

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTEENTH DAY

October 12, 2010

MEETING HELD AT THE EVANS K. GRIFFING BUILDING

IN THE

MAXINE S. POSTAL LEGISLATIVE AUDITORIUM

300 CENTER DRIVE

RIVERHEAD, NEW YORK

Verbatim Transcript Taken By:

Lucia Braaten, Alison Mahoney & Diana Flesher - Court Reporters

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

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please? Okay. Mr. Clerk, would you call the roll, please?

MR. LAUBE:

Good morning.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

(Present).

LEG. LOSQUADRO:

(Not Present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Present).

LEG. CILMI:

Here.

LEG. BARRAGA:

(Present).

LEG. KENNEDY:

(Not Present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Present.

P.O. LINDSAY:

Here.

LEG. BARRAGA:

Legislator Barraga.

MR. LAUBE:

Fifteen.

LEG. MURATORE:

Here.

LEG. MONTANO:

Seventeen.

MR. LAUBE:

Seventeen. (Not Present at Roll Call: Legs. Losquadro and Kennedy)

P.O. LINDSAY:

Okay. Would everybody rise for a salute to the flag, led by Legislator Browning?

*(*Salutation*)*

If everyone could remain standing for our introduction of our visiting Clergy by Legislator Browning.

LEG. BROWNING:

Thank you. Good morning. I'd like to introduce to you today Monsignor John T. Heinlein, Associate Pastor of Saint Jude's Roman Catholic Church in Mastic Beach. He will lead us today in our opening prayer.

Monsignor Heinlein is in his 50th year of Catholic priesthood. He was born and raised on Long Island. He has been a competitive swimmer and Jones Beach ocean lifeguard, a competitive slalom water skier, and snow skier for many years. He trained for two summers with the U.S. Ski Team in the Andes in Chile. Monsignor Heinlein was ordained in 1961 with degrees in Philosophy and a Masters Degree in Theology. Monsignor Heinlein was assigned to the -- and practiced Canon Law, which is church law in the Catholic Tribunal, that is the Marriage Annulment Court of the Diocese of Rockville Centre for eight years. He flew with American Airlines as an airline transport pilot, and is now also with the FAA as a lead safety representative, teaching and giving seminars, as he holds all fixed wing certifications. You're something else.

*(*Laughter*)*

He is now the Chief Pilot and President of the Long Island Soaring Association, and for many years has been an active aerobatic pilot and still is. Presently, Monsignor has come out of his retirement and working, as he calls it, with exuberance for the ministry as Associate Pastor for Saint Jude's in Mastic Beach.

We now welcome Monsignor Heinlein to lead us in our opening prayer and invocation. Thank you.

MONSIGNOR HEINLEIN:

I did write a few remarks. I never write, nor read, but for brevity, I decided to write just a few things so we don't go on too long.

In our invocation it is my function to try to invoke God's blessing, but I do much better if I try to get everyone to open our hearts and our minds to God's inspiration, so that we all are giving and being involved in our invocation, invoking God's blessings on us and our proceedings. One of my greatest blessings in the priesthood is reconciliation, and all my reconciliation attempts are always preceded by prayer. It changes the whole disposition and outlook of all that we do.

My twin said -- I have an identical twin, who I think we've said -- he just retired as the Commanding Officer of the U.S. SEAL Team, Navy SEAL Team, but he told his son, his young son, he said, "When I'm not here do everything as if I were right here with you." And we're doing the same thing, too, because we are in the presence of God, our Father.

In Rome they had a symbol of authority, the fascias. Jewish people use the yamaka as a symbol of a higher authority over them and us. Christians note that Christ told the judge Pilate, "You would have no authority unless it were given to you by my father in Heaven." Let us do all in this context and in the context of eternity, and, above all, in the presence -- awareness of the presence of God. We pray that we will do all in the knowledge, the understanding and especially in the wisdom of God. We pray to be good and righteous interiorly, because all that we do comes from our inner being, our spirit, for only a good tree can bear good fruit. We have a summary of the whole teaching of Jesus in his moral life. He said, "By their fruits you shall know them," and what a great guide for us as well.

Finally, let us realize that we are servants. May we serve well. So many depend on us. So much depends on us. Many today are giving their blood and their lives voluntarily as they -- as their contribution. May our contribution be to them and to our constituency and to our future legacy. Be not of political correctness, nor in selfish expediency, but, rather, in the true and holy spirit of God, manifest in the fruits of our service for the betterment of our people and for the glory of God. Amen. Thank you.

P.O. LINDSAY:

If everyone could remain standing for a moment of silence for New York State Assemblyman Paul E. Harenberg of Bayport who passed away on October 7th. Paul was a retired New York State Assemblyman and teacher in Bayport School District. He served as the Chair of the New York State's Assembly Committee on aging for many years.

And also, if everyone could remember in their thoughts and prayers Arlene Stevens, who is an Aide to Legislator Muratore, was in a serious car accident over the weekend and is in Stony Brook Hospital.

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*)*

Please, be seated. Okay. We have a couple of proclamations. First up is Legislator Cilmi for the purpose of a proclamation.

LEG. CILMI:

Thank you very much, Mr. Chair. If I could ask Probation Officer David Spreckels to join me at the podium.

You know, it's always -- I'm always very proud to do this, because I really believe that public safety is at the foundation of any successful community, and it's always good to recognize our Probation Officers as one of the components to that team.

On an early August morning, Probation Officer Spreckels, during a routine visit, issued a breathalyzer test to a probationer and found she had a blood alcohol level of .242. That's the equivalent of 12 drinks. Again, it was early in the morning. After leaving the home, the Officer had pulled over to answer a phone call. While stopped, Officer Spreckels saw that same probationer driving, knowing she had a suspended license from a prior DWI and knowing the probationer had been drinking. The officer pulled the woman over and found the driver's five-year-old son in the passenger seat. Officer Spreckels placed the probationer under arrest. The Officer searched for and found a responsible family member to take temporary custody of the child to minimize his trauma until his father came home. The probationer was charged with multiple felonies, including violating Leandra's Law and endangering the welfare of a minor. Probation Officer Spreckels likely saved lives that morning, not the least of which was that of an innocent five-year-old boy.

By way of this proclamation, this Legislature and this Legislator applaud your efforts, Probation Officer Spreckels. You, sir, are a credit to Suffolk County. Congratulations.

