Legislature would simply take the role, which it appears to be willing to take as a ratifier and make it a terminator; that would help solve part of the problem.

The other missing component is that while it is essential that there be a waiver provision, this is very unusual in that there is no criteria established for how one obtains a waiver. This is a very significant matter. It is as though Old MacDonald had a farm and he can go to the farm committee and increase his lot coverage on land from which the public has purchased the development rights merely by saying E-I-E-I-O. I mean, there needs to be some criteria. Joe Gergela and I worked feverishly back and forth on drafts and made those suggestions to the administration and neither Commissioner Gallagher nor Mr. Isles accepted that. I wish this body would, in fact, amend this to include those provisions, it's the last obstacle to our capacity to accept the proposal. Otherwise, we do need to oppose it.

I'd also want to add that there is a limitation on small farms. I know that's in Ag and Markets, but I don't think that this Legislature should restrict a PDR program to farms more than seven acres. The five west end towns have these small farms and most of them only the small farms, and I think they deserve the same protection that occurs with the larger properties out east.

And then finally, I'll conclude, there's a technical flaw that dooms this legislation, it has been given a Negative Declaration under the State Environmental Quality Review Act. That can't be. This is not a minor administrative tweak, it's the rewriting of the regulations that deal with farming in this County and it needs to have a Positive Dec. It's been given a Type II Action and I just -- that won't pass muster in terms of State Environmental Law. In addition, the new laws will have a profound effect on the voters who supported the PDR program. They don't expect to see that land developed and so it's important that we get this right.

We've been through this for close to two-and-a-half years. Let's get this wrapped up. This Legislature can make minor adjustments and we can all go home happy. Thanks very much.

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

Thank you. Mike DePaoli. The clock is running, Mike.

**MR. DePAOLI:**

My name is Mike DePaoli. I'm a homegrown individual from Suffolk County, a Vietnam Vet. I've appeared before the Legislature before.

I'm here to bring to the attention the purpose of my visit here today. Make no mistake about it, I am a write-in candidate for the United States Senate. I'll be on write-in candidate ballot.

Hopefully, we the people will have the choice this November.

My point in being here today is that we have a United State's Senator that's been appointed in New York State and only partially representative of the views of the State of New York. And that moreover, the rights of the people now to elect a candidate of their choice for that term as being appointed from a former Governor, or present Governor-elect.

Article I of the Constitution of the United States is free speech; it gives us that opportunity to be here. And I want to thank and congratulate all members of this Legislature for giving me the opportunity to be here, and the men and women in uniform who are dying in Afghanistan and Iraq and are paying the ultimate price so that we the people on Election Day will have the opportunity to use the power of the pen. And nothing would be more than apropos than this year's term because we have new voting booths. We have an opportunity now to void out any candidate that's on that ballot and we the people have the right to take this pen and elect the Presiding Officer, if we want, for any office, any member in this Legislature, Legislative body or from members of the audience. We the people have the right to take back our government.

And as an example, I'll just read into the record the following: *"Write-in candidates, we the people can still use the power of our pens. Write-in candidates, our possibility for change in this year's elections. But can the Tea Party and the public ascribe to it?"* Yes, but there is a potential problem. The candidate that we write-in just may win, and then what? For example, in New York, what would happen if I write in the name of Steve Levy for Governor and Ed Mangano for Lieutenant Governor, and they just happen to get enough votes in November's write-in election time to bring the change so badly needed to clean-up dysfunctional Albany? Will the people really get the real and truthful change we want? Maybe we should give it a try. Mike DePaoli, write-in candidate for United State's Senate for New York. We the people, with the power of our pens --

**P.O. LINDSAY:**

Mike, you're out of time.

**MR. DePAOLI:**

We the people, with the power of our pens, can really take back our government if we want to. Are we ready? Perhaps, if the media gives us the equal time permitted under Federal and State law to do so. But will they? I thank this Legislature for its time.

**P.O. LINDSAY:**

Charlie Scheer.

**MR. SCHEER:**

Good morning. I'm Charlie Scheer, I'm past President of Long Island Farm Bureau. I'm here representing Long Island Farm Bureau to indicate our support of 1835, the amendment of Chapter 8.

This legislation has -- proposed legislation has been reviewed for the past couple of years. We've had very good stakeholder input. I think we have a very solid piece of legislation. Long Island Farm Bureau supports the legislation. We've worked very hard on getting this. It's a much needed amendment to the legislation, as a lot of the regulations now in here will give the Suffolk County Select Farm Committee more opportunity to enforce the regulations that are presently in the law.

So I would encourage all Legislators to please consider voting for this legislation, it's much needed. We've spent a long time getting to this point and now is the time to move it on. Thank you very much. And help the Presiding Officer and keep it short and sweet.

**P.O. LINDSAY:**

Thank you very much, Charlie. Kenneth Schmitt?

**MR. SCHMITT:**

Good morning.

**MR. STRAUSS:**

You have to hold your finger on button.

**MR. SCHMITT:**

Good morning. Can you hear me now?

**P.O. LINDSAY:**

Yes.

**MR. SCHMITT:**

Okay. Good morning. I currently serve as Chairman of the Suffolk County Farmland and Agricultural Protection Board. I'm talking on behalf of Resolution 1835. Basically, what I'm about to say is exactly what Charlie Scheer has just said before me. I've seen the program change over the years. The need for change and this change is basically going to keep the program going in perpetuity as originally established.

I'd also like to talk on Resolution 1695, which is the inclusion of parcels into agricultural -- existing agricultural districts. The protection board is the committee that reviews all the parcels to be included, and with careful scrutiny we follow State guidelines for recommending inclusion of these parcels. I recommend that 1695 also be adopted as proposed.

**P.O. LINDSAY:**

Thank you very much, Mr. Schmitt. There is no questions under this portion, but Legislator Viloría-Fisher wants the prerogative of the Chair.

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

Thank you. Thank you, both you and Charlie, for being here from the Farm Bureau. I just want to mention that I saw Joe Gergela yesterday. As we know, Joe has been very, very ill, and he was heroically going to try to make it here today and I said he really didn't need to. But please send him our regards, wish him our best and we're glad that he's out of the hospital, up and around and healing.

**MR. SCHMITT:**

Thank you.

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

Thank you, Bill.

**P.O. LINDSAY:**

Pete Quinn.

**MR. QUINN:**

Good morning, members of the Legislature. First let me applaud you for your courageous stand on the John Foley Hospital. I think over the past few years you've demonstrated that you are caring individuals and you want to not only keep the patients there preserved as long as possible, but preserving the jobs of 250 employees there as well; in contrast to what the County Executive wants to do, either to close the facility or turn it over to a private sector company.

But secondly, on the budget, I'm concerned that the 150 policemen that are being recruited to replace some of those who will retire doesn't reflect on how government works, on who negotiates those contracts. We have the County Executive naming an individual to negotiate and yet the -- by comparison to what happens to Civil Service workers or nurses, John Foley, the salaries are inflated. We have rookie policemen who after five years, as I understand it, can receive maximum pay. They're able to retire in 20 years, and that so destroys the ability of you, as Legislators, to function in making decisions about who gets paid what; very disturbing. And in particular, if we looked at the relationship between a teacher's salary, which has been resonating for the last couple of years as though it were off the board; in contrast, we only need to look at yesterday's Newsday to see what the arrangements were for several top officers to receive over \$600,000.

I'm reminded that EJ McMahon of the Empire Institute in Albany, a conservative business group, has repeatedly called for a cap on school districts' money at 2% or even freezing them. It's time you looked at and had somebody representing the taxpayers, and I wonder sometimes where the Tea Partiers are when it comes to cop pay and our tax dollars.

It seems to me prudent for you to reexamine the way these 150 police officers will be paid. Let them start off with a reduced salary and work their way up over a period of years, the same way teachers do, and we'll begin to see more money available for the kinds of services this County chooses to provide. Thank you.

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

Thank you, Peter.

**P.O. LINDSAY:**

I don't mean to enter into a dialogue because it is -- but the starting police salary for cadets went down \$11,000 in this latest contract that was received from the arbitrator.

**MR. QUINN:**

Thank you.

**P.O. LINDSAY:**

Marge Rizzolo? It's actually Rizzolo, Marge. Rizzolo, no? I'll put it aside, maybe you're in the back. It's to talk about John J. Foley. Rosalie Carlson? Rosalie Carlson, no? Stephen Searl.

**MR. SEARL:**

Good morning, members of the Legislature. My name is Stephen Searl, I'm Project Manager with Peconic Land Trust and I'm here to urge you to approve IR 1835, amending Chapter 8.

The Peconic Land Trust has spent over two-and-a-half years working with Suffolk County Director of Planning, Tom Isles, the Long Island Farm Bureau, farmers, local municipalities and other stakeholders in revising this legislation. The result is the evolution of the County's Purchase of Development Rights Program, the first of its kind in the country, into the first 21st Century. These amendments strengthen the program's core purpose, to conserve working farms and the business of

farming, and they clarify the policies and procedures necessary to administer and enforce this program.

When we conserve viable farms and farmland, we're also protecting our natural resources, particularly soil and water; we're sustaining our local agricultural and tourist economy; we're producing local food and agricultural products that contribute to the well-being of County residents; and we're preserving our agricultural heritage. By voting for IR 1835 today, you are ensuring the continued success of the farm and Farmland Protection Program and helping secure a future for agriculture in Suffolk County. Thank you so much for your time.

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

Thank you, Stephen.

**P.O. LINDSAY:**

John Halsey.

**MR. HALSEY:**

Good morning. Can you hear me here? Good morning. I'm going to try not to be too redundant. I'm President of the Peconic Land Trust. But I want to say on behalf of the Trust, its board, staff and thousands of supporters in Suffolk County, we would like to express our support in -- for the IR 1835, to amend Chapter 8 as it is.

As you know, Suffolk County was the first in this nation to establish a Purchase of Development Rights Program; one that has been emulated throughout the country. Chapter 8 amendments will strengthen the expressed purpose of this program, to conserve working farms and assure that the business of farming continues to play a vital role in the County's economy.

I want to add, though, that the Trust is also very supportive of the use of Suffolk County funds to protect properties like the Marion Carll Farm, and similar smaller properties. However, we strongly urge that you consider such properties outside the scope of a Chapter 8 legislation and the County's Purchase of Development Rights Program. The purpose of Chapter 8 is to conserve and protect active farmland and to ensure that the business of farming will continue to play its vital role in the County's economy. Projects like the Marion Carll Farm and smaller agricultural pieces, however, serve more of an open space and historic preservation purpose. While no less important to our local communities and our sense of place, they should be funded through other County acquisition programs, and we will strongly support those efforts to acquire and protect those properties.

So in conclusion, the Trust urges you to support IR 1835 today as it is before you. Your vote will ensure the continued success of the Farm and Farmland Protection Program which, in turn, will help to sustain an important part of the County's economy, as well as our agricultural heritage for generations to come. Thank you very much.

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

Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Halsey.

We've been joined by Councilwoman Bridget Fleming from Southampton. Is the Councilwoman in the auditorium? You just gave me the card and said she was here. Okay. Michael Girardo. Michael Girardo? Please come forward, Michael.

**MR. GIRARDO:**

Good morning, Legislators. I'm here to speak on the Huntington Town Police Substation. And I'm here, once again, to remind this Legislature about the grassley axiom that when you reward illegality you're going to get more of it.

The Huntington Town substation will not solve the crime problem in Suffolk County. It's only going to move it from Huntington Station to some other community, and where it's going to wind up nobody knows. The Town of Huntington caused this problem back in 2000. When they opened up the illegal immigrant hiring hall, they welcomed the illegal immigrants into their community. They also welcomed the gangs like MS-13 into their community, and that's why Suffolk County taxpayers, all of them, are going to have to pay for a Suffolk County Substation in Huntington Station. It's not solving the problem, it's going to move it to somebody else's community.

The Suffolk County Legislature had the ability several years ago to start solving this problem. This is sweeping the problem under the rug. When Legislator Beedenbender proposed the law against contractors who hired the illegals, this Legislature turned that down. That's what brings the illegals to the community. And when the illegals come to the community, the gangs are there to follow them.

So this substation in Huntington Station is not going to solve any problem, it's just going to move it to somebody else's community. And I'll be here to remind you about that grassley axiom once again, that when you reward illegality you're going to get more of it. Thank you.

**P.O. LINDSAY:**

Again, Mr. Girardo, I don't mean to enter into a dialogue, but you're wrong; this Legislature passed that bill.

**MR. GIRARDO:**

Well, I still see contractors being hired.

**P.O. LINDSAY:**

No comment. No comments. But you're wrong, the bill was passed.

**MR. GIRARDO:**

I didn't see it.

**P.O. LINDSAY:**

It looks like Alyson Smith; is that right, Alyson Smith?

**MS. SMITH:**

Alyse Smith.

**P.O. LINDSAY:**

Alyse Smith? I'm sorry.

**MS. SMITH:**

Hi. My name is Alyse Smith and I'm representing John J. Foley.

**P.O. LINDSAY:**

Tim, help her.

**MS. SMITH:**

That's my home and that's where I want to be. And I'm hoping that you will take the -- the Legislature will pass the thing to save it, and that's for all. Thank you.

**P.O. LINDSAY:**

Thank you very much, Alyse.

*(\*Applause\*)*

I understand we've been joined now by Councilwoman Bridget Fleming?

**COUNCILWOMAN FLEMING:**

Thank you, Mr. Lindsay. I apologize that I wasn't in the room.

**LEG. LOSQUADRO:**

You have to hold the button down. You'll see the light light up. You have to hold it down.

**P.O. LINDSAY:**

Hold it. There you go. Push to talk.

**COUNCILWOMAN FLEMING:**

So you can tell that I -- the reason why I am out there, I was looking at the agenda. You could tell that I haven't been in this particular building before; sorry about that.

I'm here in support of Legislator Schneiderman's efforts to override the County Executive's veto with regard to the homeless sex offender problem, which we, at the moment in the Town of Southampton, are bearing 100%. I thank those of you who supported the underlying legislation. Those votes were votes in support of basic fairness as well as safety for all of our communities.

It is absolutely unacceptable that a community that contributes 10% of the population that we're talking about is required to bear 100% of the burden. Our communities are up-in-arms about it, as you can well imagine. And I would ask you to consider, once again, that vote in fairness, basic fairness, and the understanding that it is unacceptable to ask us to bear the whole burden for something that the whole County should bear. Thank you very much for your time, and I look forward to your vote.

**P.O. LINDSAY:**

Thank you, Councilwoman.

Kathleen Yirinec? Tim, maybe you could assist there?

**MS. YIRINEC:**

Hello. My name is Kathleen Yirinec and I am speaking for --

**P.O. LINDSAY:**

Hold on.

**MR. LAUBE:**

Do you want to come to this one here? I will hold it down for you.

**MS. YIRINEC:**

Hello. My name is Kathleen Yirinec and I am speaking about John J. Foley. In the year 2001, I suffered a stroke and I was in a coma for five-and-a-half months. While in the coma, I was transferred from one hospital to another for various pieces of equipment or tests. If my mother had not stayed with me, I would not have survived because each of the hospitals at one time or another wanted to pull the plug.

My entire coma lasted five-and-a-half months and I awoke at Brookhaven Hospital. I did not recognize my parents who eagerly awaited my awakening. I also forgot my name and everything about myself. I do remember the drive to John J. Foley. I was in an ambulance and I saw my parents as they followed in their car. I honestly believe that my time at John J. Foley is why I've recovered as well as I have to date.

I couldn't lie flat so I received water therapy to loosen my muscles. I wasn't able to speak so I received speech therapy; my being here and speaking should indicate how well that went. I received physical therapy and worked on my ability to walk; I am still working on walking. I had to undergo surgery for two knee replacements and have rehabilitated my knees; I am presently awaiting hip replacement and back surgery. Again, these surgeries are serious, but I have learned to have faith in my doctors and rehabilitation staff.

I believe I will be able to walk out of Foley and onto a prosperous and rewarding life. I also plan to keep in touch with the many friends I have made at Foley, patients and staff, and I am grateful to have been there as long as I have.

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

Thank you.

**P.O. LINDSAY:**

Thank you very much, Kathleen. I apologize about the struggle to get the mike comfortable for you.

**MS. YIRINEC:**

Oh, that's fine.

*(\*Applause\*)*

**P.O. LINDSAY:**

Kenneth McDermott.

**MR. McDERMOTT:**

How do you do?

**MR. GRAVANO:**

Just hold that button down.

**MR. McDERMOTT:**

Hold it the whole time? I'm Irish, I can't do that.

Ladies and gentlemen, my name is Kenny McDermott and I reside at John J. Foley. This is the third time you'll be hearing this speech, so I'm going to try to make it clever.

I don't see us on the agenda today, so I don't know if -- this is the Foley issue, by the way. I don't know if this thing is dead in committee or out of committee; I mean, it's a long time since eleventh grade, I don't know how it works. I don't know if you're allowed to comment, but we continued to respond to support the anti -- in other words, we want to keep the place open. And, you know, we go from meeting to meeting not knowing what is going to be, you know? And it's a problem for other people. I'm getting out, I know that. It's a long road to even get out, you know, it's hard to get out. But there are people that have nowhere to go, literally nowhere to go. And their people, if they're adults, their mother and father, 70 years old, 75 years old, come into this facility, you know. But it's a safe place and it's a good place and it's a clean place and it's very well maintained, you know.

So, all joking aside, I wish that we would fish or cut bait, as my grandmother would say, and get rid of this issue and kill it. Because while we're not on the physical agenda today, we might still be on Mr. Levy's agenda. So I thank you for listening. And if I come the fourth time, you're not going to like what I've got to say. Have a great day.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you, Mr. McDermott, for coming today. Just to give you an update, the bill is tabled in committee. It still could be subject to a Certificate of Necessity by the County Executive at any time. So that's the status of it. Wayne Wachter.