OFFICER SPRECKELS:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

Next is Legislator Romaine for the purpose of a proclamation.

LEG. ROMAINE:

Yes, thank you. I'd like to call our Commissioner of Elections up. As she comes up, and Cathy Geier, who is a resident in the Town of Southold, a constituent of mine, and someone that I'm very friendly with, Cathy started in 1976 as a temporary worker with the Board of Elections and she stayed, and she rose through the ranks until in 2007 she was appointed Commissioner. Now, three years later, she is retiring after 34 years of service to the County. In those years she pioneered and worked in every aspect of the Board of Elections, ensuring one of the most fundamental rights of any and every American and that is the right to vote and to make sure that that vote is counted and it means something in this democracy.

On her retirement, we have a proclamation signed by each one of my 17 other colleagues and myself wishing her well on her retirement. Cathy, congratulations, and thank you for your service. Long and healthy retirement. Say a few words.

*(*Applause*)*

MS. GEIER:

Thank you so much for the honor, it is much appreciated. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Next is Legislator Stern for the purpose of a proclamation.

LEG. STERN:

Good morning. Thank you, Mr. Presiding Officer. Good morning to my colleagues and to everybody who is with us today. It is really my privilege to welcome Christopher Schiavo to the Legislature this morning for purposes of receiving this proclamation. Christopher Schiavo has been awarded the prestigious "Intrepid Hometown Hero" Service Person Award by the Intrepid Sea, Air and Space Museum in recognition of his more than 20 years of dedicated service to our community. Chris has done so many things for not just his immediate community, but all of us throughout Suffolk County and, indeed, our entire nation. He exemplifies the mission of the Intrepid Sea and Air and Space Museum. In his more than 20 years of dedicated service to the Deer Park Volunteer Fire Department, serving as past Chief and as an award-winning firefighter. He also serves in the Suffolk County Police Department as a police officer and as a helicopter pilot, aiding in rescue operations. He also serves our great nation in the United States Airforce Air National Guard's 103rd Air Operations Group as a volunteer flight commander and as an Airforce Academy liaison officer, working to safeguard our freedom and our way of life. It is really a great privilege to present this proclamation to Christopher Schiavo. Please join me in congratulating Christopher Schiavo for all that he does for all of us.

*(*Applause*)*

Thank you.

P.O. LINDSAY:

Okay. Legislator Browning?

LEG. BROWNING:

Well, the family is not here, one of the families are not here.

P.O. LINDSAY:

I don't have anymore procs.

D.P.O. VILORIA-FISHER:

Well, they could do it after my presentation.

P.O. LINDSAY:

Do you want to wait until we have a presentation? You want to --

LEG. BROWNING:

Well, the family that are receiving the procs are here, it's the family that they saved that are not here yet.

P.O. LINDSAY:

Well, I'm asking you, do you want to wait? Legislator Viloría-Fisher has to do a presentation, all right?

LEG. BROWNING:

Sure.

P.O. LINDSAY:

Next, I'll introduce Deputy Presiding Officer Viloría-Fisher, will introduce the Long Island Victory Garden Task Force who will make a short PowerPoint presentation to the Legislature.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Presiding Officer. This will be a fairly brief presentation by the Long Island Victory -- actually, it says Long Island, but it's the Suffolk County Victory Garden Task Force. As you all know, the seed that was planted in my head was planted by a group of young children in a 5th grade class who, on what I call the "Legislator for a Day" lesson, suggested why can't Suffolk County help people afford healthier food? I invited the children to come to the Legislature, and with the help of their Legislator, Legislator Rick Montano, they came and visited us on what I think was a very memorable visit. And it certainly seems memorable, because it resulted in three pieces of legislation; mine, which was establishing the Long Island Victory Garden Task Force, Legislator Romaine's legislation, which called for appropriate County properties where there can be community gardens, and Legislator Wayne Horsley's legislation, which called for informing people who receive food stamps, that they can use food stamps to buy seedlings and seeds. So these were direct effects of these young people's input.

The members of the Task Force were myself, Joe Gergela. Joe can't be here today, as you know, he hasn't been well. Tom Lyon, Carolyn Kiang, who has the Master Gardening -- Master Gardening Program with Cornell Cooperative; Pam Greene from the Division of Real Property; Richard Meyer, who has retired and he still comes back to our Victory Garden Task Force meetings as a volunteer, and Jane Corrarino from the Department -- Suffolk County Health Department, Department of Health Services.

We held four public hearings. The first one was held right here in the Riverhead auditorium, the second one was held at the Brentwood Public Library, the third one was in Farmingville at the -- at SUNY Farmingville -- no, I'm sorry, Farmingville at a library, and the fourth one was held in Farmingdale at SUNY Farmingdale.

The Health Department created this beautiful map. If you look at the different icons on it, those icons that have a pinecone indicate that there is a park. The apples are school gardens, the sunflowers are either CSAs or community gardens, and the carrots are farms. And I think Legislator Romaine would be so happy to see that there are so many carrots up on the -- in his district.

As you can see, these are the pieces of legislation, mine, which was 1473. And the maps that you're seeing here are a result of the legislation that was introduced by Legislator Romaine. The department -- the Division of Real Property -- Real Estate gave us the tax map numbers as their charge in response to Legislator Romaine's legislation. And Pam Greene, who was a member of my Task Force, gave us this list of tax map numbers, and I said, "I don't think these are too user friendly." And so she went back to Planning who plotted them on maps, so that people could find where there are County properties that would be appropriate for community gardens.

The next page is a Facebook page. I.T. was really helpful with this. One of the important recommendations that came out of the Victory Garden Task Force was not so much the information that we are giving to people, but we learned at the public hearings that the information that people give us is equally critical. And so we wanted moving forward to have an interactive component. The maps that you saw a minute ago, the map that had the carrots and the apples, I.T. has that map up and people can go on to the map to -- and put in their address or their location and find if there's a community garden in their area. However, often there are folks who want to give us information about a school garden that they've developed, a community garden, a new CSA or even a farm stand that's going up. And so they can come on to the Facebook page, and if you look at the different boxes, they can go -- they can click onto "Like" and it says, "Like our page to start

interacting with others." There's a discussion tab where -- that can be clicked on, and then there are other important resources.