**MR. WACHTER:**

Good morning. My name is Wayne Wachter. I'm also here from John J. Foley and they want to send it into private practice, and that would be wrong. Because the service that the patients, the residents there receive would actually be cut. You look into a lot of the private nursing homes that are out there, nursing facilities there are out there, and you see that they are vastly understaffed; Then that would end up happening at John J. Foley. As it is, we are partially -- pretty much understaffed, we'd be cut down even more.

The place has done a lot for me. I'm going to get use of my leg back, I'm going to be out of there. But my friend was here ten years ago, I'm here now. In the future, who knows, it could be another friend, it could be a relative, it could be one of your relatives that need this place. We can't go private; if we go private, we lose a lot of care, we lose a lot of recovery. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you very much. Bonnie Hubbard? Bonnie Hubbard.

**MS. HUBBARD:**

I don't need the microphone, I've got a big mouth.

**P.O. LINDSAY:**

No, you need the microphone.

**MS. HUBBARD:**

Hi. My name is Bonnie, B-O-N-N-I-E, as across the sea; and Hubbard, H-U-B-B as Old Mother Hubbard. All right. I've been representing the J.J. Foley, I hope you can -- I hope you can convince Steve Foley (sic) not to sell it, because I was in Pilgrim and I prefer J. Foley, they have much better food and it's nice and clean and I love that place, but I have no place to go, though. So I hope you can convince him, tell him don't sell it. Thank you very much.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you very much. Ken Martinson.

**MR. MARTINSON:**

Since you heard from my dear friends, I, too, live at John J. Foley. And if it hadn't been for the staff and the people working there, I don't know if I'd be here today. Now, I've said that before, but as the Chairman mentioned, it's in committee, we don't know the outcome. We're wondering where we would go. It would take some time. Further, I don't think a non-for-profit organization such as John J. Foley really was to make profit. It's overly simplistic, I realize, but I just wanted to

put that in the committee's hands, so to speak.

Further, would you want -- it's the only facility in Suffolk County, it's the only place we have. I hope that you put that in consideration, too. It's not like you have a lot of nursing homes here, you only have one. It would only take a little bit, as Newsday pointed out, to -- if you needed more money, to raise it; it would be much less. But anyway, I hope that you give that some consideration. Thank you.

**P.O. LINDSAY:**

Thank you very much, sir.

*(\*Applause\*)*

Lorre Williamson. Lorre is followed by Barry Barone.

**MS. WILLIAMSON:**

Hello, my name is Lorre Williamson. And I am speaking to take and save John J. Foley where I met my boyfriend who I will eventually marry. He had a heart attack last year and he was told by a doctor that he would not be able to walk, and it's due to the people at PT that he is walking. And we want to keep John J. Foley County and not sell it.

I suffered from DKA last year, and it's due to the wonderful people at John J. Foley that I'm able to keep my blood sugars under better control. And I have friends who I consider family who can't even come today to speak on their own behalf, and they're wanting to keep it County, too, because they don't want to see the people that they've come to trust with their medical needs and activity and social needs to lose their jobs and benefits. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you very much, Lorre. Barry Barone. Tim, do you have the portable mike?

**MR. BARONE:**

It's on?

**MR. LAUBE:**

It's on.

**MR. BARONE:**

I'm speaking to save John J. Foley. I had two strokes and I'm wheelchair bound. If not for the friends I made here, I would have no friends at all. I don't remember. I don't remember.

**P.O. LINDSAY:**

It's okay, Barry. You made your point. You made your point. We got it, we got it, all right? Good job.

*(\*Applause\*)*

Nancy Dallaire.

**MS. DALLAIRE:**

Good morning. Thank you for hearing us again today about John J. Foley. But since the August 17th Public Hearing, some serious allegations have been brought to light and possible misconducts that should be investigated before this resolution should be considered.

In a letter to the Legislators alleging misconducts, it struck me the way that this facility does not receive the respect that it deserves. The letter mentioned that the County has had to bend to fit this 24-hour, seven-day a week facility into its 9 to 5 operation. Anyone who would say that needs to spend an afternoon at John J. Foley to see the destruction from dementia or Alzheimer's; 9 to 5 does not exist.

We cannot forget that the residents at John J. Foley pay their way. They do not receive a free lunch. The same cannot be said for the neighbors at John J. Foley who do receive the free lunch; they also receive clothes and a new pair of shoes. I cannot keep silent and allow this injustice to take place in our own backyards. I've been at John J. Foley for four years. I've seen growth and improvement. Unfortunately, we have lost many of the dedicated employees who are responsible for the John J. Foley that's the quality home and excellent example of healthcare that it should be recognized for. But we still have dedicated workers who are focused on improving the operations and correcting the past mistakes.

The Suffolk County Department of Health's mission is to protect and improve the quality for the well-being of the general public. What does the Suffolk County Department of Health recommend? Has the New York State Department of Health approved the transfer of these services? The residents have become a community that consists of diverse backgrounds that require several services from different departments. A cooperation must be made of all our departments to deliver these essential health services.

Although I'm angry about the past mismanagement at John J. Foley, and there must be an investigation into the gross misconduct, we must also continue to work on a potential that is growing and allow this County to benefit from all the improvements and the upgrades that are being made to this facility. Our residents and taxpayers deserve to know the truth. We should invest that time to look into all alternatives before allowing the sale of this County facility and sacrificing these vital services. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Thank you. Dot Kerrigan.

**MS. KERRIGAN:**

Good morning, Ladies and Gentlemen. Good morning, Presiding Officer and Honorable Legislators. My name is Dorothy Kerrigan. I'm here today representing the union and to talk a bit about the budget.

AME's Executive Board and its auditors have thoroughly reviewed Mr. Levy's statistics and we have determined his continual inadequacy of yet another annual budget and its direct correlation to the health and safety of its own County workforce. It's one thing to develop a budget strategy that entails the possibility of layoffs, however, it is quite another to threaten to compromise public health and safety by telling County employees they're in harm's way, generating immeasurable panic and distress to the entire population of Suffolk County. When government staff decreases, the services provided also decreases or is put in harm's way.

Suffolk County taxpayers deserve a budget that exemplifies leadership and compassion, not fear and anxiety. Mr. Levy, as the chief provider of County public services, must recognize it is time to inform and protect, not confuse and divide. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Okay, that concludes my cards. I still -- I had two cards earlier. Marge Rizzolo; did she rejoin us, by chance? I don't see her. Rosalie Carlson; did she rejoin us? Neither one, okay.

Seeing nobody else, is there anybody else in the audience that would like to talk to us? Please come forward.

**MS. OGNO:**

I did fill out a card. My name is Linda Ogno, I work for John J. Foley. I've been a proud worker for 22 years, I'm a wife, mother and grandmother.

**UNKNOWN AUDIENCE MEMBER:**

Grandmother most of all.

**MS. OGNO:**

To those of you who missed maybe at the Health Committee, we had a man come in, I just want to tell you a little story. His name is George Barnes. He was a disabled Vietnam Veteran and a lifelong resident of Mastic Beach. He has a son, Christopher Barnes; U.S. citizen, born at St. Charles Hospital, married in New York City, currently 37, he has a seven-year old son. He's currently a resident in Jacob Neurological Center River Hospital in Sawbridge, England.

On April 21st, 2005, Chris, while jogging in Holland Park in London, suffered cardiac arrest. Brain imaging showed severe brain injury secondary to cardiac arrest. Chris remains completely dependent on nursing care for all his needs and is doubly incontinent. He remains in a vegetative state, unable to respond to command, move any parts of his limbs or body, cannot speak, has been diagnosed with blindness and the doctors state that he can only hear sounds and can only see light.

This was over five years ago. He was married at the time with a one-and-a-half year old son. Coincidentally, this entire tragedy occurred when his step-mom and I were flying to London to spend vacation with him and his family. It was almost simultaneously that he collapsed from running; they never got to see him. When they got to see him, he was in an induced coma. Chris was a male model working in Europe and a stellar athlete, graduated from SUNY Albany. He was in Men's Health Magazine, coincidentally, three months before this tragedy. He never smoked, drank, and was believed to be in perfect physical and mental health.

These people have been working very hard over the past year or so to find a facility that would accept Chris as a resident as it became an extreme hardship for them to continue to travel back and forth to England to see him. They were hoping to bring Chris home to his brothers and sisters, his mother and dad and all of his other family members and friends. They were turned down by four private facilities in Suffolk County and one in Queens. It appears that the reasons for his rejection was based primarily upon several factors; his age, the length of his illness, the magnitude of his illness, simply not being technically equipped to care for his needs or to manage his needs.

He went to Foley, met with the administrator and his staff to discuss Chris. He was pleasantly received and given a tour of the facility, its features, accommodations and met several members of the staff. We would accept Chris. He's been in four facilities in England and he's regressed and his chances are, unfortunately, very slim. They look forward to and are anxious to bring Chris home. John J Foley, quite frankly, is their only hope. It is on behalf of the family and its most humble plea that we urge to keep this facility a County nursing home, managed and operated by experienced, scaled County staff.

I've read this because this is what John J Foley is all about, And this is our responsibility, as taxpayers, as County-voted people that have to listen to what we want. Nobody wants this facility closed or sold. And this is what we're about. Thank you.

(\* Applause \*)

**P.O. LINDSAY:**

Thank you very much. Is there anyone else in the audience who would like to address us? Yes, please come forward and identify yourself.

**MS. HEITLEBAND:**

My name is Debbie Heitleband. I have been a County employee for 27 years, a union rep for 23. I would like to -- I'd like you to take into consideration the fact that we have 200 to 250 people if this place is sold, the John J. Foley; if it is sold, these people can end up on unemployment lines. Our Medicaid costs would go up, your social service costs would go up. Also, take into consideration the patients who have very, very well care in this facility. Why would we want to solve the problems of Suffolk County on disabled people because this could be any of us? Thank you.

(\* Applause \*)

**P.O. LINDSAY:**

Thank you very much. Is there anybody else in the audience that would like to address us? Seeing none, I'll accept a motion to close the public portion. Motion by Legislator Eddington.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga. All in favor? Opposed? Abstentions? We stand -- the public portion is closed.

**MR. LAUBE:**

Seventeen (\*\***ACTUAL VOTE:** Fifteen - Not Present: Legislators Browning, Losquadro & Kennedy).

**P.O. LINDSAY:**

I would ask any Legislators that aren't in the auditorium to join us, we're about to start the agenda. First I'll accept a motion on the Consent Calendar.

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

So moved.

**LEG. ROMAINE:**

So moved.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher, seconded by Legislator Montano, was it?

**LEG. MONTANO:**

No, Romaine.

**P.O. LINDSAY:**

Romaine, okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (\*\***ACTUAL VOTE:** Seventeen - Not Present: Legislator Browning).

**P.O. LINDSAY:**

We stand -- Consent Calendar's accepted.

I'm going -- I understand that there's some people from Brookhaven National Labs that are hanging around for Resolution 1890, it's on page seven, the bottom, under **Health & Human Services**. I'm going to make a motion --

**LEG. ROMAINE:**  
Motion.

**P.O. LINDSAY:**  
-- to take 1890 out of order. Seconded by Legislator Romaine.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**  
Did you call the vote?

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**  
Seventeen. Eighteen.

**MR. LAUBE:**  
No, eighteen, all present.

**P.O. LINDSAY:**  
Okay, the motion has passed to take it out of order.

**LEG. ROMAINE:**  
Motion.

**P.O. LINDSAY:**  
So 1890 is before us. ***1890-10 - Authorizing the completion of the Brookhaven National Laboratory Environmental Cleanup on County Parkland (Robert Cushman Murphy Park).*** (Co. Exec.) Motion by Legislator Romaine, seconded by Legislator Vilorina-Fisher. On the question, is there any discussion? Seeing none, all in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Eighteen.

**LEG. ROMAINE:**  
Would the Clerk please list me as a cosponsor?

**P.O. LINDSAY:**  
I thought they might want to do that.

**D.P.O. VILORIA-FISHER:**  
Me, too.

**P.O. LINDSAY:**  
Okay, back to our regular agenda.

**LEG. SCHNEIDERMAN:**

Tim, cosponsor.

**P.O. LINDSAY:**

Okay, we'll go to page six, [Resolutions Tabled to September 16th, 2010:](#)

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

**LEG. COOPER:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Cooper.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1408-10 - Adopting Local Law No. -2010, A Charter Law to increase Legislative oversight of RFP process (Romaine).***

**LEG. ROMAINE:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Romaine, I'll second that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1559-10 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Police Department (Range Officer I)(County Executive).***

**LEG. COOPER:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Cooper, second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

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

**LEG. KENNEDY:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Kennedy.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

1606A is moot, the Bond, the accompanying Bond, because the controlling resolution was tabled.

*IR 1710-10 - Adopting Local Law No. -2010, A Charter Law to implement a one-year rolling debt policy in 2011 under 5-25-5 Law to mitigate budgetary shortfall (County Executive).*

**LEG. ROMAINE:**

Motion to table.

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to table. Motion to approve by Legislator Cooper. Do I have a second to either motion?

**LEG. KENNEDY:**

Second to table.

**LEG. D'AMARO:**

I'll second the approval motion.

**P.O. LINDSAY:**

Approval.

**LEG. KENNEDY:**

Second on the tabling.

**P.O. LINDSAY:**

And second on the table; do you have that, Tim?

**MR. LAUBE:**

Yes, I do.

**P.O. LINDSAY:**

Okay. Any discussion? Legislator Romaine.

**LEG. ROMAINE:**

The reason I'm moving to table this, again, we're looking to suspend pay-as-you-go. We're looking to go deeper into debt for small items. This is for 2011. We've already agreed to this for 2010, as we have for the last five years. Why don't we give this some time and vote on this after the Operating Budget is decided. Could we have money for pay-as-you-go? Sure, we could. There's fees, impact fees that we're collecting that could be used for that purpose, for example.

So I would prefer not to rush into this policy. Certainly, I think this would be more timely and certainly ripe for consideration in December after the Operating Budget was adopted for 2011, we could then make a determination whether we want to go with pay-as-you-go or if we want to go into debt for small little items. As you can remember, I think, the classic one was when the administration brought forward a bill for \$4,000 for Gabreski Airport that they wanted to bond. So, I mean, we're going to have situations like this with this adoption of this policy.

What I would say to my colleagues; whether you're for or against this, why don't we wait and this will be before us at the first meeting in December. By that time, or the last meeting in November, by that time we'll have the Operating Budget that we will have adopted for 2011. For us to make a rush to judgement, for us to throw in the towel in terms of containing debt, for us to give willful play to more debt is not, I think, the right thing to do at this time. It may be the right thing, we all may come to that conclusion after the Operating Budget, that we have no option, that even the small and tiny items have to be bonded out. But until that time, until that decision is upon us, why rush into this at this time? So my motion to table stands, sir.

**P.O. LINDSAY:**

Okay. Before I go to anybody else, I had some questions that might clarify this issue of Budget Review, if you would permit me.

Gail, I mean, it's one thing to adopt a policy, but if you don't have the money to pay for it, I mean, that's the issue. And I know we did the Capital Budget already and there was no -- don't we usually, I mean, in a normal year have pay-go money in the Capital as well?

**MS. VIZZINI:**

There is a correlation, certainly, between the Operating Budget, that's where you have to provide the cash. The 2011 adopted Capital does not include pay-go. However, Legislator Romaine makes several good points; one is probably by the end of this week we will have the 2011 Operating Budget and we will be deliberating. You mentioned we don't have the money so we probably should wait it as well. We can wait, we can wait and see what's included. It is a more cost effective way of paying for things, albeit it is a long-term, cost effective approach.

**P.O. LINDSAY:**

But what confuses me, and it's information that I just learned this morning -- and I don't know whether it's true because I don't have the budget yet to look at it -- but somebody told me, which really is confusing to me, that the County Executive, in his version of the budget, put a million dollars in the budget for pay-go, which is totally contradictory to this resolution to waive it. So, I mean, I don't understand --

**LEG. MONTANO:**

So let's table it.

**P.O. LINDSAY:**

You know, I don't understand it until I see the budget. Legislator Cooper, I just learned this information this morning. You know, I know we're going to be scratching for every dollar, but if that's true --

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

(Inaudible).

**P.O. LINDSAY:**

No, Legislator Cooper made a motion to approve.

**LEG. COOPER:**

Considering that, I'll withdraw my motion to approve and I'll support the tabling motion.

**P.O. LINDSAY:**

Okay, okay. So, we have a motion to table. And you know, I don't know whether -- once we get the budget, we'll see what's in it, you know? I have a motion to table and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, page seven, *Budget & Finance:*

*1849-10 - Amending 2009 Lag Payroll Program to ensure equity for affected employees (Presiding Officer).* And I'll make a motion on that.

**LEG. GREGORY:**

Second.

**P.O. LINDSAY:**

Second by Legislator DuWayne Gregory. And for the edification of my colleagues, what this bill simply does is anybody that participated in the lag payroll last year is guaranteed that the money they put in they'll get out. We've had a few instances where people have been demoted since they participated in the lag payroll, and the way it stands now, they would get less money when they leave the County than they had taken out, which is just plain wrong. I mean, it only effects very few people. I have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1869-10 - Amending the 2010 Operating Budget and appropriating funds in connection with bonding a settlement for a bus liability case (County Executive).*

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Gregory.

**LEG. D'AMARO:**

Second.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro.

**LEG. MONTANO:**

What's the amount on this again? If I may.

**MR. NOLAN:**

Three fifty.

**LEG. MONTANO:**

Okay.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

On the accompanying Bond resolution, 1869 A, same motion, same second; roll call.

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

**LEG. GREGORY:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, *Consumer Protection:*

*1753-10 - Adopting Local Law No. -2010, A Local Law to safeguard the integrity of sales made at precious metal and gem exchanges (Barraga).*

**LEG. COOPER:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Cooper.

**LEG. BARRAGA:**

Motion the approve.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Barraga, second to the approval by Legislator Cilmi.

**LEG. EDDINGTON:**

Second to table.

**P.O. LINDSAY:**

And Legislator Eddington, second to table. On the question; anybody want to talk on it? Legislator Barraga.

**LEG. BARRAGA:**

Thank you very much. First of all, I'd like to thank Jacqueline Selva for testifying on this particular subject this morning. It takes a great deal of courage for someone under those circumstances to come forward and go public on this particular issue, because it affects their family and obviously going public, people become aware of what the situation is in that particular family.

This particular bill is very narrow and specific in its intent. It raises the age from 18 to 21 for a person to sell personal property to a metal and gem exchange dealer, also known by most of us as a pawn broker. It does not prohibit a pawn broker from dealing with someone who's under the age of 21 if that person provides a letter from their guardian or parent which has been notarized; that's an improvement in the existing law. Because right now someone could go in there with a letter and say it's from your parent or your guardian, but there's no notarization, so it would be notarized. So we're raising the age from 18 to 21, and in the case of dealing with someone under the age of 21, the letter has to be notarized. That's all the bill does.

The history of this particular piece of legislation. A number of constituents -- in fact, quite a few in the last week since there's been quite a bit of publicity associated with this particular bill -- have come forward and they have been in the same situation as Jacqueline where they have sons or daughters, someone in the family, who are addicts. In most cases they're heroin addicts and they're desperate for the next fix, and they've been stealing property from their own parents. The parents become aware of it, but what Jacqueline did not indicate, and I will, in almost every case the parents do not notify the police of the theft, and the reason is it's their son or daughter. I mean, there's enough grief in their lives right now dealing with someone who's an addict, they don't want to compound it in their own minds by reporting the theft and reporting their own children as being the thieves.

And what they've asked us to do is that in many cases these young people, even though they might be 18 years of age, go to a local pawn shop, get easy cash, easy cash, and go out and spend that money on additional heroin. What the parents are asking us to do is to make it more difficult for these children to get these dollars by shutting down this easy source of income.

Now, I don't know a great deal about metal and jewelry exchanges, pawn brokers, so there's always two sides to every story. So I reached out to a number of pawn brokers, they phoned me. I actually spent some time in a pawn brokerage speaking to the owners and, you know, every industry has its unique problems, believe me. I was specifically dealing with this particular issue. A number of the more established firms have already raised their age to 21, and I wanted to make sure that I understood why they did it.

In speaking to one or two of these brokers, they told me, *"We did it because we don't need the aggravation."* Because in many cases these 18 year-olds come in, and they're pretty good salesmen and they buy the jewelry only to have a week later the parents coming in begging them to sell their jewelry back to them. And the brokers have to sit and listen to the entire tale; what's going on in their families, the stress, the anxiety. And as one pawnbroker told me, *"I don't need the grief. We're better off just raising it to 21."* And he says, *"Your bill's a step in the right direction. At least I'm able to do business now when somebody comes in with a notarized letter."* But they have a lot of different areas of concern. I mean, as one pointed out to me, you know, *"We're not very highly regarded as a profession, but we have our problems."* And they started to bring out to me a number of issues where they'd like to see legislation, which has nothing to do with this particular bill.

I mean, as a sideline, one of the contentions is that, you know, *"We're also a victim because this is not age-related. But at some point if that jewelry, using that as an example, is impounded by the police and you go to court, often the Judge turns around and says to us, as brokers, "Well, you may be out two or \$3,000, but tough. You're in this kind of a business, just take the loss," or the Judge may order the perpetrator to pay the broker back. In one case, the broker was out \$3,000, the Judge ordered that the perpetrator pay the broker back at a rate of \$28 a month, which would take 10 years. And he said, "Tom, I gave up after two or three months phoning this guy, I'm never going to get the money back."* What those fellas are looking for is some sort of a safe, harmless reserve fund so that when this does happen to them, they get some sort of reimbursement back. But that's another issue, has nothing to do with this particular bill, all right.

This bill is not going to make it easier for parents to get their jewelry back, I understand that and they understand that. All they want is to make sure this easy source of funding is shut down, and that's all the bill does. I said, well, you know -- and I said this to the pawnbroker, *"What prevents them from, like, just going to Nassau County?"* He said, *"Tom, when they come in here, they haven't got two nickels to rub together, you know?"* Off the record, he's telling me that, *"We had some people come in on bicycles."* They've got nothing and they shouldn't have anything because this is why they're stealing this stuff.

So it's a problem. I've had at least a dozen families contact me, none of them want to go public, she was the only one who would. But, you know, I think it's an avenue that we have to deal with and make every effort to shut this down as an easy method of getting cash to buy drugs. This is not going to have any effect on the use of heroin. It's just going to make it more difficult for these to get people to get the dollars to buy the heroin. That's the only intent of the bill.

**P.O. LINDSAY:**

Legislator Eddington?

**LEG. EDDINGTON:**

Yes, I guess I'm in a new position. I think I'm going to be to the right of Legislator Barraga on this issue.

*(\*Laughter\*)*

I'm upset when I hear rights being taken away. We have servicemen that are 18 and women that are 18 and 19 and 20 fighting and dying overseas and we're going to take away some rights from them. Talk a about big brother or big government; this is the perfect example of that.

And I understand the problem. I have had parents come to me that have had property taken and stolen, but I don't think legislation is the answer. This is a clear example of where education is really more important. Even the unfortunate mom said this will have no impact on heroin, and even the brokers have said it won't help the parents get the jewelry back. All it does is take some rights away from young people. And I've had young people tell me that, you know, a young woman told me that she had a number of boyfriends over her years and she sold jewelry, their old jewelry to get Christmas presents one year. So I think there's a lot of unintended consequences.

And to restrict the rights of 18 and 19 -- and I know I hear the argument, *"Well, they're not allowed to drink and they can't smoke."* Well, you know what, then don't draft or don't enlist anybody then. I want people that are 18 and 19 and 20 to have personal responsibility and maybe that's the way we have to go. Teach them better responsibility and do more prevention in the schools rather than just keep passing legislation that feels good and looks good, but really will do nothing. And I really think it's a false sense of security. If you want to do something, put millions of dollars into drug prevention. Just hiring more people and passing laws isn't the answer. Put a social worker in every school and let them do drug prevention and you will see a change in the drug problem. But

this talking and this type of stuff is wrong and taking rights away from American citizens is absolutely wrong. I'll be tabling this.

**P.O. LINDSAY:**

Legislator Cooper.

**LEG. COOPER:**

I agree with the points that were just raised by Legislator Eddington, but I wanted to add a couple more thoughts. Practically, I just don't see this having much impact. I know it's well intended by the sponsor, but if you have a 20 year-old addict and if he's prohibited now from going to a pawn broker and selling the jewelry that he stole from his parents, he'll just give it to a 21 year-old friend and that friend will go to the pawn broker and sell it, or he'll find an adult to act as intermediary. So it's not so much going to Nassau County, he can still go to the same pawn broker but he'll just use a friend or an adult.

Number two, I'm concerned that it might have in the unintended consequence. If this addict cannot take the easy route and steal from his parents, he might have to resort to robbing an old lady down the block or breaking into a home and stealing from them, and it could lead to more violent crime in the community and put not just others at risk but him at greater risk. So if this addict is going to steal, he's going to steal. I'm not saying I'd rather that he steal from his family than from strangers, but that maybe what it comes down to. I'm concerned that practically it won't have any impact because he'll be able to just pass the stolen goods along to an intermediary that's a little bit older and they'll in turn sell it.

And I do believe that ultimately the answer lies in education. That's certainly a longer term solution, but I don't think that this is going to have any real impact. Again, it's well intended. I applaud the sponsor for taking on this issue, but I don't believe this is the answer, with all due respect.

**P.O. LINDSAY:**

Legislator Cilmi.

**LEG. CILMI:**

Thank you. Just on a couple of issues. First of all, to speak just briefly to Legislator Eddington's remarks with regard to freedoms and taking away freedoms and such. While it's true that we have those under the age of 21 serving overseas, we do, to some extent, take away some of their freedom when we say to them, for example, that you can't drink until you are 21 years of age. So that's just one example of something that's sort of refutes what Legislator Eddington said.

On the other side, it's been said that this won't solve the problem, and I would agree that this won't solve any problem. It was said when I sponsored a bill to prohibit the sale of drinking games to minors that it wouldn't solve the underage drinking problem, but it's a step in the right direction as opposed to a step in the wrong direction. This is a step in the right direction as opposed to a step in the wrong direction. This hopefully will go a little way to preventing this problem that's been happening. It won't solve the problem. I don't think there's been any problem in the eight months or so that I've sat on this body. There have been very few, if any, problems that have single solutions, but this is part of a solution. I'm happy to be a co-sponsor of it and I look forward to passing it today. Thank you.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Thank you. Just very briefly. I voted against this bill in committee and I just -- and I will support a tabling. I will not support the bill in its present form. And I just wanted to put on the record, number one, to Legislator Cilmi, I don't believe that this bill will solve a problem; I actually believe that it will create a worse problem. What we will have -- what we have now is that if a young man or woman takes jewelry from their home and takes it to a pawnshop to buy heroin, that's a problem we should address. But what we're creating here is a scenario where if we take -- if we pass this bill, what we're creating, in my opinion, and I know a lot about this subject, I won't go into it, you know, certain communities have been dealing with this issue way before it became an issue here in certain communities, so we have experience with this. But the bottom line is you're going to create a whole new class of unlicensed pawn dealers, fences. Because what they will simply do is if they can't take the jewelry directly to the pawn shop, they will take it to some kid over the age of 21, some young man, who will then give them ten cents on the dollar and then take that jewelry or give them a \$10 bag of heroin for whatever piece of jewelry we're talking about and then take that jewelry to the pawn shop or to the gem dealer and sell it outright.

So this creates -- this, in my opinion, doesn't solve anything. It is well intended legislation. And I have told the sponsor that if there were certain changes to make this a more meaningful bill with aspects that would attack the problem head on, that I would be more than happy to lend support. But the bill in its current form, while well intended -- and I applaud the mother who came forward, you know, to bring forward the plight that is affecting communities in Long Island in terms of heroin addiction. But the reality is that this is very -- to use the word simplistic, but is very simple legislation that does not -- has a great purpose but, in essence, in my opinion, is meaningless in terms of attempting to solve a very serious problem.

I agree with Legislator Eddington that we need more money for drug programs. We need more counselors, we need to attack this problem head on. This component is one small aspect of the overall drug problem. But let's not create a situation that's worse than something that's already there when we can do more comprehensive, meaningful legislation if we simply take our time, table this, go back to the drawing board, meet with some of the industry people and write in some legislation that protects the pawn shop dealer and also solves the problem. And one way of doing it might be to put a monetary cap on items that can be sold. Because it's very clear, if a kid comes in with a two-carat -- if an 18 year-old comes in with a two-carat diamond ring to pawn, you don't have to be a rocket scientist to know that there's a problem. And if he comes in next week with a string of pearls, you know that there's an issue there. And that information should be transferred directly to the Police Department so that maybe then it can go to the school, whichever way you want to deal with it. But we need to sit down, take our time, look at this objectively, get some input and come back with a comprehensive bill. I support the tabling.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

With reference to taking away the rights of an 18, 19 or 20-year old; in many cases, these are people who have committed a crime. They're in there with stolen merchandise. And, in essence, you're not taking the rights away from these people who are legitimate, because the bill specifically says if you are 18, 19 or 20 and you want to do business, bring a letter from your guardian or your parent that's been notarized and that broker can do business with you if he wishes to do business with you. So it isn't as if you're, you know, taking away these rights. In many cases, these people are coming in with thousands of dollars worth of jewelry and it's stolen, it's stolen.

The idea of -- the other aspect, too, with reference to if you don't go the pawn broker, now you go to your drug dealer or somebody else and he gives you ten cents on the dollar for whatever you're selling and then he turns around and goes to the pawn broker. Just remember, when he goes into that pawn broker, he has to give photo ID. At the end of the day, his photo ID and whatever he has sold to that pawnbroker winds up in the Police Headquarters in Yaphank. That dealer doesn't know whether or not your parent has reported the theft or not, he's not going to be aware of that. So he's not going to be too eager to run in with stolen jewelry that he knows has been a theft and provide that kind of information to the broker knowing at the end of the day it goes to the Police Department; and if he does it often enough, they're going to nail him.

So I don't think this is a great infringement upon anyone. It's an avenue that still for younger people to do business legitimately, but at the same time it gives the brokers some options here that, you know, they don't need the grief and aggravation associated with this to begin with. I'd like to see the bill passed. Thank you.

**P.O. LINDSAY:**

Okay, I think everybody has spoken. I just want to share my thoughts on the whole thing. It's such a troubling subject. I guess, for the last four or five years, myself and Legislator Nowick have sat on a task force that's called AWARE. It was started in the high schools, but it -- the Police Department participates in it, the Health Department, health professionals, parents, kids, about this whole heroin problem. And in the debate that we were just having, you just brought to mind some really disturbing facts.

Once a kid gets addicted, there isn't enough juvenile detoxification beds in our area. The parents have no place to take the kids, which is a major, major problem. And God, I sympathize with the poor mother that had the guts to come here and talk about her problem and her son, and I know she doesn't want her son arrested and she doesn't want to report that is he's a thief. The sad thing is if she had him arrested that's how he can get help, because once he's in custody he goes into treatment and they lock him up so he can't get drugs and that whole thought process is just so screwed up.

*(\*The Following was Taken and Transcribed by  
Lucia Braaten - Court Stenographer\*)*

I think I tend to agree with Legislator Eddington. We have to as a community, and I'm not just talking about the responsibility on the County, by the County, and the State and the towns, somehow we have to pool our resources and have more treatment facilities for our young people that fall into this epidemic. And we have to -- I mean, some of the school districts we've been working for, one in particular, has a drug treatment counselor in every one of their high schools, which is a sad state of affairs, but they say it's very productive. That with -- they've hired dogs. The campuses are strictly drug-free and they go through with the dogs, and if they find any drugs on the campus, they call the cops and have the kids arrested, you know. It's really, really tough love. But I don't know whether that's a solution; Tom proposes a solution. All I know is it's a real disturbing problem. And DuWayne Gregory.

**LEG. NOWICK:**

Bill, I just want to ask some questions.

**P.O. LINDSAY:**

Legislator Nowick, do you want to ask a question of my statement first?

**LEG. NOWICK:**

No, no.

**P.O. LINDSAY:**

Okay, okay. Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. I applaud the efforts of the sponsor. I think the heroin situation here, in Suffolk County in particular, is very troubling, so I applaud you for your efforts to address this issue. But, as Legislator Montano had eluded to, there are some communities that have been dealing with this issue for a while, and I don't think that's a secret. I know particularly in one community in my district in Wyandanch, we have people going into homes stealing copper out of vacant homes to feed their addiction to drugs and I think this bill doesn't address that. You know, it addresses those internal home thefts, but it doesn't address, and I think it could, the overall aspect of the drug problem.

Just last night at a committee that I put together in my district, I call it my Citizens Advisory Committee, and I have a representative from each hamlet within my district, and we got into an hour-long discussion about crime in the community, in the various communities. And as we're talking about this issue and how police presence and all this stuff is not there, one of the members of my committee got a phone call and said, "I called the cops just 30 minutes ago, there was a home invasion." She saw the guy in the house stealing jewelry, he walked out with a T.V. It took the police 45 minutes to get there. So my point being is that there are people that have addictions, and not just stealing from their parents and family, they're going into, as Legislator Cooper or someone else had eluded to earlier, they go into their neighbor's homes or other communities to feed their addiction to get the monies. So if there's a way that we can implement in your legislation, somehow we can address that, I think it would be a more effective bill. I don't know your thoughts on that. So maybe if we could table your bill, give some thought to that, I think it would be a more comprehensive approach. Thank you.

**P.O. LINDSAY:**

Legislator Nowick.

**LEG. NOWICK:**

A question for Legislator Barraga. Did you say that when someone goes to a pawn shop that it goes -- at the end of the day the pawn shop has to report that to the Police Department?

**LEG. BARRAGA:**

Correct, regardless of age.

**LEG. NOWICK:**

My question is, and I don't know if you know the answer to this, but does the Police Department track this? So, in other words, is somebody vigilant in saying, "Well, we have a track on the screen, Johnny Joe came in 14 times? Are they tracking it? Is it --

**LEG. BARRAGA:**

The answer is --

**LEG. NOWICK:**

Are they vigilant?

**LEG. BARRAGA:**

The answer is yes, they do track. And that's the point I was trying to make with reference to maybe the drug dealer going in and trying to sell this stuff to a broker, because, all of a sudden, if John Barraga, the drug dealer, he's showing up four, five, six, eight times, so they're aware that something is going on here. The problem the police have in this particular instance, there's no reporting of the theft of jewelry. So, when the description comes through at the end of the day,

along with the seller and the description of the jewelry, they may become familiar with the seller, but not necessarily the jewelry, because it's never been reported to them by the parent, because the parents will not report theft because it's their own kids. So all they've got to go by, in answer to your question, they'll start recognizing the name Barraga, Barraga, Barraga, and they'll say, "All right, this guy, you know, there's something going on here."

**LEG. NOWICK:**

Well, that was my questions, because you did really get my attention when you said that. And I understand where my colleagues are coming from about taking away rights, but I also understand that this heroin opiate addiction is absolutely epidemic. And while I don't like to take away anybody's rights, in my own home, if I saw -- when my daughters were younger, if they were doing something they weren't supposed to be doing, or driving a car while drinking, I would take away their rights in a New York minute. So I really don't have a big problem with taking away the rights of a heroin dealer or maybe an abuser, only because maybe there's a way to get them help.