We did a lot of research when we were working on the Victory Garden Task Force, because there were so many people across the country who have followed up on this. And I have to say that the Health Department have been very helpful when I've learned about grants that are available, People's Garden grants, USDA grants, grants that I learned about through my -- acting as a Commissioner with the Soil and Water District. I passed those all along to the Department of Health Services and they followed up with the grant writing that was involved in that.

The other recommendation, and this I learned -- I actually called people from -- who were in New Mexico and Toronto and Oakland who have food policy councils. We are experiencing in our country and in suburbia now, which hadn't been a problem years ago, there are food deserts in the United States where people cannot access healthy food easily, where there are not even supermarkets nearby, and that's a double challenge in Suffolk County where you have problems with transportation. And New York State had set up a food policy council, New Mexico has been, Oakland, California has one, Toronto, Canada. And what I did was I looked at all of these different food policy councils and what they do is combine issues of social justice and food equity at all levels, the production of food, the distribution of food, the processing of food and access to food. And what I have done is I have laid on the table today a resolution introducing a food policy council that replicates what's being done in New York State. But now the USDA is looking at local and regional food policy councils when they consider grant money coming from the Federal Government to localities.

So this food policy council will represent everyone from the community activists who are saying that people are having trouble getting to good food to the farmers who grow the food to the food processors.

And, you know, in Calverton there is now an incubator for food processing. Many of us have seen some of the farmers come and speak here. Well, one of the farmers who spoke at one of our last meetings is very much involved with the food processing incubator. So this is not just a Task Force that looked at what is being done, but has established recommendations to include people in Suffolk County as we move forward.

These are just nice pictures. Questions? Tom, did I forget anything that you'd like to mention? Tom Lyon is a member of the Task Force and has been really, really helpful in putting it together, helping with it.

MR. LYONS:

I'm a lifelong Suffolk County resident and retired school teacher, and I've spent the last three years working on rescuing a farm in Centereach, Hobbs Community Farm. It's just exciting times for the food evolution, local foods that's going on now and I'm proud to be part of this Task Force.

D.P.O. VILORIA-FISHER:

Okay. As I mentioned earlier, we had tremendous help from the different departments in Suffolk County. The Health Department, you saw the map that they had put together. They've been helping us with forwarding grants for different programs. The Health Department is also working in Brentwood in a community garden that was funded with the help of Stony Brook University's School of Family Medicine in their Nutrition Unit, bringing State dollars to help with those gardens, but -- and I have to also thank I.T. for their help in putting this together, giving us access to putting up the Facebook, the interactive maps. And Skip Heaney would like to present some of what I.T. is doing to help us move this forward.

MR. HEANEY:

Sure. Well, good morning, everyone. I.T. has been asked to work with Legislator Viloría-Fisher's Office to take some of the data concerning the various community gardens and farms and to make it a live interaction on the County's own GIS map. With me this morning is Jim Daly, who is our GIS Coordinator. What we have put together in short notice is just a mock-up of the concept, which will allow an individual to go on to the GIS map, click on an icon, open it up to information about that farm or community garden, and where there is a link, they'll be able to click directly to the site. So Jim is going to walk us through.

I will say that in addition to the active gardens and farms that we have, we've also put in a number of the proposed sites pursuant to Legislator Romaine's initiative. They're depicted as, I don't know, green clumps, I don't know, and we have an open flower where we have an active garden or farm. Jim?

MR. DALY:

Good morning, everyone. What we're seeing here is an interactive geographic information systems map. We were asked to pull together the properties for the purposes of these gardens and locate them, and then be able to identify not only where they are, but also perhaps push out a link to find more information about them as well. So what you're seeing here is basically a mock-up of the previous map that we saw in the previous presentation. Our icons aren't quite as sophisticated yet, but we will be there shortly, I guarantee you that. This interactive map we can see has the aerial photography below it, as well as certain icons. These tree clumps here are representative of potential sites, as you can see, or proposed gardens, and this icon here represents a flower, which represents, excuse me, the active -- the existing gardens. We are going to be adding improvements to this map as we move forward. This is a new program for us, but we have existing applications that are very similar to this and we plan to keep adding to this as we go forward.

D.P.O. VILORIA-FISHER:

Thank you.

MR. DALY:

I've been asked to demonstrate an active farm that's already in our system. This is Hobbs Farm, just south of Port Jefferson. We click on the link or the icon and here we have Hobbs Farm identified. And then, if we pursue the arrow here to the right, we have a link to the Hobbs Farm website, which would then give us more information. So, as you see, as we move forward, we'll have all these other farms in there as well that will have those links to give the residents more information about these sites.

D.P.O. VILORIA-FISHER:

Thank you. So you could see this was a really good cooperative effort among many of the departments working with the Victory Garden Task Force. Thank you. Anybody have any questions? Okay. We're done. Thank you. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay. As soon as we get the room back in order, we'll start the public portion.

LEG. BROWNING:

Bill, they're not here yet.

P.O. LINDSAY:

Oh, proclamation. They're not here. I'm sorry. Good thing you reminded me, Miss Kate. Yeah, Legislator Browning is -- still has the one presentation to make, proclamation.

LEG. BROWNING:

Okay. I'd like to introduce to you this morning James Metz, Jr. and James Metz, III. They're Mastic Beach residents, and, Bill, you'd like to know they're both electricians with IBEW Local 25.

On the morning of September 10th, while traveling on their way to work, the Metz drove past the home at 83 Pine road in Mastic Beach and noticed smoke coming from the home. They knew that there was a family with small children who lived at the home and they quickly became concerned that the family may still be inside. They immediately pulled over and Jimmy, Jr. told his son to run to the house and start banging on the windows and the doors to see if anyone was still inside while he called 911. Eventually, after banging on the windows and yelling, the homeowner, Mr. George Lewis, came to the door and had no idea the home was on fire. His wife, Letitia, and their three children were still inside. The Metz Family helped to quickly remove the family from the home just seconds before the house was consumed by flames. Out of all the people who drove past that morning, the Metz were the only ones that stopped to help that family in need.

They are true heroes, and not only that, but their wife -- Jimmy's wife, Debbie, is here and they are the founders of a special needs sports program in the Mastic Beach and Mastic area, and the entire family spent every weekend working with special needs kids, their grandson is one of them, but they spend their tireless time working to help the kids in the community. Debbie has come to me, working on trying to put an adaptive playground together; I've been meeting with the Parks Department. So this is a family that is truly a very well-known and very much appreciated family in the community for everything that they do. And so today I do have proclamations to say thank you for what they have done in saving a family of five. We truly appreciate it. And I know that the Lewis Family was trying to get here. I don't think they have been able to show up, but I know they are very appreciative, too. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Now we're going to the public portion. First card is Kerry Dolan.

MS. DOLAN:

Good morning. My name is Kerry Dolan and I'm here on behalf of Assemblyman Mark Alessi, who represents the First District in the New York State Assembly. I'm here before you to offer comments from Assemblyman Alessi on Resolution Number 1948, which would begin the acquisition of the parcel of land at the corner of Reeves Road and Sound Avenue in the Town of Riverhead and preserve the property as a hamlet park. So here are Assemblyman Alessi's comments.

"I would like to represent my constituency and express on their behalf their support for acquisition of this piece of property. At my District Office just this past month I have spoken to many residents in the area who wish to preserve this property and turn it into a park for the community to enjoy. We must fight to keep Sound Avenue rural, as this is one of the last places on Long Island with as much -- as much acreage of open space. Not only do the residents of this area stand united in order to preserve this open space, but I believe that the agritourism economy on the East End is directly dependent on keeping Sound Avenue rural. It is for these reasons that I implore you today to commit to keeping Sound Avenue and the East End rural. By keeping Sound Avenue rural, we will continue to attract visitors to Suffolk county and the East End specifically who come here for day trips or vacations to see Long Island farm country. These tourism dollars help boost the County's sales revenue and keep all Suffolk residents property taxes down. This is not just about my community, it is about all our communities. Thank you, Legislator Romaine, for introducing this resolution, and thank you to all who have listened."

*(*Applause*)*

P.O. LINDSAY:

Thank you. We have the Supervisor from the Town of Riverhead, Sean Walter.

SUPERVISOR WALTER:

Good morning, Mr. Presiding Officer, Members of the Legislature. I'd like to welcome you to -- well, it's Southampton, but Riverhead. I'm here to talk about Resolution 1948, but before I do, I just want to welcome you to Riverhead. And I know you have a long agenda today, and part -- you are part of the our downtown revitalization and there's several new restaurants that have opened up, and one of them I had the pleasure of eating at on Sunday night, Dark Horse Catering, One East Main Street. And I say this -- this is an unpaid political plug here. I say this because Dee Muma, the proprietor, uses all locally grown produce at the restaurant, and you will -- if you go to the lunch there, One East Main Street and Peconic Avenue, you will not be disappointed. So, every time, I think I'm going to come here and plug downtown Main Street.

Resolution 1948, I stand before you as a Town Supervisor asking for the help of the Suffolk County Legislature. The Suffolk County Planning report on this piece of property doesn't tell the entire story. This is a 4.1 acre parcel. The property is currently under a court order, if you will, to be developed as a 28,000 square foot shopping center, a strip mall right on Sound Avenue. I'm not going to get into the merits of the debate as to how that happened, or why it happened, or whether it was correct, but I think you all can understand that putting a 28,000 square foot shopping mall on Sound Avenue in the midst of farm country and pumpkin hunting country is not a good idea. If any of you were in Riverhead this weekend, you would know that it probably took you some 45 minutes to get from one end of the town to the other end of town on Sound Avenue. It is unfortunate that this shopping center was approved by the court, but the Town's hands are tied. The shopping center is only subject to SEQRA, and we are moving through SEQRA slowly, but we're moving through it.

You're going to hear today -- I've been involved in open space and farmland preservation for more time than I was Town Supervisor in Riverhead, believe me, and I have never seen, nor will you probably ever see, more people come out to support one piece of property, one acquisition of property than you're going to see today. This is a vocal community. The Suffolk County Planning Department, when they ranked this parcel, could not, because they did not understand the support of this community. And in that support, you have to find that the ranking tells one story, but if we are -- if we are elected to do the people's will, the people are going to tell you what their will is and that is to purchase this piece of property.

The Town of Riverhead, we've purchased -- we've spent some 66 million dollars in the last couple of years purchasing open space and farmland. And I'll just wrap up by saying we've done a tremendous amount. We're kind of broke right now because we've expended all the CPF money from even what -- all the projected revenues through the next 20 or 30 years. So we've done what we can in Riverhead. We need your help, and we look forward to partnering with you on this. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you Mr. Supervisor. There's a number of cards on this subject, and we don't usually comment during the public portion, but Legislator Viloría-Fisher just wants -- we got a new ranking on that property and it may clarify people's mind on this and they might not want to speak.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Just very quickly, this had come before the Environment Committee and I had suggested to Legislator Romaine that it be put in the hamlet park designation. Mr. Romaine did

amend his resolution and designated this property in the hamlet park designation. And so the ranking went from seven points to fifty-five points because the hamlet park designation is a much more appropriate one. So we just wanted to let you know that the ranking has gone up considerably.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Next up is Chief Roy Gross from SPCA.

CHIEF GROSS:

Good morning, Ladies and Gentlemen. I'm here today to speak about the Animal Abuser Registry, I.R. 1879. I want to thank Legislator Cooper for enacting this bill. I think it's something that's extremely important, especially today with all of the rise on animal abuse.

I also want to just support also 1952, which I know is going to be discussed this afternoon, this companion bill.

I'd like to say that most serial killers began by torturing and killing animals. Animal abuse is on the rise, not only in Suffolk County, but throughout the nation. The Suffolk County SPCA has seen approximately a 20% increase in reported cases of animal abuse in Suffolk County alone. We investigate over 2,000 cases a year just here in Suffolk County. Many reported cases of animal abuse that we investigate are repeat offenders. A perfect example how this law will prevent these acts of cruelty, recent cases, one -- as a matter of fact, one today, in fact, I just got a call regarding two kittens that were thrown out of a car window on the Southern State Parkway. Unfortunately, they did die. This happened in the Babylon area. We are currently investigating that. Actually we were never called by the complainant. Apparently, they called the State Police. I have an investigator right now, this occurred Friday afternoon, and we will pursue this. This is a perfect example of what people would do to an animal. Other recent cases, we had a case just recently in Huntington where 114 dogs, three goats, a horse, a cat and numerous dead dogs were found in a house in Huntington. Just unbelievable that something like this would occur in this day and age.