The other night on T.V. on Sunday night, I turned on -- I kept flipping through the stations and there was a show, Stand Up For Cancer. Well, you know what, we in Suffolk County have shown that we are standing up to prevent heroin abuse. And although maybe sometimes we over-govern, I'll do anything it takes, and when you tell me that the police are monitoring this, you have convinced me that this is possibly a good idea.

**P.O. LINDSAY:**

Okay. Anybody else?

**LEG. KENNEDY:**

Bill.

**P.O. LINDSAY:**

Oh, I'm sorry, Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I think I'm going to try to be atypically brief on this one.

*(\*Laughter\*)*

I am a sponsor of it. I have had the misfortune as one of the things that I've worked on out of my office for the past six years to deal with an explosion of heroin and opiate drug use throughout my Legislative District. We are grappling and wrestling with trying to deal with one of the most fundamental of human issues and problems and that's the issue of addiction. And every one of us around this horseshoe either knows about it through family experience or constituents, or what have you, and there is no piece of legislation we will ever pass that eliminates or cures addiction. But, as families and people struggle with trying to work through it, I find any kind of limits or guards or stops that can be put into money, which fuels procurement of the substances for addiction, is a good thing, so I'm happy to cosponsor it and support it.

**P.O. LINDSAY:**

Anybody else? Seeing none, we have a motion to table and a motion to approve. Tabling would come first. I'm going to call the roll on it. It seems to be --

**MR. LAUBE:**

Legislator Cooper.

**LEG. NOWICK:**

This is to table?

**P.O. LINDSAY:**

To table.

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

**LEG. COOPER:**

Motion to table.

**LEG. EDDINGTON:**

Yes to table.

**LEG. ROMAINE:**

No to table.

**LEG. SCHNEIDERMAN:**

No to table.

**LEG. BROWNING:**

No.

**LEG. MURATORE:**

No.

**LEG. LOSQUADRO:**

No to table.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. HORSLEY:**

No.

**LEG. GREGORY:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

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

No.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Four.

**P.O. LINDSAY:**

Motion to approve.

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

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

No.

**LEG. MONTANO:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen.

**LEG. NOWICK:**

Tim, cosponsor. Cosponsor.

**LEG. LOSQUADRO:**

Tim, cosponsor.

**LEG. BARRAGA:**

Thank you very much. And it's nice every once in a while to be to the far left of Mr. Eddington.

*(\*Laughter\*)*

**ENVIRONMENT, PLANNING & AGRICULTURE**

**P.O. LINDSAY:**

*J.R. 1695 - Authorizing the inclusion of new parcels into existing certified agricultural districts in the County of Suffolk (Co. Exec.).*

**LEG. ROMAINE:**

Motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. SCHNEIDERMAN:**

Cosponsor, Tim.

**LEG. ROMAINE:**

Tim, cosponsor, please.

**P.O. LINDSAY:**

*1827 - A Local Law adding new invasive non-native plant species to the County's Do Not Sell List (Viloria-Fisher).*

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

Motion.

**P.O. LINDSAY:**

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

**LEG. EDDINGTON:**

Cosponsor.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1835 - A Local Law amending Chapter 8 of the Suffolk County Code (Co. Exec).*

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

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Viloría-Fisher.

**LEG. KENNEDY:**

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

**LEG. NOWICK:**

I'll second that motion.

**P.O. LINDSAY:**

Motion to table by Legislator Kennedy, second by Legislator Nowick. And I'll second the motion to approve on 1835.

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

On the motion, Mr. Chair.

**P.O. LINDSAY:**

On the motion, Legislator Viloría-Fisher.

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

Yes. This morning Mr. Amper made some statements that I think might have caused people to infer something that was not accurate. He mentioned the issue of the waivers and ratifying those waivers by the -- by the EPA Committee, that it was not included in the amendments. And, in fact, the EPA does have the responsibility to ratify any waivers that are made. So I just wanted to put that on the record, that that was -- the implication was incorrect. I had mentioned that to Mr. Amper before he left.

Regarding the issue of small farms, and I think -- I see Mr. Isles here and he can give us better examples than I, regarding the small farms issue, you know, the criteria for the farms are not just on the size of the acreage, but the amount of -- but the productivity of the farms, so it doesn't exclude all farms that are small in size or acreage. Mr. Isles and his Division of Planning have been working on this for two-and-a-half years. They have been very, very responsive and have worked very closely with stakeholders. They've been responsive to our concerns and our comments.

I think this is a document that has been sorely needed for quite a long time, because it codifies many of the practices that have been part and parcel of our Farmland Development Rights Program. It's really important to have all of this outlined for us in very clear language, and I congratulate Mr. Isles for his leadership in this. If there are issues with pieces of the policy that is set forth here, I suggest to my colleagues that you perhaps introduce it as independent legislation at another time. But at this point in time, I believe we should move forward and approve the work that has been done here by the Department. Thank you.

**P.O. LINDSAY:**

Mr. Isles, do you want to comment on anything that Legislator Vilorio-Fisher said.

**MR. ISLES:**

I would, thank you. And I appreciate your time throughout the several hearings that were held on this matter. Just very briefly on the reference to some comments made this morning by Mr. Amper from the Pine Barrens Society, at his request, at the request of the Legislature we have codified lot coverage. We have made a number of changes to try to accommodate all stakeholder groups, 121 changes total. When he made the point that the variances, the relief are only going to the EPA Committee for ratification, that it still gives too much control to the Farmland Committee, the EPA Committee has full control. They can stop it dead in its tracks, not to mention the fact that the process is such that a public hearing is required, every Legislator must be notified, and so forth.

And the last point I wanted to make on that is he made the statement that there's no criteria for relief. In fact, there are criteria. There are five specific criteria that raise a pretty high bar for variance relief, so we think it has been addressed. And then just overall, I know that this has been difficult. I thought this was going to be six months, nine months when we started this process two-and-a-half years ago. And it was very difficult, because we tried to factor in all the many different issues and concerns. This is a major policy of Suffolk County. It's been very successful in protecting farmland. We think this is a needed update. We've got gaps in our current law, including on enforcement, including on the method of purchase that we feel need to be addressed. So here again, we think it's a good law. We would strongly encourage you to support this and vote on this today. And, certainly, any other questions you have, I'll do my best to address those.

**LEG. NOWICK:**

Can I ask a question?

**P.O. LINDSAY:**

Yes, Legislator Nowick.

**LEG. NOWICK:**

Hey, Tom.

**MR. ISLES:**

Hi.

**LEG. NOWICK:**

And, Tom, I could hardly hear you, so I don't know if you're pressing the button. I just wanted to ask you more particularly, how would this affect smaller farms? And I would have to say, in the western districts such as Legislator Kennedy's, myself, I know Legislator Horsley may not have too many, but how does this affect those smaller farms that maybe are not producing up to the criteria that you talked about? Tell me how that affects that.

**MR. ISLES:**

I'd be happy to. There are two ways that smaller farms could come into the program. One is that if a parcel is less than seven acres, which is what the State defines as a farm at the present time, if

a parcel is less than that, it can get into the program, if it's generating at least \$50,000 a year in gross receipts. The other option they have is that if it's part of a larger farm operation. So let's say there's a four-acre farm in a particular community, but it's part of a farm operation that has other lands in other parts of the county or New York State, they could count that income towards that \$50,000, so there are ways to do that.

And if I could just make the point -- two other points in relation to your question. One, at an initiative several years ago by the Environment, Planning and Agriculture Committee, there was additional points given in the County farmland rating form for more higher populated areas of the County, so there is a built-in benefit or bonus for those locations. That's not dealing with the small farm thing per se, but it is giving an advantage for that. I just lost my train of thought. There was a second point I was going to make on this.

**LEG. NOWICK:**

While you're thinking --

**MR. ISLES:**

Okay.

**LEG. NOWICK:**

-- of your train of thought, so if there was a small farm perhaps in one of our districts and it was more a "mom and pop", but they had -- but maybe they had six acres, but they're selling vegetables, it's a farm from -- it's been around for years and years, because they have been, but they're not grossing 50,000, they're not eligible?

**MR. ISLES:**

They would not be eligible, no.

**LEG. NOWICK:**

Okay. Thank you.

**MR. ISLES:**

The other point that I just wanted to add -- the other point I just wanted to add is that we have had farms that have been the smaller farms in the west end, and I think in every case we found a solution to achieve the objective of the County Executive and the Legislature, and one example is the Lewis Oliver Dairy site in the Village of Northport where they went to the Farmland Committee on several occasions, and it just was a small farm, it really didn't meet the program. There was ultimately a solution to use it under a County Park Program with partnership with the Village of Northport and the Town of Huntington and that is now saved and protected.

The other example that I think of is Benner Farm in Setauket where that also had a very strong educational purpose and so forth. We worked out an arrangement to buy the land that was actually being cultivated. The buildings and non-farm uses were cut out of the purchase. In almost every single case I can think of where we've run into those challenge sites, we've been able to find a solution. And I think in that case in the "mom and pop" of six acres, either they could generate the 50, and if they don't, if they tied it into another farm operation. But I'm not going to sugarcoat the point that there is a floor and we are recognizing that.

**LEG. NOWICK:**

I see that.

**MR. ISLES:**

And one point I'd like you to take into consideration is that, you now, the more we lower that bar -- the other side of the coin is that this program is aimed at preserving, in my interpretation of

the legislation going back 30 years, commercial agricultural production in Suffolk County and it has been very successful in that, a national leader in that. One of our concerns is people using this program, not necessarily for farming, for big backyards, for recreational horses. So that \$10,000 a year, set in State Law, which our current code refers to by section, is a way of distinguishing between commercial operations and recreational or leisure operations, so it has importance. And I think the danger, on the other side of the coin, is if there's no standard or a very low standard is we risk bringing properties in that are not commercially farmed, that then potentially reduce the public's confidence in this program in the sense that are you preserving the backyards of the rich? And I'm being extreme to my point and your mom and pop example wouldn't fit into that. But I just wanted you to see the other side of the coin which is we need to preserve -- if the objective of the program is to preserve this industry, to preserve this farmland as commercial farmland, that standard helps to do that and is consistent with State Law.

**LEG. NOWICK:**

So there was just another point that you brought up.

**MR. ISLES:**

Okay.

**LEG. NOWICK:**

For example, a recreational -- and this is not something that I have in my thoughts. I look at a very, very beautiful farm in my district in Head of the Harbor, it's Branglebrink Farms, and it's beautiful, and they're not looking to sell it, so it has nothing to do with it, but I'm looking for an example here. This is a magnificent horse farm, but under this policy, if the family decided, "We just don't want to farm it anymore," it's such a magnificent piece of property, rather than develop it, would that something, because it's recreational, would that be something under this program that the County couldn't consider?

**MR. ISLES:**

It could not consider under this program. Whether it could be considered under another program, if it was going to be for general County parkland purpose is another matter, but under this program, it would not be eligible. The BB & GG Borella Farm, for example, also in that area, is going to the ETRB tomorrow. So that's a location of a western farm that did benefit from the density, population density criteria, and is moving forward. So here again, it's not to say that the door is completely closed, but understanding, yes, there are those that are on the borderline that may be knocked out or may need some other solution, if there's a Legislative intent to do some sort of program or protection.

**LEG. NOWICK:**

Thank you.

**MR. ISLES:**

Thank you.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. And let me begin by acknowledging the work of planning on doing the review for this program, and your work, Madam Chair, with EPA, having facilitated much of the change. I know this legislation started out in a much different form when it began and it's incorporated a variety of different recommendations that have come forward from the farming community. And Director Isles I think hits on something that's most important to keep in mind throughout this, that back in 1973, John Klein and the then stewards of this County were visionary, not just in New York

State, but throughout this whole country, and is why today we have the significant farming presence that we do in our County, because this program helped to rebut the overwhelming drive for increase in property values and to go ahead and to convert to residential or commercial areas what was something that was all over this County when I was a child. In East Northport where I grew up, there was significant cucumber and potato production, even back in the early sixties, and today we would be hard-pressed to find that anywhere, I'd say, probably east of middle Brookhaven.

But my request for a tabling is based on exactly that threshold that we see in Ag and Markets. And I appreciate the conversations that we've had, Tom, as has Mr. Halsey expressed support for the Marion Carll property. And my concerns and my request is not about one specific issue. I am committed to the acquisition and the preservation of Marion Carll, but I am also extremely concerned that I, as a Legislator, would embrace codification of thresholds that would basically preclude any acquisition within my Legislative District going forward, and I truly believe that is not my role. My role is to go ahead and to work with legislation we embrace, not item by item or through exclusion, but to put into place legislation that addresses the difference in our County, from Amityville to Orient and from Cold Spring Harbor all the way out to Montauk. We are different in our concentration of population, our availability of land use, and the better legislation incorporates those differences and allows each and every one of us to bring forward opportunities for preservation.

We want farmland production. We want to support the first commercial use in this country, but we -- well I shouldn't say "we". I don't want to by act ensure that it will never be something that can be supported in the 12th L.D. My tabling is to ask for one session from my colleagues to work on the thresholds. And I don't feel bound by 301 from Ag and Markets, because the State has embraced those thresholds. We in Suffolk County are not the Finger Lakes or Seneca or the north country, we are different, but we should be able to do it so that it works for us and not blindly accept the Ag and Markets thresholds. That's my point. Thank you.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Legislator Kennedy, we had this discussion in EPA and I'm going to make the comments that I made in EPA. And this is not just directed to you, but to the question that Legislator Nowick asked, and that is that this has been the practice for the 35 years of this program. Okay? Legislator Nowick, I just wanted to point out that this isn't being created by 1835, the seven-acre restriction, this has always been our policy.

**LEG. NOWICK:**

This is codifying it, is that --

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

We're putting it in this legislation, but we have always -- it has always been the practice of our program. We have had instances where -- when Tom Isles refers to recreational use, there are people who have wanted to sell us development rights because they basically wanted to make their home an estate and taxpayers would be paying for that, so this protects us against that kind of practice.

If, in fact, Legislator Kennedy, you are committed to protecting the flexibility, I believe what we should do is, and I suggested this to you at EPA, is to introduce a piece of legislation changing that, because I think something that has been our practice for over three decades shouldn't be buried in a large piece of legislation such as this if we are going to amend that practice. I think that it should have full transparency and a full discussion on that particular piece of -- that particular practice.

So I suggest to you that we go ahead and pass this, and if you are committed changing that threshold, and, as I said, I don't agree with that, because I don't believe that we've within forced into anything. I have seen Planning find flexibility, and Tom has certainly given us good examples in which the Planning Division has found that type of flexibility in order to include small farms in our program. Then I suggest introduce legislation. We should have a full discussion, establish where the threshold should be, establish what would create the flexibility. We should have very clear parameters in order to protect how we are using the taxpayers' money in our Farmland Development Program. We just can't take taxpayer money and use it indiscriminately and let it become people's big yards. We have to be very careful that we don't fall into that, that's our fiduciary responsibility. And I would say let's have a full discussion by introducing independent legislation to address this.

**LEG. KENNEDY:**

If I can respond, and I know Legislator Romaine wants to speak on this, too. Please, do not mistake my request for tabling at an opportunity to take a look at those thresholds as a desire to go ahead and facilitate a particular resident's desire to expand their greenery and buffer; nothing could be further from the truth. And I will admit, as a matter of fact, I shared with each one of my colleagues my four or five pages worth of questions regarding this legislation, and, admittedly, I had never worked with the Farmland Preservation Program in my district. But it became apparent to me that in looking at the thresholds, there was a significant bend that was going to be crossed by embracing these limitations in County Code.

Let me also turn to the other point of commerce. Each and every one of us has had the opportunity to go to a farm stand, and there's nothing like being able to buy some fresh tomatoes or cucumbers wherever you are, if you're out east or if it's over on Elwood Road, or anyplace in each one of our towns. But the commerce limitations also are something that I raised as far as a question. And again, I think I understand the desire to have local farmer/merchants vend their local crops, but I am extremely troubled that what we would be doing is, is putting external limitations and parameters on those merchants in a time when we should be promoting the economy and free exercise of commerce. If a farmer chooses to bring in some New Jersey blueberries or some Vermont maple syrup, I find it's beyond what we in County government should be doing when we're talking about facilitating the role of the farmer/merchant. I think it's important that we pull whatever additional modifications can be done in this legislation. And I would say, Madam Chair, if it's been two-and-a-half years in the making, what will the harm of one cycling of tabling be?

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

Well, we've tabled it before. Tom has an answer to --

**MR. ISLES:**

If I could just comment on the issue of commerce. The County Legislature authorized farm stands in 1992, so it was after the program began, and very limited farm stand use, no more than 500 square feet, but it has become a problem. So, on one hand, the County wants to encourage farmers to flourish in their commercial activities. The other side of the coin we have faced is that farm stands on steroids, so to speak, in terms of the sale -- I've gone to farm stands where they've sold porcelain products from Portugal, sold bananas and pineapples, and things of that nature, and they've gotten out of hand, quite frankly, in terms of not only the alienation of the County's interest, that the County bought this for the preservation of farming, not for the idea of creating a store on the property, per se, and some of these have actually evolved into that, but they've also become disruptive to their neighbors. We've had a recent case of that with testimony to this body. And then, thirdly, they've become an issue of competition with other businesses that are established in the community that are set up in business zones. It's been one of the most difficult things we've had to wrestle with as farm stands. And let me point out, for example, the Town of Southold does not allow farm stand on any of their Town PDR property.