Justin is here today. She's going to get up and speak. Regina is from the Suffolk County SPCA. It is a dog that was found in -- last May in Centereach in a house that was an abandoned house or foreclosed home and the dog was found 19 pounds; it's -- now it's 55 pounds. It was near death. The dog was named Justin because it was just in time.

Another case back in November in Selden where a woman with seven children in the house had approximately killed -- tortured and killed 40 dogs and buried them in the backyard. I'm sure you are familiar with that. Her 21-year-old son had moved out of the house, reported this incident, and we began investigating it. Basically, she would either adopt or purchase dogs from pet stores, paying, you know, five, six hundred dollars a dog, take them home and systematically torture and kill them. Many of these acts allegedly occurred in front of her children and then buried them the backyard.

Another case in 2007, a man in Brentwood took his pit bull, tied it to a tree, poured gasoline on it, flipped a cigarette on it and set it on fire and just let it burn. It lived for days like that. Just a horrible act of animal cruelty. By the way, he did serve two years. That case is closed, he served two years for felony animal cruelty.

Another case in Central Islip, if you remember the "C.I. Five" they called it, with the five horses that were under the care of a horse -- a horse breeder or somebody that had the care of these animals allowed these horses to suffer and squalor in their own filth. They were covered in maggots, their hooves had maggots. They were severely emaciated. Just another act of -- horrible act of animal

cruelty.

A case in March where a farm in Riverhead, there were over 100 farm animals that were left in deplorable condition that were removed from a farm in Riverhead.

P.O. LINDSAY:

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

CHIEF GROSS:

Okay. Again, a civilian society should not and will not accept these acts of atrocities. It's a known fact that people that hurt animals hurt people. That's why we have to act and enact this law and make it a reality. And this bill will provide the ammunition to help fight the ongoing war against animal abusers. Let this law be a model for other municipalities, not only in New York State, but throughout the nation. And I will add that, you know, having this registry, will be handled by the Suffolk County SPCA at no cost to the taxpayers; I want to make that very clear as well.

P.O. LINDSAY:

Thank you very much.

CHIEF GROSS:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

Sergeant Regina Benfante.

SGT. BENFANTE:

Hi. I'm Sergeant Benfante with the Suffolk County SPCA and I brought Justin here today. We're here to support this bill. Justin, on May 25th, was found in a foreclosed home. He was 19 pounds, he was a skeleton. He was unable to walk. He was unable to get out of the house on his own, he had to be carried. We didn't even know if he was going to make it at that time when we found him. The vets never saw a dog emaciated that was still alive. He was basically taking his last breaths when we found him, but he's here today at 55 pounds. And, you know, dogs like Justin are lucky. Most animals, unfortunately, are not as lucky as he. You know, we found him just in time, hence his name. This bill would be able to protect animals like him and prohibit, hopefully, prohibit people from -- if they do commit a crime, from being able to get their hands on animals in the future.

I wanted to bring up, too, a recent case that we just did of a man allegedly beating his dog to death. He punched it so hard he broke its neck. And when we went to go arrest this man, he was on the computer trying to buy another puppy. So, hopefully, this bill will prevent that from happening.

P.O. LINDSAY:

Thank you.

*(*Applause*)*

Bob DeLuca.

MR. DELUCA:

Good morning, members of the Legislature. My name is Bob DeLuca and I serve as President of Group for the East End. For the record, Group for the East End is a conservation organization that

represents the planning and community conservation interest of several thousand households, individuals and businesses across the five towns of eastern Long Island. My comments today here to offer support for I.R. 1938, which is a Capital Budget amendment to provide for the completion of a water quality strategy for Goldsmith's Inlet, Goldsmith's Pond in the Town of Southold.

Just briefly, Goldsmith's Inlet is a designated significant fish and wildlife habitat, and about 65% of the surrounding shoreline of Goldsmith's Pond is owned by Suffolk County, part of its parkland. And despite a history of very vibrant and high water quality, Goldsmith's Inlet and Goldsmith's Pond are in trouble. These areas are rated severely polluted by the State of New York, and this Capital Budget amendment is an attempt for us to put together a water quality strategy which would help us better understand what's going on in that pond, and, more importantly, come with a series of recommendations for what to do to clean up the water quality.

Just quickly, I wanted to point out, when I was before committee, the issue came up as to why this is not a 477 project. I serve on the Water Quality Review Committee for the County and want to let you know that the reason it's not submitted there is because we've been advised that the 477 Fund is oversubscribed, yet we don't want to really just let the positive energy that's been created around cleaning up Goldsmith's Inlet evaporate while we're waiting for more 477 monies. So we're here asking for this Capital Budget amendment as an interim measure as a way to get going on this. And I should point out that, you know, through the good work of the Town of Southold, the Group to Save Goldsmith's Inlet and many other people in the community, there's an awful lot of support, a lot of energy behind this. And I think, again, with Suffolk County being a prime stakeholder around, you know, more than half of this water body, it's something that the County, obviously, hopefully, is interested in helping us with as well.

So, with that, I just want to say, you know, thanks for your time and effort on this. I realize how tough budget times are, but if you can find a way see if we can move forward with this project, I think it would be in the best interest of all of us. So thanks very much.

P.O. LINDSAY:

Thank you. Hugh Switzer.

*(*Applause*)*

MR. SWITZER:

Good morning. My name is Hugh Switzer. I live in Southold at Goldsmith Inlet, and I represent the Group to Save Goldsmith Inlet, which are hundreds of citizens who are actively supporting your approval of Resolution 1938, and looking for you to help us save the inlet.

As background, Goldsmith Inlet for hundreds and hundreds of years was safe and healthy. It was a true recreational gem on the North Fork, environmentally sound, used by hundreds and hundreds of citizens. Then in 1964 the County decided to rebuild one of the two jetties and that it lead to the entrance of the inlet. Since then, sand has filled the channel going into the inlet and is now filling the inlet itself. Tidal range has gone from many feet to a few inches. Pollution levels are now more than ten times the DEC allowable levels for shellfishing. The Suffolk County Health Department has said that they would close the inlet if it was a County park or a County beach, excuse me. Trash keeps coming in, doesn't go out, because of the reduced tidal flow. Basically, the inlet has gone from an environmental treasure for the County to almost a swamp. The smell of pollution often greets our visitors and we're afraid to let our children go in the water.

So, in 2003, the County decided that dredging was going to solve the problem. Hundreds of thousands of dollars were spent on a major dredging effort. Unfortunately, that was a failure. The dredged area filled in within a few months. As a result, the Town of Southold has had to continue

to do annual emergency dredging. It started out as emergency dredging periodically, now it's annual because it's so filled in. This let's a little water come in and out, but not enough to impact the pollution. These dredging experiences have proven to us all that dredging is not the answer, dredging alone is not going to solve the problem. Realizing the increasing threat to the viability, literally the viability of this inlet, the Town of Southold in 2009, under the direction of Supervisor Russell, approved a comprehensive management plan. Short-term projects are being worked on as we speak. We have hundreds of volunteers who are actively working to do immediate short-term things to help the inlet. For example, in this last year alone, we've removed more than 80 tons, that's 80 tons of garbage and trash out of the inlet. It comes in but does not go out because of the reduced tidal flow.

We're asking you to support this resolution, 1938. We think it's important that you know that our supporters include the Town, the DEC, the County Health Department, the Parks Department, the DPW, the Audubon Society, the Group for the East End, as Bob mentioned earlier, Peconic Land Trust, and, finally, the hundreds of citizens who are actively requesting that you support this.

In closing, I'm reminded that the definition of insanity is to keep doing the same thing and expect a different result. Well, we spent a lot of time, we spent a lot of money and we are no closer to the solution of the problems. Now's the right time to do the right thing and to do it the right way, and we thank you all in advance for your support in helping us save Goldsmith Inlet by approving this resolution. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Nancy Mariano.

MS. MARIANO:

Hello. I want to thank you for supporting Friends of Karen. I have met with most of you already in your office, and you have been there every year to help provide the necessary support to families that are struggling with the day-to-day challenges from having a child with cancer. Last year we helped thirteen hundred and forty-four children, and every day, every single day we get another call.

Just a few quick statistics. Every school day 46 children will be diagnosed with cancer. One in every 330 children will develop cancer by the age of 30 -- I'm sorry, by the age of 20. Although the five-year survival rate is increasing, one quarter of these children will die five years from the time of diagnosis. Cancer remains the number one disease killer among American children.

I want to give you just three quick reasons why these families need Friends of Karen. One, one parent must give up their job to care for their ill child. Many of our families are single parents to begin with. The loss of income, coupled with illness-related bills, travel to treatment, rent, mortgage, utility bills, child care, etcetera, leave a family financially devastated. Friends of Karen pays these bills, \$185,000 a month.

With the advancement of medicine and clinical trials, many of the children we see are in treatment between three to six years. Friends of Karen is there to keep the family stable.

Number three, most treatments are done outpatient now, which means that hospitals depend on Friends of Karen even more. We are the bridge between the hospital and the home. Friends of Karen social workers are in the home and the school and in the hospital. And Friends of Karen is so much more than just the bill-payers. Our team of skilled social workers provide emotional support to the children and family, helping them cope with the many issues they are facing. We talk to mom and dad about their child's diagnosis, about getting second opinions, about the needs of their

children. We provide an avenue to express their anger and fears about their hopes and dreams, and the cases where treatment does not work, we spend countless hours helping the family prepare for end of life and then help the family move forward. Last year, so sadly, we lost seventy-two children.

With the continual support of Friends of Karen from the time of diagnosis until treatment ends, we are able to sustain the family unit. With Friends of Karen's help, our families remain in their own homes, children get the medical treatment they need, siblings are not forgotten, and medical bills are paid. The goal is to keep a family intact.

Thank you for helping us spread the word of Friends of Karen. I included in your packets -- I hope you all have them. Jay Schneiderman, thank you so much for giving a sample of what you send to the media so that people know that we're out there. Cancer is too big for anyone to do alone. As we discussed in your office, we are again zeroed out in this year's budget. It would not be possible to provide the kind of long-term financial and emotional support without the generosity and kindness of people like you. I thank you from the bottom of my heart for all your support in the past. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Mark Terry.

MR. TERRY:

Good morning. My name is Mark Terry. I'm the Principal Planner for the Town of Southold. I'm the Project Manager for the Goldsmith Inlet restoration effort within the Town.

The Goldsmith Inlet Pond and the inlet itself are degraded water body. We have many challenges, and that's invasive species encroaching into the intertidal zone. We have debris fields along the shoreline; every year forces many cleanups during the year. And one of the biggest problems is water quality, inputs of pollutants and coliform bacteria into the water body is at the levels that exceed DEC, Department of Health standards.

We have the opportunity together to turn this wetland and important water body around at this point. And I represent the Town Board and supporting Resolution, I.R. 1938, to accomplish this and work as a multi-agency effort to turn the inlet around and get it back to where it used to be. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Alicia Thompson.

MS. THOMPSON:

Good morning. My name is Alicia Thompson. I live in Peconic, right near Goldsmith's Inlet. I'm here to ask you to continue to serve your constituents there in supporting Resolution 1938, to bring Goldsmith's Inlet back to good health. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Dorine Kenney.

MS. KENNEY:

Good morning. I'm Gold Star Mother, Dorine Kenney, and I started Jacob's Light Foundation to help our troops overseas as my son's legacy when he was killed in 2003 in Iraq. We've sent 380,000 pounds of supplies to our troops in Iraq and Afghanistan. We also help families, the Blue Star families in the area, we're a great support system to them. Our foundation incurs a \$4,000 bill every month just to mail our care packages. It's exorbitant and we do need help.

Legislator Stern has been wonderful in helping us the last several years with grants for our mailings, and also did collections early on when we were still collecting items. We've grown much better now, so I do thank you so much for all of your help. And your staff comes to help with the packages and their families, so it's really wonderful.

I'm here to ask for any help we could get with grants for the mailing of our boxes. I'm also here to ask that everyone present vote for us on -- for a Pepsi grant. We have an opportunity to win a big grant and it's by vote, so if everybody can pitch in and help. We have information on the desk as you leave. We'd greatly appreciate it. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Linda Vardy. Linda Vardy.