In this case, property owners have two options. They can cut out from the purchase that area that they want to do intensive retailing and not touch the County's program at all, or the second alternative is this program allows the sale of products grown on that operation, allows up to 40% of other sales by area from other farms in -- on Long Island to support this industry on Long Island and it does stop there. So we have vetted this over and over again, here again, with the stakeholders you've heard of, including the Long Island Farm Bureau, the industry group. We think we've achieved a balance whereby we're not overwhelming the neighborhood, overwhelming the farm with essentially a commercial operation, a store, yet, supporting the sale of locally grown goods, supporting the farm industry.

So it is a tight walk. Your point of view, I understand, and in a certain innocent sense saying, "Well, why can't we sell blueberries from New Jersey?" It's a slippery slope. And, quite frankly, I've had to deal with some horrible situations, maybe that's too strong of a term, in terms of violations of the County's program that really have gone over the top. So we need what we think is something clear and something that's enforceable that preserves the integrity of the farm interest that we have paid for, Suffolk County taxpayers, that doesn't alienate that interest, but does allow the farmer to operate their day-to-day business. We think we've done that, but I'd like -- you know, here again, I just wanted to share that point, that there's two sides to every coin and that other side of that coin is a pretty severe problem historically.

**P.O. LINDSAY:**  
Legislator Cilmi.

**LEG. CILMI:**

Thank you, Mr. Chairman. Just a quick question to maybe Chairwoman Viloría-Fisher and to Tom Isles. Given the complexity of this issue, and I know this has been before the Legislature, you know, many, many months, and, certainly, you've worked very hard on it, what is the harm in allowing it to be tabled one more cycle so that the Legislature itself could, together with Mr. Isles, deal with Legislator Kennedy's concerns and then we can address it at our next meeting? Is there a harm in waiting one more cycle?

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

The issue I see with waiting one more cycle is that the elements that are being brought forth by Mr. -- by Legislator Kennedy, I don't see that those changes --

**LEG. CILMI:**

Could happen.

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

-- should happen in this -- within the context of 1835. I believe that we need a threshold, a base level of -- to establish our program. It's the practice that we've had -- that's been our practice for over three decades. This legislation isn't changing our practice. If we want to change the practice that has been guided by the Ag and Markets, by the Ag and Markets standards, then I believe that we should treat that as a separate issue, introduce legislation, examine it very carefully, let it stand on its own, because what we're doing is kind of upturning and reversing what we've been doing for over three decades.

As far as the limitations on commerce, you know, we're trying to support and we're going to supermarkets and purchasing produce that says "Grown on Long Island," and, yet, on farms where we have used Suffolk County taxpayer money to buy the development rights, there's a suggestion that we allow the property owners to bring in blueberries from New Jersey instead of grown on Long Island. The reason that we're trying to save these farms is not simply to have a vista or even to save the environmental piece of it, but also to protect our farmers and protect our agricultural heritage. So to me it's counterintuitive to say let's allow them to bring in pottery from Portugal as a

major part of their business.

Another problem with that is that -- and it occurred in my own district where there was a farm stand that had such a variety of goods that the local Chamber of Commerce was saying they're pushed -- they're taking business away from some of our local stores. They're selling the same goods, rather than simply selling what they're growing on their own farm. So I believe that these are good guidelines, this is a good piece of legislation. It articulates the practices that have been part of this program. It protects the program, it protects our taxpayers' investment in the program, and I certainly think it fulfills our fiduciary responsibility. So I don't see that I could support the changes that Legislator Kennedy is looking for. I believe that we should pass this. This has been vetted, it's been discussed, it's been worked on, not only by the professionals in our departments, but by the stakeholders who are directly dealing with this. And if we see changes, then we should pull them out of here and do it a separate legislation. I feel very strongly about that.

**P.O. LINDSAY:**

Okay. Anybody else? Seeing none, we have a motion to table and a second, and a motion to approve, right?

**MR. LAUBE:**

That's correct.

**P.O. LINDSAY:**

Okay. Tabling goes first. Roll call.

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

**LEG. KENNEDY:**

Yes to table.

**LEG. NOWICK:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

No.

**LEG. BROWNING:**

No.

**LEG. MURATORE:**

Yes to table.

**LEG. LOSQUADRO:**

No to table.

**LEG. EDDINGTON:**

No.

**LEG. MONTANO:**

No.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. HORSLEY:**

No.

**LEG. GREGORY:**

No to table.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. COOPER:**

Yes to table.

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

No.

**P.O. LINDSAY:**

No.

**MR. LAUBE:**

Six.

**P.O. LINDSAY:**

Okay. Motion to approve. Roll call.

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

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Pass.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

No.

**LEG. CILMI:**

Yes.

**MR. LAUBE:**

Thirteen.

**P.O. LINDSAY:**

Before I continue with the agenda, the County Attorney has joined us and would like to talk to us in Executive Session about a pending resolution, so I am going to make a motion to go into Executive Session.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

Second by --

**MR. NOLAN:**

Discuss the proposed MTA lawsuit.

**P.O. LINDSAY:**

Yeah. Second by Legislator Cilmi. The subject matter is the proposed MTA --

**LEG. MONTANO:**

Oh, legal issue, yeah.

**P.O. LINDSAY:**

-- lawsuit, the legal issues. Okay? So we have a motion and a second to go into Executive Session. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Eighteen. If we could clear the auditorium and if our technicians could shut off the microphones, I would appreciate it.

***[EXECUTIVE SESSION WAS HELD FROM 12:12 TO 12:42 P.M.]***

**P.O. LINDSAY:**

Okay. We're back on the record. Mr. Clerk, we're out of Executive Session. You got that?

**MR. LAUBE:**

Yes, I do.

**P.O. LINDSAY:**

Okay. We're going to -- before I adjourn or recess for lunch, I just want to mention that there is a demonstration of ShotSpotter in the conference room of the Budget -- of the Budget Office conference room. They're looking for targets, so if anybody wants to, you could be the star of the show.

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

**LEG. MONTANO:**

Lunch is provided.

**P.O. LINDSAY:**

Yes.

**LEG. MONTANO:**

Lunch is provided.

**P.O. LINDSAY:**

Yes, after they shoot you. Motion to recess for lunch. But nobody disappear because we're going to take our picture. Okay? Motion by Legislator Barraga. Is there a second?

**LEG. GREGORY:**

Second.

**P.O. LINDSAY:**

By Legislator Gregory. All in favor? Opposed? Abstentions? We stand in recess.

**MR. LAUBE:**  
Eighteen.

*[THE MEETING WAS RECESSED AT 12:44 P.M. AND RESUMED AT 2:31 P.M.]*

**P.O. LINDSAY:**  
We're back in session. We're going to start our afternoon session. Public hearings, first up --

**MR. LAUBE:**  
Bill, roll call?

**P.O. LINDSAY:**  
Oh, roll call.

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

**LEG. ROMAINE:**  
Present.

**LEG. SCHNEIDERMAN:**  
Here.

**LEG. BROWNING:**  
Here.

**LEG. MURATORE:**  
Here.

**LEG. LOSQUADRO:**  
(Not Present)

**LEG. EDDINGTON:**  
Here.

**LEG. MONTANO:**  
Present.

**LEG. CILMI:**  
Yep.

**LEG. BARRAGA:**  
Here.

**LEG. KENNEDY:**  
(Not Present)

**LEG. NOWICK:**  
(Not Present)

**LEG. HORSLEY:**  
(Not Present)

**LEG. GREGORY:**  
Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

(Not Present)

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

Here.

**P.O. LINDSAY:**

Here. Okay.

**MR. LAUBE:**

Thirteen. (Not Present: Legs. Losquadro, Kennedy, Nowick, Horsley and Cooper)

**P.O. LINDSAY:**

Public hearings. First up on public hearings is the *Southwest Sewer District assessment roll*. And it doesn't look like we have on the -- anybody signed up to speak about this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'm going to make a motion to recess for the simple reason that we have to have it one more time at the next meeting, all right? All in -- I need a second to the recess.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Thirteen. (Not Present: Legs. Losquadro, Kennedy, Nowick, Horsley and Cooper).

**P.O. LINDSAY:**

Next up is *1688, which is a Local Law mandating compliance with Financial Disclosure Requirements (Cooper)*. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none --

**LEG. STERN:**

Motion to recess.

**LEG. BROWNING:**

Motion to recess.

**P.O. LINDSAY:**

Motion to recess by --

**LEG. STERN:**

At the request of the sponsor.

**P.O. LINDSAY:**

-- Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Twelve. (Not Present: Legs. Losquadro, Montano, Kennedy, Nowick, Horsley and Cooper).

**P.O. LINDSAY:**

***1.R. 1782 - A Local Law to register pre-paid cell phones purchased in Suffolk County (Browning)***. It doesn't appear that I have any cards on this subject. Is there anyone in the audience that would like to speak on 1782. Seeing none, Legislator Browning, what's your pleasure?

**LEG. BROWNING:**

I thought we did that one already. Motion to recess.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Twelve. (Not Present: Legs. Losquadro, Montano, Kennedy, Nowick, Horsley and Cooper).

**P.O. LINDSAY:**

Next up is ***1.R. 1791 - Proposed increases and improvements of facilities for Sewer District No. 5 - Strathmore in Huntington (CP8115)***. Huntington guys want to -- I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none --

**LEG. D'AMARO:**

Motion to close.

**P.O. LINDSAY:**

Motion to close by Legislator D'Amaro; seconded by Legislator Stern. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fourteen. (Not Present: Legs. Montano, Kennedy, Nowick and Horsley).

**P.O. LINDSAY:**

***1824 - A Local Law to clarify residency as a requirement for service on the Hispanic Advisory Board (Cooper)***. I don't have any cards on this subject. Anyone in the audience want to speak on this subject? Seeing none, Legislator Cooper, what is your pleasure?

**LEG. COOPER:**

Motion to recess, please.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen. (Not Present: Legs. Montano, Kennedy, Nowick and Horsley)

**P.O. LINDSAY:**

***J.R. 1834 - A Local Law to standardize home energy audits in Suffolk County (Horsley).*** I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, the sponsor isn't here. I don't know. How about if we skip over that until he enters the chamber, okay?

***1863 - A Local Law to reduce minors' access to spray paint (Browning).*** I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Browning?

**LEG. BROWNING:**

Motion to recess.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen. (Not Present: Legs. Montano, Kennedy, Nowick and Horsley)

**P.O. LINDSAY:**

***1866 - A Local Law to register Non-Profit Veterans Organizations in Suffolk County (Cilmi).*** And I have a couple of cards on this subject. First up is J. Anklowitz.

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

Please make sure you press the button.

**P.O. LINDSAY:**

Okay. Mr. Anklowitz, you have five minutes. Just hold your finger on the button. Thank you.

**MR. ANKLOWITZ:**

Thank you. Presiding Officer Lindsay, members of the Legislature, my name is J. Anklowitz. I'm the Commander of Squadron 651 of the Sons of the American Legion Smith-Wever Post in Sayville. Thank you for allowing me the opportunity to address this body in support of the Resolution 1866.

There's no greater act of patriotism than the individual sacrifice of self for the good of the nation. Countless men and women have proudly given to the cause of liberty, the greatest possessions a human being has. They have given time, that immeasurable and fleeting asset which once given can never be recovered. They have given liberty, allowing themselves to be removed from the safety of their homes and brought to places unfamiliar to have their bodies and minds used as instruments in the same manner -- same mass-produced mechanical manner as a weapon, a tent, or even a mess kit. Many of our heroes have given pieces of the very flesh of their bodies and will suffer the wounds of war for all of their remaining lives. And, of course, many have given their lives, sacrificing the breath given to them by their mothers for the sake of securing our beliefs for ourselves and our posterity.

Dozens upon dozens of veterans groups have been formed in this country for as many reasons as there are veterans, but all with the same goal, that is to keep at the forefront of the minds of the citizenry that the men and women of our armed services have laid souls in the path of our enemies, and in so doing now doing, are now due our fondest and deepest appreciation. And to those of our veteran ranks who now need us to fulfill our obligation, to now lay our souls on the line to help them and their families. While many of those who have served and returned acclimate themselves back to civilian life without much distress, many others are in need of various forms of assistance. The families of those who have not returned are likewise met with new daunting and unmeetable challenges.

Many of the veterans groups wave the banner of valor as a beacon of light, shining to attract the attention of the public as a call to all to come and help those who have protected us and to help their families. While the veterans groups work diligently to attain their goals, there are opportunists who seek to seize upon the good hearts of American citizens and they raise the very same banner of valor for the purpose of lining their own pockets. Nothing could be more objectionable, nothing could be more disrespectful and nothing could be more degrading to the sacrifice of veterans than the cheap and sleazy use of selling valor for profit. This bill must pass. The integrity of the sacrifice of our patriots depends upon it. I implore you to vote in favor of this resolution and to help the legitimate veterans organizations continue the work they do to ensure our veterans are taken care of, protected and not forgotten.

Now, I am an attorney and I have reviewed this resolution with my attorney glasses on and nothing pleases me more than to stand in front of a captive audience and hear myself declare my opinion. I would like to say that I do have some suggestions which I believe would improve some of the wording and technicals of the resolution, and I'll be happy to discuss them with Mr. Cilmi or present them in an E-mail to him later today. Thank you for your time.

**LEG. MONTANO:**

Question?

**P.O. LINDSAY:**

Yeah. If you could just stay there for a minute. Under the public hearings, we're allowed to ask questions. Legislator Montano.

**LEG. MONTANO:**

Hi, there. How are you? You said you were an attorney. So I'm looking at the bill and I'm looking at the penalties section, and it says that a violation shall be \$500, no less than five, no more than \$1,000 for each violation, and then it says each day a nonprofit organization is in violation shall constitute a separate -- so that means that the way I'm looking at this is that the maximum penalty would be \$1,000 a day for a solicitation; am I correct in that?

**MR. ANKLOWITZ:**

That appears to be what I think, but a judge --

**LEG. MONTANO:**

Is that one of the recommendations that you would --

**MR. ANKLOWITZ:**

A judge might see something different in that when it goes to court.

**LEG. MONTANO:**

What was that?

**MR. ANKLOWITZ:**

I said that's the same way I read it, but a Judge might believe differently when it actually goes to court.

**LEG. MONTANO:**

Well, what I was thinking was, do you think, as an attorney, you know, having looked at the bill, do you think that's the -- that's sufficient language? Because I'm thinking maybe a -- some kind of penalty to pay back or give back that money or redirected it would also be appropriate. What's your opinion on that?

**MR. ANKLOWITZ:**

I agree with you 100%.

**LEG. MONTANO:**

Okay. So --

**MR. ANKLOWITZ:**

Yeah, restitution should be made of any funds received, I agree with that.

**LEG. MONTANO:**

Okay.

**P.O. LINDSAY:**

Anybody else? No? Thank you very much.

**MR. ANKLOWITZ:**

Thank you.

**P.O. LINDSAY:**

Frank, Frank Ciullia. Frank here?

**MR. ANKLOWITZ:**

He's the commander of the American Legion post. He is on his way. I spoke with him a few minutes ago.

**P.O. LINDSAY:**

Unfortunately, I don't have any other cards, so if --

**MR. ANKLOWITZ:**

I know that he wanted to address this -- the Legislature in support of the bill as well.

**P.O. LINDSAY:**

Okay. Thank you very much.

**LEG. CILMI:**

Could I ask -- maybe, could I ask --

**P.O. LINDSAY:**

Wait. Go ahead. Legislator Cilmi has a question.

**LEG. CILMI:**

Hi, Jay. Thanks for coming. Could you -- some of the suggestions that you might have, what would they be?

**MR. ANKLOWITZ:**

They were really some kind of technical suggestions. There was some language in there that I thought might be a little too narrow or might be a little too broad. And I didn't bring my notes with me, but it would probably take me a good 15 or 20 minutes just to explain them, and I would rather just send you an E-mail with a PDF.

**LEG. CILMI:**

Sure. We'll talk privately, then. Thanks.

**MR. ANKLOWITZ:**

Thank you.

**LEG. CILMI:**

All right.

**P.O. LINDSAY:**

Okay. Anybody else want to speak on this subject? Seeing none, Legislator Cilmi?

**LEG. CILMI:**

Motion to recess.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

We have a motion to recess.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1878 - A Local Law to ensure the safe transfer of fuel to boats and watercraft in the Peconic Estuary (Schneiderman).* And I have Glen Spencer.

**MR. SPENCER:**

I'm actually going to decline to comment at this time.

**MR. NOLAN:**

He doesn't want to speak.

**P.O. LINDSAY:**

He doesn't want to speak.

**MR. SPENCER:**

Nope.

**P.O. LINDSAY:**

Okay. That's the only card I have on this subject. Is there anybody else in the audience that would like to speak on this subject? Seeing none, Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Motion to recess, please.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1879 - A Local Law establishing a County Registry for Animal Abuse Offenders (Cooper).*

And I have a number of cards. First up is Rosalie Carlson. No Rosalie Carlson? No? Okay. We'll skip over her. Roy Gross.

**MR. GROSS:**

Good afternoon, Ladies and Gentlemen. Thank you for having me up here. Is this on? Oh, okay. Okay. Again, thank you for having me up here to speak regarding the I.R. 1879. Everybody could hear me okay, I guess? Okay.

*(\*Negative Response\*)*

No?

**LEG. LOSQUADRO:**

You have to speak up a little.

**MR. GROSS:**

Okay. Albert DeSalvo, the Boston Strangler, Ted Bundy, David Berkowitz, Jeffrey Dahmer, all serial killers. What did they have in common? They all began by torturing and killing animals. It's a fact that most people who hurt animals hurt people.

The Suffolk County SPCA fully supports Legislator Cooper and his staff for drafting and sponsoring this much-needed legislation to combat animal cruelty and abuse and to stop repeat offenders. I know that there is a concern that there will be an added cost to Suffolk County taxpayers. Let me make it perfectly clear that that will be no cost to taxpayers if this animal abuse registry becomes law. The Suffolk County SPCA has agreed to maintain this registry at no cost to taxpayers, no cost to the County. The Suffolk County SPCA has been serving the needs of Suffolk County for 26 years at no cost to taxpayers. We're a 501(c)(3) not-for-profit organization that operates strictly on donations. We also have successfully been maintaining a dog bite registry for Suffolk County for the last seven years, again, at no cost to taxpayers.

As I'm sure you're all aware of the most recent cases of alleged animal abuse here in Suffolk County, unfortunately, you see it on T.V. and in newspapers all too often. We estimate a 20% increase in reported cases of animal abuse and neglect in the past year, most likely due to the downturn in the economy and also probably due to awareness. People in Suffolk County care about our pets and report it when they suspect cases of animal cruelty. This common-sense law will prevent animal abusers from buying or adopting pets.

Just last year, Suffolk County arrested a woman for allegedly buying and adopting multiple dogs from both pet stores and shelters. She allegedly tortured, killed and then buried these pets in her backyard. She allegedly perpetrated many of these heinous acts of animal cruelty in the presence of her children. This is a perfect example of why this law is so critical and long overdue. To enact this law is a no-brainer. Please, do the right thing and make this reality. As animal abuse has been increasing nationwide, this important legislation would be a model for other municipalities to follow, not only in New York State, but throughout the country. It's time to register animal abusers now. Thank you.

**P.O. LINDSAY:**

Thank you very much, Roy.

*(\*Applause\*)*

**MR. GROSS:**

Thank you.

**P.O. LINDSAY:**

Okay. Next up is Regina Benfante.

**MS. BENFANTE:**

And Justin.

**MR. GROSS:**

Who didn't get a chance to sign in yet.

**P.O. LINDSAY:**

It's kind of hard when you're holding the dog, you've got to hold the button. It's --

**MS. BENFANTE:**

I got him. Yeah, I got him. Hi. I'm sorry. Regina Benfante with the Suffolk County SPCA. I've been an officer with the Suffolk County SPCA for about six years now. I brought today with me Justin. Justin on May 25th was found in a house that was foreclosed on. The owners picked up and left Justin behind, locked in a bedroom.

**P.O. LINDSAY:**

Roy, why don't you bring Justin up here so we can get a view of Justin.

**MS. BENFANTE:**

And I brought a picture with me here. The dog, when he was found, was 19 pounds. He was a walking skeleton. That's actually a better picture.

**LEG. COOPER:**

Excuse me, Mr. Presiding Officer. Paul is holding a photo of Justin -- Paul, if you can go a little closer -- that showed the condition that Justin was found in when he was rescued.

**MS. BENFANTE:**

So Justin was 19 pounds when we found him.

*(\*Laughter\*)*

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

Sorry, he's distracting us.

**MS. BENFANTE:**

That's okay, he likes to show off. He's currently 55 pounds now. It took him approximately two months to be able to hold down food properly, to be able to keep food in his system and to get to the weight he currently is now. The owner of this dog was arrested, and, you know, our laws for these animals aren't strong enough to protect them. So what I'm here to support is this to go through so dogs like Justin can be protected, and so an owner that is accused of doing something and charged with doing something like this will not be able to adopt or purchase another animal and be able to do the same thing to them again.

It's been a long road of recovery for this dog and we didn't know he was going to make it. He was rushed to an emergency room. The vets didn't even know he was going to make it. They said he probably had hours to live when we found him. I've never seen -- in my professional opinion, I've

never seen an animal that close to death that survived. So he currently lives with me now; I couldn't let him go. So I just wanted to bring him here today and support this.

**LEG. NOWICK:**

So you had us at hello.

**MS. BENFANTE:**

Yes, yes.

**P.O. LINDSAY:**

Regina, I have to ask you, how many have you taken home with you?

**MS. BENFANTE:**

I haven't.

**P.O. LINDSAY:**

Oh, really?

**MS. BENFANTE:**

That's the thing about this dog. This dog, I can't even describe to you what -- when I -- we were called there by Suffolk P.D., and when I walked in the house and saw this dog's face, I can't even describe to you, it was the most heartbreaking thing I ever saw. He had -- he had green puss coming out of his eyes and he just -- he looked like he had given up. So --

**P.O. LINDSAY:**

And he looks like a friendly guy.

**MS. BENFANTE:**

He is.

**P.O. LINDSAY:**

All right. Thank you very much, Regina.

**MS. BENFANTE:**

You're welcome.

**P.O. LINDSAY:**

And I apologize, Roy. We have candy for the kids, I don't have any dog biscuits.

**MR. GROSS:**

Next time.

**P.O. LINDSAY:**

Oh, I'm sorry. Rick, you had a question for Regina?

**LEG. EDDINGTON:**

Maybe for the sponsor. Is that appropriate?

**P.O. LINDSAY:**

I'd rather have you question the witness.

**LEG. MONTANO:**

Regina, quick question, if you know, and I don't know that you do know. Is this bill intended, like if somebody pleads guilty or is found guilty of one of the offenses that's enumerated in the bill, would

part of their sentence be that they register, or is that -- is this totally independent of that, if you know?

**MS. BENFANTE:**

Yes.

**LEG. MONTANO:**

Yes what?

**MS. BENFANTE:**

Yes --

**MR. GROSS:**

It would be.

**MS. BENFANTE:**

-- they would have to.

**LEG. MONTANO:**

So, it would be a condition of the sentence that they register?

**MR. GROSS:**

That's correct.

**LEG. MONTANO:**

Okay.

**MR. GROSS:**

For -- I believe it's three years; is that correct?

**LEG. COOPER:**

No, it's actually five years. And, in addition, anyone who's convicted of a certain felony or any felony and certain more egregious misdemeanors and put on the registry will have to pay a \$50 fee per year to subsidize the cost of maintaining the registry.

**LEG. MONTANO:**

And if you're on the registry, does that prevent you from either adopting or purchasing a dog or an animal?

**LEG. COOPER:**

Legislator Montano, I can answer. I actually filed -- I laid on the table today a companion bill. Once this registry is hopefully created, the new bill will require animal shelters and pet stores to check the registry before they sell a pet or allow an animal to be adopted and prohibit them from --

**LEG. MONTANO:**

That's what I was getting at.

**LEG. COOPER:**

-- selling to anyone who's on the registry. It would also prohibit anyone on the registry from acquiring a pet.

**LEG. MONTANO:**

So this would bar someone who's on the registry from getting another animal for a certain period of time?

**LEG. COOPER:**

Well, as long as they're on the registry, so for that five-year period.

**LEG. MONTANO:**

So for the five years those are there. Those are questions I had. Thank you.

**P.O. LINDSAY:**

Okay.

**MR. GROSS:**

That's it.

**P.O. LINDSAY:**

Thank you very much again, Regina.

**MS. BENFANTE:**

You're welcome.

**P.O. LINDSAY:**

Denise Lambert.

**MS. LAMBERT:**

Hi. My name is Denise Lambert, and I have never done this before. I've never spoken before such a distinguished panel, but felt so compelled about getting this bill passed that I had to come here. And I am here in honor of the memory of all animals that have ever been abused. And as a licensed social worker, I can testify that abuse of animals does lead to bigger and better things. And I ask you, don't animals also deserve a change they can believe in? Thank you.

**P.O. LINDSAY:**

Thank you, Denise, for your very passionate statement. Thank you for calling us --

**LEG. MONTANO:**

Distinguished.

**P.O. LINDSAY:**

Distinguished.

**LEG. COOPER:**

Yeah, we don't get that too much.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Sara Davison.

**MS. DAVISON:**

Hello. My name is Sara Davison and I'm the Executive Director of the Animal Rescue Fund of the Hamptons, ARF. ARF is supported by 12,000 households in Suffolk and neighboring counties. We run an adoption center for cats and dogs in East Hampton Town and provide animal-related programs for Eastern Long Island. ARF is in full support of the proposed registry for animal abuse offenders and the companion resolution. Last year ARF placed 765 cats, kittens, dogs and puppies in new homes. Although we interview each potential adopter and check references with veterinarians and landlords, there's no opportunity to check for history of animal abuse, including hoarding. If created, the registry will provide an important resource for agencies like ARF.

Animal abuse is a serious abhorrent condition and the registry will be a significant step in protecting innocent animals and documenting the identity of convicted abusers in our community. Thank you for the opportunity to comment.

**P.O. LINDSAY:**

Thank you very much, Sara, I appreciate you coming. Sheryl Cohn.

**MS. COHN:**

Good afternoon, Ladies and Gentlemen of the Suffolk County Legislature. My name is Sheryl Cohn, and although I've been a resident of Suffolk County for more than 35 years, I have never attended a meeting here, never dreamt that I'd even be speaking before you. I am petrified of public speaking, and only my intense passion for animal welfare has brought me here today trembling at the knees. Plus, they say never work with children and dogs, and having to follow Justin is not an easy thing to do either.

**P.O. LINDSAY:**

Cheryl, just relax.

**MS. COHN:**

I'm trying.

**P.O. LINDSAY:**

We don't bite.

**MS. COHN:**

Yeah. Justin doesn't bite, I don't know about you guys.

*(\*Laughter\*)*

I have devoted my life personally to the welfare of animals, as well as belonging to numerous local and national animal welfare organizations. So I'm here to ask all of you to please support Legislator Cooper's bill, I.R. 1879-2010, to establish an animal abuse registry, as well as the companion bill that will prohibit anybody on this list from ever adopting or purchasing an animal while they're on this list for five years.

Companion animals provide us with unconditional love and ask very, very little in return, so this is an opportunity to do something for them. Those who have no voice, we need to speak for them.

In a recent study, I think that was in Newsday either this morning or yesterday, when people were asked to define the concept of family, over 30% of them included their pets as their definition of their family, and I would be part of that 30%, had they asked me. So, please help us speak for Fido, and Fluffy, and Spot, and Rover and Justin, and please support Legislator Cooper's bill. I am no longer in your district, I am now in Legislator D'Amaro's district, but I did come for your E-mail. Thank you for sponsoring it, and please, everybody, please do support it. Thank you.

**LEG. COOPER:**

Thank you very much.

**P.O. LINDSAY:**

Thank you, Cheryl. Patricia Burkhart.

**MS. BURKHART:**

Presiding Officer Lindsay and members of the Legislature, my name is Patricia Burkhart. Thank you for the opportunity to speak here today. I know many of you know me as President of Friends of

Edgewood Preserve, but today I'm here just as Patricia Burkhart, animal owner and lover. I strongly support resolution, I.R. 1879. I live with and care for 15 animals, many of whom were severely abused before and during their time on the streets or in shelters. Amazingly, these animals have learned to forgive and trust again. There should be severe penalties and punishment for anyone who harms those who depend on us for protection and care. I would urge this Legislature to not only pass this resolution, but do all it can to send a message to those who abuse animals that it will not be tolerated in Suffolk County. Thank you.

**P.O. LINDSAY:**

Thank you very much, Patricia. Effie Huber; is that correct?

**MS. HUBER:**

I just want to say ditto. I don't need to, I'm all for this.

**P.O. LINDSAY:**

Okay.

**MS. HUBER:**

Thank you.

**P.O. LINDSAY:**

Ms. Stenographer, just put down ditto.

*(\*Laughter\*)*

Pamela Linden.

**MS. LINDEN:**

Hi. I'm here simply as a citizen of Suffolk County to thank Legislator Cooper for putting forth this resolution and to express my support for it. I, too, am a social worker. We came out today apparently to say that we do need to see this passed to give voice to these animals who are abused. I think it's important to take a close look at the bill in terms -- what's actually on the table in terms of the age of -- particularly the age of -- it's 18 right now, and I'm wondering if it's possible to look at making that younger. I'm concerned about crush videos and other forms of cruel torture that are committed by people who might not be 18. So I'm concerned that there might be a gap in the intended audience and target for this type of registry in order to best protect the animals of Suffolk County. So thank you very much.

**LEG. COOPER:**

Thank you, Pam.

**P.O. LINDSAY:**

Thank you very much, Pamela. I don't have any other cards. I'm going to go back to Rosalie Carlson. Did Rosalie join us? No? Okay. Is there anybody else in the audience that would like to speak on this subject? Seeing none, Legislator Cooper, what's your pleasure?

**LEG. COOPER:**

A motion to close, please.

**P.O. LINDSAY:**

A motion to close.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**  
Do I have second?

**LEG. D'AMARO:**  
Second.

**P.O. LINDSAY:**  
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Eighteen.

**P.O. LINDSAY:**  
Okay. It stands closed. I'm going to go back. I see Frank Ciulla has joined us. It's on 1866. That, just for edification, Frank, was recessed primarily because we heard that there was going to be some comments from your -- the other person that spoke on this subject. So, Frank, you've got five minutes. Mr. Anklowitz.

**MR. CIULLA:**  
Thank you, Mr. Lindsay. I'm sorry, I'm late. First, I would like -- excuse me. First, I would like to thank Presiding Officer Lindsay and the members of the Legislature for hearing me today. My name is Frank Ciulla. I'm past Commander of Smith-Wever American Legion Post in Sayville, and also Vice Commander of the Town of Islip Veterans Service Organization. I am here -- I am here to speak in favor of Introductory Resolution 1866, sponsored by Tom Cilmi, Legislator Tom Cilmi. In Suffolk County we have a problem with fraudulent veteran organizations who raise money by garnering sympathy from the public. Most of these organizations are not Suffolk County based and are not Congressionally chartered and, in the worst of cases, do absolutely nothing for veterans. Resolution 1866 makes any veteran organization that seeks to fund -- to raise funds within Suffolk County, which is not Congressionally chartered, register with the Suffolk County Veterans Service Agency.

In order to stop fraudulent veterans organizations, in order make sure money solicited is spent on veterans in need, and in order to keep the {saffity} of our veterans organizations, I urge the Legislature to pass this resolution. Many of our brave men and women will be returning home soon. We have the responsibility to protect the public and our veterans. And again, thank you, Mr. Lindsay and the Legislature, for all you do for our veterans. Thank you.

**P.O. LINDSAY:**  
Thanks, Frank. Okay. The last hearing of the day is ***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 (Co. Exec.)***. And I have one card, Patricia Burkhart again.

**MS. BURKHART:**  
Presiding Officer Lindsay, members of the Legislature, now I'm going to put on my Friends of the Edgewood Preserve hat. As you know, Friends of the Edgewood Preserve opposes I.R. 1883, a Local Law declaring surplus and authorizing the execution of contract for the sale of 255 acres in Yaphank to Legacy Village Real Estate Group for mixed us development.

We are here today to ask that the public hearing for this resolution be recessed and not closed. As per the positive declaration by the CEQ, an EIS was to be completed. As of today, no impact study has been commenced or completed. When, and only when, an EIS has been completed and comments from the public received can the County make the decision to move forward or not move forward.

Finally, we would also like to remind the County Executive and the Legislature that as per SEORA, segmentation of land is illegal. Any planned development or use of this land that would impact it and the nearby communities, and especially the Carmans River, must be studied for the cumulative impacts. Any acreage that is industrial zoned -- industrially zoned must still be included for its impacts and cannot be segmented out of any impact study. Thank you.

**P.O. LINDSAY:**

Thank you, again, Patricia. I don't have any other cards on this subject. Legislator Romaine, did you want to ask Patricia a question?

**LEG. ROMAINE:**

No, I want to make a motion to recess.

**P.O. LINDSAY:**

Oh, thank you very much.

**LEG. BROWNING:**

And I will second that.

**P.O. LINDSAY:**

See, and I was assuming the two of you were going to make a motion to close. I don't know what.

*(\*Laughter\*)*

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen.

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Oh, opposed? Sixteen.

**P.O. LINDSAY:**

Okay. Before I conclude the public hearings, we had a hearing on ***1834, Local Law to standardize home energy audits in Suffolk County***, and we skipped over it because the sponsor wasn't here, and we wanted to see what your pleasure was. Do you want to --

**LEG. HORSLEY:**

Motion to recess.

**P.O. LINDSAY:**

Motion to recess; I will second that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. HORSLEY:**

And my apologies for my tardiness.

**P.O. LINDSAY:**

We stand -- 1834 stands recessed. And I want to make a motion to set the date for the following public hearings of October 12th 2010, 2:30 p.m., at the Maxine Postal Auditorium, Riverhead, New York:

Southwest Sewer District assessment roll.

2011 Operating Budget.

I.R. 1408 - A Charter Law to increase Legislative oversight of RFP process (Romaine).

I.R. 1916 - A Local Law to ensure the safe use of air guns in Suffolk County (Eddington).

I.R. 1923 - A Local Law to increase public confidence in government by amending the nepotism provisions in Suffolk County Code.

I.R. 1939 - A Local Law to require homeless sex offenders to report their overnight locations (Eddington).

I.R. 1947 - A Local Law to sunset living wage subsidies (Cilmi).

I.R. 1949 - A Local Law to protect children from cadmium poisoning (Co. Exec.).

And I.R. 1950 - A Local Law strengthening the Social Host Law to deter the consumption of alcohol by minors within the Suffolk County Park System (Co. Exec.). Do I have a second to that motion?

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. That concludes our public hearings. We are back on Page 7. And I have gotten a request that I'm going to relay to my colleagues. People that listen to these proceedings online, first of all, they have too much time on their hands, but --

*(\*Laughter\*)*

But they are complaining that they can't hear their votes -- the votes. So, when in a roll call, if you could speak into the microphone to register your vote would be appreciated by our home listeners. Okay?

Okay. First up, ***1847 - Amending the Adopted 2010 Operating Budget to transfer funds from Water Quality Protection (Fund 477) and amending the 2010 Capital Budget and Program and appropriating funds in connection with stormwater system planning and engineering in support of discharge remediation and stream water silt removal at the Nissequoque Tributary Headwaters North from the Village of the Branch to Miller's Pond***

*Weir (CP 8710) (Kennedy).*

**LEG. KENNEDY:**

How about a motion to approve, Mr. Chairman?