MS. VARDY:

Good morning. I'm Linda Vardy and I am a Biologist, formerly teaching with the City University of New York system. We -- I am here to talk about Resolution 1938, Goldsmith's Inlet and Pond. I have lived there for about 35 years and have watched in awe the magnificent biodiversity that this area has represented. In the past, we sadly watched our shellfishing beds close because of pollution, and now there are other threats to the inlet. We still have a wonderful array of shellfish, fish nurseries, water fowl, shore birds. The plant life is thriving, some of it invasive, which we have to take care of. But we ask that you approve 1938 to help us study and remediate the problems that we have with the inlet and keep this gem of an ecosystem within our community of Southold. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Fred Kedenburg.

MR. KEDENBURG:

Hi. I'll be very brief. I'm a resident of Peconic. I live about a half mile from Goldsmith's Inlet. Goldsmith's Inlet is a natural treasure of Suffolk County, and I would ask that you support Resolution 1938. I know we don't always get -- even though it's pumpkin-picking season, we don't get a lot of attention out on the North Fork, but this is a treasure that can be enjoyed by all of the residents of Suffolk County. And just come out and take a look at it and you'll know what I mean. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Bob Kelly.

MR. KELLY:

Good morning. Bob Kelly from Reeves Park, Town of Riverhead, to talk about Resolution 1948. I want to thank Legislator Romaine and Legislator Fisher for their help so far in getting it to this point.

There are many reasons why a large scale commercial development on the corner of Sound Avenue and Thomas Kelly Memorial Drive just doesn't work, its logistics, its traffic. There's problems, it's a density issue. All major negative impacts of our environment and to the fragileness of the Long Island Sound and all our beaches, that would all come from manmade pollution on the large-scale strip mall. There are all the obvious reasons, making it a bad decision in anyone's book, corporate greed and political, throwing stones notwithstanding. But I'm up here on a little bit of a personal reason and something -- sometimes I have a hard time discussing, but in front of you all, but judging by what's at stake on this issue, I'm going to try to take this for a walk.

On September 11th, my brother, Tom Kelly, he was at work in Brooklyn in Ladder Company 105 on Dean Street. By the time that I reported to work in my firehouse out in Queens, the towers had already been struck. I called my brother Tom up, up at his firehouse, to try to tell him to be safe and be careful. However, I was too late, they had already responded, so I never got to say goodbye to those guys.

The last time I was with my brother, we were on the beach in Reeves Park and that was Labor Day weekend. Two city boys; life was good out there. I told him how lucky he was to be able to live in Riverhead all year 'round. Tommy purchased the house on Marine Street and gladly made the trek into Brooklyn, knowing that he could come home to his family and his friends out in the North Fork of Long Island.

Tommy and his entire company, they were all killed that day. All seven of those members have never been recovered, Thomas, Captain Vinny Brunton, Henry Miller, Dennis O'Berg, John Chipura, my good friend Frank Palombo, who left behind a wife and ten children. They've all never come home. Because I worked down at the World Trade Center in the weeks and the months afterwards, every recovery that I was part of was very special, but I always held out hope that one day it would be Tom or one of my friends. It never was the case and that takes its toll.

We had a memorial service for Tommy out in Riverhead and the Town of Riverhead did our family and all the FDNY and all those that were killed that day a tremendous tribute. The Police Department, the Fire Department and the school kids, all the staff, they all went the extra yard. Today there's a modest stone and a plaque that sits on the corner of Sound Avenue and Thomas Kelly Memorial Drive in Riverhead. My brother, Jim, and a few friends carried that up from the beach one day. That plaque is dedicated to Tom's memory. The flag that flies there is for all those that were killed on September 11th. And some years ago the Town renamed the park -- named Park Road after Thomas Kelly. Again, the Town should be commended for their efforts, for their upkeep of the flag in that parcel of land. The flag, the plaque and the sign are all meant to honor those who never came home that day. Over time I've been contacted by so many folks who are impressed by what a peaceful place it is out there on the North Fork. They have it for reflection and they all spend time there. That's why I'm here today.

A few years back my family and a few friends had the idea of trying to acquire some of that land and turning it into a memorial park for all those that were killed on September 11th. It could be that special of a place, a peaceful place on the North Fork. You all could help make that happen. It would be one powerful legacy to leave to our children, to your grandchildren, for all those that were too young on September 11th to have remembered that day. Between the County, the Town and a few of us here, we could do that, the lawyers, all of you. Think of what a gift we could leave behind. The community in Reeves Park has two firefighters who died on September 11th.

P.O. LINDSAY:

Could you wrap it up, Mr. Kelly? You're way out of time.

MR. KELLY:

Sorry, about that, I didn't hear it beep. Again, thank you for your efforts and I appreciate the time to talk. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Mr. Kelly. Sid Bail.

MS. BAIL:

Good morning. Sid Bail, First Vice President of the Wading River Civic Association. I'm here today to support the public acquisition of the 4.1 acre parcel on the corner of Sound Road and Thomas Kelly Memorial Drive. We believe it's an important step in preserving the character of this very special corridor. It's been designated as an historic corridor. In a way, it's a window into Suffolk's past, the way we were. It's kind of hit home to me. A few months ago I was going out to my 50th high school reunion at Mattituck High School and we were traveling out, you know, Sound Road. In 50 years, you know, Long Island has changed tremendously. But there's something still unique and special about Sound Avenue. It's a major attraction, it draws folks from all over Suffolk County and many other places. And I can attest to you, living in Wading River, as the folks stream off Exit 68 on the L.I.E. onto 25A to come through our community, you know, it is an attraction and it's an important attraction.

This body has done a lot to promote agritourism in Suffolk County, and Sound Avenue is very important in the whole equation. We respectfully urge the members of this Legislature to approve Resolution 1948. Thank you for your time.

*(*Applause*)*

P.O. LINDSAY:

Aaron Virgin.

MR. VIRGIN:

Good morning. My name is Aaron Virgin. I'm the Vice President of Group for the East End. As Bob DeLuca a mentioned, we represent the environmental advocacy and education interest of some 3,000 people on the East End, several hundred in Riverhead.