**P.O. LINDSAY:**

A motion by Legislator Kennedy to approve.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Losquadro. On the question, Legislator Viloría-Fisher.

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

I have a question for Counsel. It wasn't on the CEQ agenda yesterday. You had said that you had a question regarding SEQRA.

**MR. NOLAN:**

I knew -- at some point, somebody raised an issue regarding SEQRA. And according to the resolution, the Town of Smithtown is the lead agency and they completed the SEQRA process.

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

Okay.

**MR. NOLAN:**

So -- and I have not heard anything from anyone since the committee meeting saying, "Hey, you know, SEQRA, there's a problem," so I'm assuming it's good.

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

Well, if Smithtown is the lead agency, then it doesn't have to come before SEQ, because we're not.

**MR. NOLAN:**

I think that's --

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

Okay.

**MR. NOLAN:**

That's what the resolution reflects.

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

Okay.

**P.O. LINDSAY:**

And I don't see anybody here from Budget Review, but maybe the sponsor. We have enough money in 477 to fund this and not going to bankrupt us?

**LEG. KENNEDY:**

No, not at all, Mr. Chair. As a matter of fact, this was approved by the committee back in June, and then subsequently we discussed it in July. And my recollection is that we talked in terms of about 2.1 or 2.2 million, all told; as against that, the two resolutions that I had authorized for about 650,000. This is inclusive, and so it was within the parameters of what we had to authorize for this year.

**P.O. LINDSAY:**

And, Legislator Kennedy, will this help with any of the flooding problems that you've had in your district?

**LEG. KENNEDY:**

Tremendously, Mr. Chair. As a matter of fact, this is following a pattern of what's already proved to be quite successful for the south side of 347, and it will allow the preliminary design and engineering work that supports the DEC applications to be done all the way up through -- actually, for about fifty-one hundred linear feet. So it's a substantial section and it will provide much needed relief.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

It was 18-0, the vote. *I.R. 1857 - Accepting the donation of certain lands now owned by Rudolph Fabrizio and transfer such lands to the Suffolk County Department of Parks, Recreation and Conservation for Pine Barrens Core Preservation purposes (SCTM Nos. 0200-356.00-04.00-006.001, 0200-356.00-04.00-009.001, 0200-356.00-04.00-010.000 and 0200-413.00-02.00-007.000) (Co. Exec.).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**LEG. ROMAINE:**

Could the Clerk please list me as a cosponsor?

**MS. ORTIZ:**

Yes, sir.

**P.O. LINDSAY:**

*I.R. 1861 - Amending the 2010 (Adopted) Operating Budget by transferring funds from Cornell Cooperative Extension's Administration Program budget to their Agriculture and Marine Programs (Co. Exec.).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher, second by Legislator Schneiderman. Any comments? All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

I should note that Budget Review just entered the room carrying a very fat document that looks like a budget. So now I can say I saw it.

*(\*Laughter\*)*

**P.O. LINDSAY:**

I.R. --

**MR. LIPP:**

For the record, I just put on a lot of weight.

**HEALTH & HUMAN SERVICES**

**P.O. LINDSAY:**

*I.R. 1889 - Authorizing the County Executive to execute a Co-Applicant agreement in furtherance of the application for Federally Qualified Health Center Status (Co. Exec.).*

**LEG. BROWNING:**

Motion to approve.

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

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Browning, second by Legislator Viloría-Fisher. On the subject anyone? All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

We did 1890 earlier this morning. Next, Page 8, *I.R. 1864 - To approve the purchase of three previously leased vehicles in the Suffolk County Department of Labor, in compliance with Local Law No. 20 of 2003 (Co. Exec).*

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Losquadro. Do I have a second?

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**  
Eighteen.

**PARKS & RECREATION**

**P.O. LINDSAY:**  
*J.R. 1853 - Authorizing use of the Long Island Maritime Museum by the Lupus Alliance of Long Island, Queens -- Long Island-Queens for their Blues on the Bay Fundraiser (Co. Exec.).* And I'll make a motion.

**LEG. MONTANO:**  
Second.

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

**MS. ORTIZ:**  
Eighteen.

**LEG. MONTANO:**  
List me as a cosponsor, if I'm not there already.

**P.O. LINDSAY:**  
*J.R. 1854 - Authorizing the use of Blydenburgh County Park by Almost Home Animal Rescue and Adoption for its Dog Walkathon Fundraiser (Co. Exec.).*

**LEG. KENNEDY:**  
Motion.

**LEG. EDDINGTON:**  
Second.

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

**MS. ORTIZ:**  
Eighteen

**P.O. LINDSAY:**  
*1862 - Amending Resolution No. 887-2009, "Authorizing a custodial license agreement with the North Fork Audubon Society for Inlet Pond County Park in Greenport" (Romaine).*

**LEG. ROMAINE:**  
Motion.

**P.O. LINDSAY:**  
Motion by Legislator Romaine.

**LEG. BROWNING:**  
Second.

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

**MS. ORTIZ:**  
Eighteen.

**PUBLIC WORKS & TRANSPORTATION**

**P.O. LINDSAY:**  
*I.R. 1836 - A Local Law to amend the Suffolk County Code in regard to sewer system refunds (Co. Exec.).* Do I have a motion?

**LEG. HORSLEY:**  
Motion.

**P.O. LINDSAY:**  
Motion by Legislator Gregory.

**LEG. EDDINGTON:**  
Second.

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

**MS. ORTIZ:**  
Eighteen.

*1837 - Naming the Supreme Court Building Annex in Riverhead the "Alan D. Oshrin Supreme Court Annex." (Romaine)*

**LEG. ROMAINE:**  
Motion.

**P.O. LINDSAY:**  
Motion by Legislator Romaine.

**LEG. KENNEDY:**  
Second.

**P.O. LINDSAY:**  
Second by Legislator Stern. On the question.

**LEG. MONTANO:**  
Yeah, just did this go through the committee?

**P.O. LINDSAY:**  
Yes, it did. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**  
Eighteen

**P.O. LINDSAY:**  
*1871 - Amending the 2010 Capital Budget and Program, transferring funds from the Assessment Stabilization Reserve Fund, and appropriating funds in connection with improvements to Suffolk County Sewer District No. 9 - College Park (CP 8163) (Co. Exec.).*  
I'm being informed by Counsel it has to be tabled, because we haven't -- we haven't received the bond as yet.

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher to table; I'll second it. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

*1872 - Amending the 2010 Capital Budget and Program, transferring funds from the Assessment Stabilization Reserve Fund, and appropriating funds in connection with improvements to Suffolk County Sewer District No. 23 - Coventry Manor (CP 8149) (Co. Exec.).* I'm being informed the same thing, we do not have the bonds. So, again I'll make a motion to table.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

*1873 - Calling for a Public Hearing for the purpose of considering proposed increases and improvements of the sewer collection system facilities for Sewer District No. 7 in Medford (CP 8150) (Co. Exec.)*

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

*1874 - A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of wastewater treatment facilities for Sewer District No. 14 - Parkland (CP 8118) (Co. Exec).* I'll make a motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

***1880 - Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest, Expansion (CP 8183) (Co. Exec.).***

**LEG. HORSLEY:**

I'll make that motion.

**P.O. LINDSAY:**

Motion by Legislator Horsley.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

***1882 - Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest, Infiltration/Inflow (CP 8181) (Co. Exec.).*** How about same motion, same second, same vote?

**(\*Affirmative Response\*)**

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

Okay. ***I.R. 1888 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with energy conservation at various County facilities (CP 1664).*** Do I have a motion?

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

A motion by Legislator Gregory.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MS. ORTIZ:**

Seventeen.

**P.O. LINDSAY:**

On the accompanying bonding resolution, **1888A**, same motion, same second. Roll call.

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

**LEG. GREGORY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MS. ORTIZ:**

Seventeen.

**P.O. LINDSAY:**

Okay. The next one on the agenda, **1893**, I've been told it has been withdrawn.

**LEG. ROMAINE:**

(Laughter).

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

I love the sardonic laugh from the East End.

**VETERANS & SENIORS**

**P.O. LINDSAY:**

***1885 - Designating the week of October 11th through 17 as "Aging in Place Week" in Suffolk County (Stern).***

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

And that's what we do here.

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

**LEG. HORSLEY:**

What does that mean?

**LEG. STERN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

*J.R. 1752 - A Charter Law to provide notice of appointments to boards and commissions (Montano).*

**LEG. MONTANO:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Montano. Do I have a second?

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

*1848 - Locating a police substation in Huntington Station (Cooper).*

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**LEG. LOSQUADRO:**

Opposed.

**LEG. BROWNING:**

Opposed.

**P.O. LINDSAY:**

Okay. We've got two opposition? We have Legislator Browning and Losquadro opposed. The others are all approved.

**MS. ORTIZ:**

Sixteen.

**P.O. LINDSAY:**

*J.R. 1850 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Gina D'Andraia and Taran A. And Robert A. Muhlenforth (SCTM No. 0200-799.00-01.00-075.000) (Co. Exec.).*

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro; I'll second that. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

*J.R. 1855 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Virginia A. Kraye (SCTM No. 0500-288.00-02.00-042.000) (Co. Exec.)*

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

*1859 - Authorizing the extension of the lease of premises located at 240 Meeting House Lane, Southampton, New York, for use by the Department of Health Services (Co. Exec).*  
Do I have a motion?

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Gregory.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

*1865 - To enhance the Department of Consumer Affairs Website (Montano).*

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Montano. Seconded --

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

*I.R. 1867 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-847.00-02.00-015.000) (Co. Exec.).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**LEG. D'AMARO:**

Opposed.

**MS. ORTIZ:**

Seventeen.

**P.O. LINDSAY:**

Seventeen. Okay. *I.R. 1868 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-959.00-03.00-019.000) (Co. Exec.).*

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning. Second? Do I have a second? I'll second it. All in favor? Opposed?

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

Opposed.

**LEG. D'AMARO:**

Opposed.

**P.O. LINDSAY:**

We have two opposition.

**MS. ORTIZ:**

Sixteen.

**LEG. MONTANO:**

Which one is this?

**P.O. LINDSAY:**

It's a 72-h, Town of Brookhaven. *I.R. 1875 - Directing the County Attorney to bring an action against New York State regarding the MTA payroll tax (Romaine).*

**LEG. ROMAINE:**

Motion.

**LEG. LOSQUADRO:**

Second.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Romaine, seconded by Legislator Losquadro. On the question, anybody want to talk?

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

No.

**P.O. LINDSAY:**

Well, I just got to put on the record that we have had testimony from the man that filed the suit as a private taxpayer, which is Hampton Luxury Liners?

**LEG. LOSQUADRO:**

Hampton Luxury Liners.

**P.O. LINDSAY:**

Yeah, Mr. Schoolman. Mr. Schoolman, who vigorously objects to us getting in the middle of this, because he feels that it's going to affect our -- is going to affect his lawsuit and the lawsuit of the private businesses that started this movement. And, you know, we've had some opinions on that. But I guess that's really all I want to put on the record is that he was pretty vehement in his opposition. And I just hope -- I hope that, and I'm sure this resolution is going to get approved, that we do not mess up the efforts of the private sector in this effort. Legislator Romaine, you wanted to speak? No?

**LEG. MONTANO:**

I do. I think Wayne wants to speak, and then me.

**P.O. LINDSAY:**

Wayne.

**LEG. HORSLEY:**

Yeah. I just wanted just to quickly state that whether this is a winner or a loser on the part of this Legislature, this is a statement that we are against the MTA tax. It is unfair, and, frankly, it is a job-killer. And I just have to quickly relay a comment that I received from a restaurant owner. A restaurant owner told me that last month he had to pay \$600, whatever it was last couple of months, for the MTA tax. And his last comment to me was, "You know, that was a bus boy." It's a job-killer, and it's not right and we don't get our fair share in Suffolk and Nassau County.

**LEG. ROMAINE:**

Just a quick comment, Mr. Presiding Officer.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

I sponsored this resolution in no way to hurt any other lawsuit against the MTA. We would, in essence, be joining with our sister county to the west, Nassau County, by adding our name to their lawsuit. This is not going to take a great deal of effort, time or expense by our County Attorney's Office, and she has given us her opinion on that, which I value and consider her an excellent County Attorney. Nevertheless, our County Comptroller has urged that we get involved in this.

This is something that on every level that you can think of should not have been perpetrated. The MTA, as an authority, is supposed to be a self-supporting authority, not jumping into tax -- general tax revenue and imposing taxes. This is, as my colleague said, a job-killing tax. I've heard it from every small business that employs people. And there are marginal businesses that have employed one or two people part-time, they've got rid of them. It's not worth the paperwork, it's not worth the accounting. This is the type of thing, unfortunately, that our State leaders did. They did not want to impose tolls on the bridges in New York City, but they had no problem imposing on everyone a payroll tax. This affects everyone. It's something that contributes to that \$347 figure. For every man, woman and child in Suffolk County, we are now paying \$347 a year to the MTA. And the MTA payroll tax is just one of many taxes to support an authority that is not providing the type of services, for the dollars that we're giving, that we should be getting.

This tax, in my view, is not a legal tax. It was not passed in accordance with the State Constitution, and I'm hopeful that we will prevail in this lawsuit with our sister county, Nassau County. Thank you.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Yeah. I just want to put on the record, there was an Executive Session with the County Attorney. I'm not going to go into what was said, but it is very clear that everybody in Suffolk County is against this MTA tax. We've made that statement before; I don't think we need to reiterate that statement. From a legal perspective, I'm going to vote against this, but I just want to put my reasons on the record so that they're not misunderstood. From a legal perspective, we really bring nothing new to the litigation. There is no point in us being a party, there are sufficient parties in this. The County Attorney's Office is prepared to file, and I think this is -- we are prepared to file an amicus brief with the court, should the action that's pending now survive a -- what I would assume will be a motion to dismiss by the State. I don't think that we need to engage in this litigation, there are plenty of parties there. You know, I don't want to do litigation simply because we want to make a public statement. The parties are adequately represented. We can do our amicus, and I don't think that we should engage our County Attorneys in this effort. They bring nothing to the litigation that's not already there. I'm going to vote against it.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I think we'd look terrible if we did not join our sister county, Nassau, in this. And Nassau County gets so much more service from the MTA than we do and they are suing the MTA. We, with such a lower level of service, we ought to join them and stand together, and I think that will make the case

even stronger to see the two counties with a similar action, so I'm certainly going to support this.

**LEG. MONTANO:**

If I may, joining with them does not make the case any stronger. The case is the case, so that has nothing to do with it. My point was that we are prepared to file an amicus brief on behalf of the County, and we're simply talking about whether or not we need to engage ourselves as a party.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I don't want to rehash too many of the points. I don't think it has anything to do with appearance, this is us standing up for ourselves. And, you know, we've heard a lot of people say, obviously, you know, everyone on Long Island is opposed to this and how it's hurting us. I would just like to add that, apparently, everyone but a couple of people on Long Island were opposed to this and those were the people who actually voted to put this tax in place.

**P.O. LINDSAY:**

Well, you know, just one final comment. This isn't about a lawsuit, this is about politics, pure and simple, we all know that. And this body went on record last year, we were so upset about, about breaking off from New York State and forming our own state. We were laughed at, but I think we made a pretty strong statement with that as well.

**LEG. D'AMARO:**

Bill.

**P.O. LINDSAY:**

Yes, Legislator D'Amaro.

**LEG. D'AMARO:**

Thanks. Two points. First, Mr. Schoolman did appear before the Ways and Means Committee and did make his case about not wanting Suffolk County to join, and, primarily, his reason was that perhaps by having other municipalities in the litigation, it would open up the door to some type of relief that may not be 100% in favor of his lawsuit, and I respect that position. However, I disagree with him that somehow municipalities which stand in a completely different position than the individuals in his lawsuit will affect his lawsuit. His lawsuit involves taxpayers. We would be joining the lawsuit as a jurisdiction, as a municipality, as government. And I think, ultimately, when the courts look at the litigation, they're going to treat each class of litigant different and make decisions based on, and especially decisions based on standing, based upon your position either as an individual taxpayer, or as a municipality, or some political subdivision of the State.

The second point I want to make is I think it is important that we actually become a party to the lawsuit, and the reason why I think it's important is that we need to have our own interests protected, and the best way to do that is to be a party to the litigation. That's not in any way disparaging the job that Nassau County may do in this lawsuit, it's not disparaging what some of the towns may do, but, after all, they will be represented by their counsel. And I think it's important, especially when we represent over 1.5 million people, that we be represented by our counsel in that litigation as well.

**P.O. LINDSAY:**

Okay. Everybody all set? All right. I'm just going to do, "All in favor? Opposed? Abstentions?" Opposed?

**LEG. MONTANO:**

Opposed.

**P.O. LINDSAY:**

One opposed.

**MS. ORTIZ:**

Seventeen.

**P.O. LINDSAY:**

Okay. Thank you.

**LEG. GREGORY:**

Cosponsor.

**LEG. SCHNEIDERMAN:**

Cosponsor.

**LEG. COOPER:**

I'd like to be a cosponsor, if I'm not already.

**LEG. GREGORY:**

All around for all my friends.

**P.O. LINDSAY:**

Procedural Motion Number -- you want a second to catch up on the cosponsors, Renee?

**MS. ORTIZ:**

We'll get them.

**P.O. LINDSAY:**

You got them all? All right.

**P.O. LINDSAY:**

Procedural Motion authorizing Clerk --

**LEG. BARRAGA:**

Cosponsor.

**P.O. LINDSAY:**

-- to dispose of old records. I'll make a motion.

**LEG. GREGORY:**

Second.

**P.O. LINDSAY:**

Second.

**LEG. LOSQUADRO:**

Just an explanation, why we need to --

**P.O. LINDSAY:**

It was -- you want an explanation, Legislator Romaine?

**LEG. ROMAINE:**

No, I don't.

**P.O. LINDSAY:**

You want to speak on it?

**LEG. ROMAINE:**

Yes.

**P.O. LINDSAY:**

Okay. I'll tell you what, I'll let the Deputy Clerk explain it, if -- and then I'll recognize you, Legislator Romaine. Go ahead.

**MS. ORTIZ:**

We have about 200 boxes that we're looking to dispose of in Riverhead. It's going to cost 99 cents a box to shred, and it's mostly correspondences, old contracts, I think some leases. But the State gave permission to shred anything beyond six years old. And we really need the space. There's no more filing space and there's no room for more file cabinets. So we had the Historical Society go through the boxes and they took what they wanted, and whatever is left not even the Historical Society wants, so.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yeah. Let me first off say that isn't -- we don't need a vote on this. This Legislature voted to adopt the State Record Disposal Schedule that was adopted back, I believe it was in 1990. We are obligated to follow State Law. We are not to give records away to Historical Societies or anyone else. The records of the Legislature are to be disposed of in accordance with the State law for records disposal and they have a whole host of schedules.

As far as the cost of disposal, that's why we have an archives under the County Clerk's Office that has an industrial-sized shredder to shred all records. This County should not be spending any money shredding records, they should be going to the County Clerk, having her office pick these records up and have them shredded. Any record series, you have to fill out a form of what's in each box. That form has to be followed, you have to follow State Law, and there are different schedules. Not every Legislative record can be destroyed after six years. There's a whole list that fall under different categories with different dates of destruction and some of them become permanent.

So my suggestion is that you contact the County Clerk's Office. They'll send you over the records -- or you contact State Archives and Records Administration, they'll send you over the record disposal. This does not require a Procedural Motion. We've already adopted this as part of County law in the Records Management Law, I believe, of 1990 or '91. I know because I wrote it. And you are obligated to follow not only County, but State Law.

**P.O. LINDSAY:**

Thank you for your wisdom, Legislator Romaine.

**LEG. ROMAINE:**

I know something about it.

**LEG. MONTANO:**

Could I ask a question?

**P.O. LINDSAY:**

What I'm going to do is I'm going to make a motion to table so that we can look into all of the issues that you raised on this. All right?

**LEG. ROMAINE:**

Okay.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

And maybe the Clerk could avail -- you could avail yourself to the Clerk of your institutional knowledge on this subject.

**LEG. ROMAINE:**

I'm always available.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Thank you.

**MS. ORTIZ:**

Just for the record, it was my understanding that it was New York State archives that said the six years.

**LEG. ROMAINE:**

They have a record schedule, a record disposal schedule. Not everything is six years, some of them are six, some of them are ten, some of them are 25, some of them are forever, depending where that record would fall.

**P.O. LINDSAY:**

Okay, but we'll look into it. And you second the tabling --

**LEG. MONTANO:**

Yes.

**P.O. LINDSAY:**

-- Legislator Montano?

**LEG. MONTANO:**

Yes.

**P.O. LINDSAY:**

And Counsel wants to weigh in on this issue?

**MR. NOLAN:**

I would just add that the resolution does say the disposal will be done in accordance with the State schedule, so --

**LEG. ROMAINE:**

Okay.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

That concludes the first part of the agenda. Moving right along. Okay. I have a couple -- I'm going to go to some Procedural Motions first. The first one is ***Procedural Motion 22 - Authorizing funding for community support initiatives.*** You have the list of the Legislative initiatives. Do I have a motion?

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Montano, seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

***Procedural Motion No. 23 - Authorizing a public hearing for the transfer of retirement reserve funds.***

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Losquadro; I'll second that. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen

**P.O. LINDSAY:**

Resolution -- okay. We've got vetoes. ***Resolution*** -- let me see -- ***707 - A Charter Law to clarify procedures for removal of certain appointed department heads and board members.***

**LEG. D'AMARO:**

Please note my recusal on the record.

**P.O. LINDSAY:**

Thank you.

**LEG. COOPER:**

I'd like to make a motion to override.

**P.O. LINDSAY:**

Motion to override by Legislator Cooper; I'll second that. Any discussion? All in favor?

**LEG. LOSQUADRO:**

Could you do a roll call?

**P.O. LINDSAY:**  
Sure, okay. Roll call.

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

**LEG. COOPER:**  
Yes.

**P.O. LINDSAY:**  
Yes.

**LEG. ROMAINE:**  
Yes.

**LEG. SCHNEIDERMAN:**  
Pass.

**LEG. BROWNING:**  
Yes.

**LEG. MURATORE:**  
No.

**P.O. LINDSAY:**  
Please speak into the mic, if you could.

**LEG. LOSQUADRO:**  
No.

**LEG. EDDINGTON:**  
Yes.

**LEG. MONTANO:**  
No.

**LEG. CILMI:**  
No.

**LEG. BARRAGA:**  
No.

**LEG. KENNEDY:**  
No.

**LEG. NOWICK:**  
No.

**LEG. HORSLEY:**  
Yes.

**LEG. GREGORY:**  
Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Recused.

**MS. ORTIZ:**

Oh, I'm sorry.

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

Yes.

**MS. ORTIZ:**

Ten.

**LEG. LOSQUADRO:**

You didn't --

**LEG. SCHNEIDERMAN:**

Abstain.

**MS. ORTIZ:**

Oh, I thought you said yes. I'm sorry. I mean, I thought you said no.

**LEG. MONTANO:**

Speak up louder.

**MS. ORTIZ:**

I didn't hear you. You didn't speak in the microphone. I'm sorry.

**LEG. SCHNEIDERMAN:**

I'll abstain.

**MS. ORTIZ:**

You're abstaining, so nine.

**P.O. LINDSAY:**

So it failed, the override failed. *I.R. 1720 - Mandating implementation of comprehensive plan to house homeless sex offenders* -- 720, excuse me. I'll make a motion to override. Legislator Schneiderman, come on, we're on the next resolution already.

**LEG. SCHNEIDERMAN:**

Yes.

**P.O. LINDSAY:**

No, not yes. Do you want to second --

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

-- to override the 720.

**LEG. SCHNEIDERMAN:**

Motion to override.

**LEG. ROMAINE:**

Second.

**LEG. SCHNEIDERMAN:**

Second, second.

**P.O. LINDSAY:**

Thank you. Thank you. Does anybody want to comment on this?

**LEG. SCHNEIDERMAN:**

More than three years ago, the County Executive announced a new program for housing homeless sex offenders. The new plan was to have mobile trailers that moved around the County so that no area would be burdened for more than a few weeks. The first trailer arrived in secrecy in Westhampton, adjacent to a 200-unit senior housing community. The second, a larger trailer, was placed in the parking lot of the County Jail in Riverside. Years later, the supposedly mobile trailers -- three years later -- are still parked in the same two places. A trailer with 20 pedophiles and other sex offenders sits in the Downtown Riverhead area, a short walk from three schools, a library and an aquarium. The other trailer, with seven sex offenders, many of whom are Level 3, sits smack on top of a senior residence facility in Westhampton.

A few days ago, a Level 3 sex offender in the Bronx raped a 75-year-old woman. The victims are not always children. Needless to say, besides the vulnerable senior population at this facility, plenty of children come with their parents to visit grandma and grandpa. Even the sex offenders themselves complain about the facility with cramped quarters, no showers, no hot water, and, in the case of the larger trailer, no sanitary system, just a built-in port-o-potty.

The trailers have been the subject of litigation, including lawsuits brought by Southampton and Riverhead Towns, a claim filed by a local police officer who was attacked within the Westhampton trailer, and even an action brought by a group representing the homeless sex offenders. The current program was failed from the start. The crowded, unsanitary trailer discourages these homeless from taking shelter, and, instead, roaming at large in the community. The current program has not succeeded in finding permanent housing. These facilities are meant as temporary or emergency shelters, yet some individuals have been residing there for three years now. Since 90% of the occupants are not from the East End, the County is now footing a two million dollar per year tax bill. There is not 24-hour surveillance. These individuals can leave any time they want.

One night, a Level 3 sex offender, one categorized by the State as SIST, which stands for "subject to intense supervision and treatment," ran out of the Westhampton trailer and disappeared into the woods. During the day, they were brought back to the communities they supposedly come from. They are not prisoners, they are free to wander. A responsible program would have 24-hour surveillance. A responsible program would have job training and counseling. A responsible program would have showers and hot water and a proper sanitary system. A responsible program would not congregate more than a few individuals in any one area. This body passed a bill, sponsored by the Presiding Officer, requiring DSS to create just such a program. This bill simply established a time frame for its implementation, a time frame that the DSS Commissioner told me that he felt was reasonable to implement the new program.

The East End will do its fair share to house homeless sex offenders, but it is unfair and irresponsible to force this burden on one community. I ask you to stand with me as a responsible Legislative body to moving to end this inequity in overriding this veto -- by overriding this veto. Thank you.

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

**MR. ZWIRN:**

If I might, Mr. Presiding Officer. With respect to this bill, if the override is effective and we don't have a system in place that is acceptable, you know, where are we? We'll be back to the trailer system indefinitely. They did do RFP's to put people in shelters, we got one response, and I don't think that it was an acceptable response to the Legislature. Because I think that they wanted to keep the location secret for a period of time before they would let the communities know where they were, and I think members of the Legislature found that to be unacceptable. But if this bill is -- if the veto is overridden, then we're back to square one on October 15th if we don't have a voucher system, which is the only way in the near future that we're going to be able to close the trailers out in Legislator Schneiderman's district.

So it's a difficult problem, we understand that, but we don't think that this bill will solve it, and it's not going to solve it if it goes into effect. That's all I wanted to say.

**P.O. LINDSAY:**

Well, let me just correct some of the things that you said, Mr. Zwirn. First of all, we have two responders now with two different plans, and the original bill called for Public Works to -- Social Services to come back with a plan. They submitted a confidential document from the first respondent; that was not a plan, it was a proposal from one of the responders, which I don't know how it happened but it wound up in Newsday's hands before I even had a chance to look at it, which is an unfortunate thing.

And the problem with the voucher system, there's no -- there's no information that goes to the communities. You guys put sex offenders in hotels and didn't tell the owner of the hotel, never mind the community. They all happen to be in my district; of course, that was by accident, I guess.

*(\*Laughter\*)*

You know, so that's what the problem is. And I would urge my colleagues to push the envelope, override this and let's get a plan from Social Services and get this thing moving. Because everything that Legislator Schneiderman says, you know, the plan will do that. It's a responsible plan to divide this responsibility up around the County, to have 24/7 supervision to protect our surrounding communities, to give them job training, to give them some counseling, to try and do something instead of putting them in a trailer or putting them in a motel and just leaving them on their own; that's irresponsible. Thank you.

Anybody else want to talk on this? Okay, we have a motion to override and a second; roll call.

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

**LEG. SCHNEIDERMAN:**

Yes to override.

**LEG. ROMAINE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes to override.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Pass.

**LEG. CILMI:**

Pass.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

This is to?

**LEG. SCHNEIDERMAN:**

To override.

**LEG. NOWICK:**

Override; yes.

**LEG. HORSLEY:**

No.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. MONTANO:**

No.

**LEG. CILMI:**

No.

**MS. ORTIZ:**

Twelve.

**P.O. LINDSAY:**

Okay, thank you. It stands overridden.

Next, Resolution *No. 807-2010 - Approving the appointment of a relative of a County Legislator in the Fifth Legislative District (Presiding Officer Lindsay)*. I'll make a motion to override.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Second by Legislator Eddington. Is there any discussion on this subject? I'd like to put something on the record.

I don't have any relatives working for me, I never have had any relatives working for me. It's been a prerogative of this Legislature for a long, long time by resolution, it's called the nepotism resolution, that it's put on the record that we've hired someone that's related to somebody. And it goes not only for Legislative employees, the County Executive just did it a couple of weeks ago. It's done in the Police Department frequently, it's done in Public Works frequently. You know, the argument is, I find, very suspect. And Legislator Kennedy, I don't mean to embarrass you, but Legislator Kennedy's wife is his aide.

**LEG. KENNEDY:**

That's correct.

**P.O. LINDSAY:**

I don't think there's a harder working aide in this body.

**LEG. NOWICK:**

I agree.

**P.O. LINDSAY:**

I mean, she is there all the time at every meeting that I ever go to. I mean, I don't think you could find somebody that works harder than her. She is a walking example that's contrary to the County Executive's arguments in this veto message. And I don't have any problem with voting to override this.

**LEG. KENNEDY:**

Mr. Chair, if I can. Obviously, thank you very much. And I am very proud, as a matter of fact, to have my wife on my staff, but I think this resolution -- you know, I wasn't going to speak on it, but as a matter of fact, I might just as well. I think this resolution kind of belies the fact that somehow we, as elected officials, are compromised in our ability to go ahead and make decisions about the operations of our office, I take great pride in being a part of this body and I share I think with each and every one of my colleagues. We epitomize service to our electorate, and each and every one of the decisions that we make goes to serving that public in however we choose and see fit.

I'll also add one other thing. This notion that somehow there would be a compromise in the hours worked by any aide doesn't need the oversight or the protections of the County Executive at all because everybody around this horseshoe knows filing of a false instrument is a crime in the State of New York. So I join you and am very happy to go ahead and override this resolution, and I think that we all take great pride in our staffs and are quite fortunate to have them with us. So thank

you for your kind words.

**P.O. LINDSAY:**

Anybody else want to comment? Legislator Losquadro.

**LEG. LOSQUADRO:**

Just very quickly. We have this procedure in place for a reason. This body voted. As an independent, elected official, we have the right to make our own staffing decisions. And regardless of who those -- what those decisions are, who the individuals are, whether they be family, friends, otherwise, we're accountable to our constituents and our voters at the end of day, that's the people we have to answer to. I'm obviously supporting this. Thank you.

**P.O. LINDSAY:**

Okay. We have a motion and a second to override; roll call.

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

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Recuse.

**MS. ORTIZ:**

Seventeen.

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

Thank you all very much. This is circling the wagons around our own house.

**P.O. LINDSAY:**

It stands overridden.

Okay, let's go to CN's, red folder.

First is ***1918-10 - 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)***. Do I have a motion? Motion by Legislator Gregory.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro. Anybody on the question? All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen.

**LEG. GREGORY:**

Cosponsor.

**LEG. HORSLEY:**

Cosponsor.

**P.O. LINDSAY:**

Approved. We've got a couple of cosponsors; you got them? And the accompanying Bond resolution, ***1918A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$600,000 Bonds to finance the cost of the acquisition of properties for the reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (CP 5510.211))***;

same motion, same second; roll call.

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

**LEG. GREGORY:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

Okay. We have next ***IR 1928-10 - Accepting and appropriating a grant in the amount of \$1,228,794 from the New York State Division of Criminal Justice Services for the Operation Impact VII Task Force with 94.5% support (County Executive).***

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

***IR 1929-10 - Accepting and appropriating a grant award for a Health Workforce Retraining Initiative Grant Program from the New York State Department of Health, 100% reimbursed by State funds at Suffolk County Community College (County Executive).***

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

***Resolution 1930-10 - Accepting and appropriating an amendment to the College Budget for a grant award from the State University of New York for an Educational Opportunity Program 84% reimbursed by State funds at Suffolk County Community College (County Executive).*** Motion by Legislator Horsley.

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

Second.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

*IR 1964-10 - Accepting and appropriating a grant in the amount of \$524,000 from the New York State Office of Homeland Security for the State Law Enforcement Terrorism Prevention Program (SLETPP) FFY2009 with 100% support (County Executive).* Legislator Eddington wants to make a motion.

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

*IR 1966-10 - Amending Resolution No. 249-2009, To readjust, compromise, and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature No. 317 (County Executive).* That sounds like one for Legislator Nowick.

**LEG. NOWICK:**

Okay.

**P.O. LINDSAY:**

Legislator Nowick makes a motion.

*(\*Laughter\*)*

Legislator Nowick makes a motion. I'll second the motion. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

*IR 1969-10 - Amending the 2010 Operating Budget and Program by accepting up to 50% grant funds in the amount of \$1,095,600 from the United States of America Commodity Credit Corporation Acting by and through the United States Department of Agriculture Natural Resources Conservation Service (Grant 73-1c31-10-134) to the Suffolk County Purchase of Development Rights Program for the acquisition of development rights (County Executive).* Motion by Legislator Viloría-Fisher.

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

Sure, yes.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

That takes care of the CN's; we're getting there.

**Late Starters**, yellow folder.

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

Oh, boy.

**P.O. LINDSAY:**

Okay, I'm going to make a motion to lay on the table the following Late Starters; 1951 is assigned to EPA; 1952 is to Public Safety and set a public hearing for October 12th at 2:30 PM in Riverhead; 1953 goes to Parks; 1954 to Parks; 1955 to Parks; 1956 to Ways & Means; 1957 to Public Safety; 1958 to Health & Human Services; 1959 to Public Safety; 1960 to Public Works & Transportation; 1961 to Public Works & Transportation; 1962 to EPA; 1963 to Public Safety; 1965 to Budget & Finance; 1967 to Parks; 1968 to Ways & Means; 1970 to Public Works & Transportation; 1971 to Public Works & Transportation; and 1972 to Budget & Finance. Do I have a second?

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

And it's the bewitching hour of four o'clock and I'll accept a motion to adjourn.

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

Can we just say hallelujah?

**LEG. EDDINGTON:**

So moved.

**P.O. LINDSAY:**

Motion by Legislator Eddington. I'll second that. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen.

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

Yes, sir.

*(\*The meeting was adjourned at 4:02 PM\*)*

*{ } - Denotes Spelled Phonetically*