I won't go into detail of what I was going to say, a lot of it has already been said, but we have representatives from the State and also the Town Supervisor here urging for the passage of this resolution, 1948. And I applaud both Legislator Romaine and Fisher for changing the status to a hamlet park. As Mr. Kelly said, this is a great opportunity to pay homage to those who have fallen on 9/11. At the same time, it sets a precedent, a good precedent where we don't have to continue developing this Island on the -- along that corridor. You only have to look to Route 58 to see what commercial development does belongs in some areas, it just does not belong here. So I urge you all to pass this resolution, 1948. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Carolyn Fahey from Economic Development.

MS. FAHEY:

Good morning, Legislators. I'm here to let you know that this afternoon you're going to be seeing a Certificate of Necessity from our department requesting the approval of a license agreement between our department and Island Harvest. As most of you are familiar with, out at Gabreski Airport we have a few remaining old military buildings, one of them is the old Bob Stevens building, about 8,000 square foot. It's slated for demolition in the springtime. In the interim, the County received a request from Island Harvest to utilize the building as a distribution point for their holiday food drive. Out of this building will be vehicles that will distribute food to -- collect and distribute food for most of the East End and some of the West End.

So this afternoon there'll be a Certificate of Necessity to approve the license agreement. It's from October 15th through January 5th. Island Harvest will be responsible for all of the utilities and everything else that goes along with the building.

Following me will be Randi Dresner, CEO and President of Island Harvest, if there are any other questions regarding the program. Thank you.

P.O. LINDSAY:

Thank you, Carolyn. Randi Dresner.

MS. DRESNER:

Hello, everybody. Thank you very much for allowing me to speak this morning. I appreciate the support that I get -- Island Harvest gets from all of you, as Legislators, throughout the year.

This year, we are grateful that County Executive Steve Levy and Deputy County Executive Chris Kent has put forth a Certificate of Necessity for Island Harvest to use the Bob Stevens building at Gabreski Airport from October 15th to January 5th. We appreciate your consideration and your vote to pass it. As the temporary use of this building during our upcoming turkey season, as we call it, will enable Island Harvest to move more food in a very efficient manner to more nonprofit organizations across the East End of Long Island.

As you all know, this has been a very difficult year for people who are unemployed and underemployed, and there are more people than ever that are seeking food assistance throughout Long Island, but particularly on the East End of Long Island.

We had received a note that I wanted to read to you, an E-mail from a military reservist who said that, "I, as a military reservist, am in need of food for me and my family. I am a widower with three children. Acclimating to civilian life after serving in the military is a challenge, especially in this economy. We need help and we need help with food." That's an example of one of the very many E-mails that we get on a daily basis at Island Harvest.

The use of this facility will allow us to engage a lot of volunteer groups. For example, from the Long Island Farm Bureau, the Young Farm, Young Rancher group has been anxious to work with us for a number of years, and by using this facility at Gabreski Airport, we will have a drop-off site, a staging area, if you will, so that we could hold the food until we could move it to the agencies that we support on the eastern end of Long Island.

This year -- last year we selected island-wide over 15,000 turkeys and over a million cans and pounds of food between November and December alone. This year the need is greater and we hope to collect much more food. And now, with this facility, we'll be able to do that in a greater capacity on the East End of Long Island. So I appreciate your support of this Certificate of Necessity. I look forward to your positive vote, and we look forward to bringing more food to more people throughout Suffolk County, and particularly on the East End of Long Island.

And on another note, for those of you who have chosen to do food drives in your districts, I thank you very much. Many of you have done them already and some of you are considering doing them over the next couple of months. And I just want you to know that in addition to the food that you're collecting, you're helping us to get the message out that there is hunger here on Long Island and hunger relief is possible with the support of all of you us. So I thank you very much for your support of Island Harvest and the people in need here on Long Island. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Randy. Eric Biegler.

MR. BIEGLER:

Eric Biegler, Riverhead New York, President of the Sound Park Heights Civic Association. I have a small presentation to make to the group to support the adoption of Resolution 1948, the purchase of the property on Sound Park Avenue. I want to thank the Riverhead News Review for the images you are going to be seeing. I would also like to thank Joni Mitchell for a classic and relevant song to this issue. Thank you.

*(*Video Presentation*)*

*(*Applause*)*

P.O. LINDSAY:

Thank you, Mr. Biegler. Joseph Fontana.

MR. FONTANA:

Can I defer my time to Mike Foley?

P.O. LINDSAY:

I didn't hear. What --

MR. FONTANA:

I'd like to defer my time to Michael Foley.

P.O. LINDSAY:

You can't do that, sir. Someone turn on the lights, please. Thank you.

MR. FOLEY:

Good morning. Mike Foley, Reeves Park, Riverhead. I here -- I stand here today to show my support and my appreciation of Legislator Romaine's proposition, 1948. I have another 2,000 signatures for your submission, Ed, when you want to pick that up. That's a very tough act to follow, and, certainly, I'm willing to give it a shot.

This is not a new fight. This is a fight that might be new to you, but this fight started in 2003 when the master plan that Riverhead Supervisor Walter was not here for at the time of passage, was changed in the dead of night that totally contradicted what the intent of the master plan was. I'm going to read very briefly what was in the master plan, what was changed in the dead of night, and, unfortunately, was not picked up by on the Town Board when it came time for passage. I quote from the master plan.

"In the future, increasing tourist and local traffic along Sound Avenue will create pressure for free-standing convenient stores, gas stations, and fast food restaurants, which would be more appropriate for Route 58. The commercial zoning of the business district should be removed in order to prevent such strip style development, which would ruin the area's rural character." That was deleted and replaced with the following sentence: "As this area is the only commercially zoned area along the length of the Sound Avenue corridor, the existing commercial zoning should be retained." Now maybe Supervisor Walter didn't want to speak to that, Mr. Chairman, I'm speaking to it. Thousands of owners are speaking outrageously at what the intent of this was done in the dead of night by people that had motives that have yet to be uncovered, but I'm sure we'll get around to that.

Legislator Romaine joins Town Supervisor Walter, joins Assemblyman Alessi, joins Senator LaValle, who had the vision decades ago to declare this stretch a rural historic corridor. That's what this is about right now. Executive Levy has voiced his support if this as well. So we have every Legislative body in Suffolk County that is voicing support, along with thousands of owners on the North Shore. So we have independents, Republicans, Democrats and taxpayers that want the same thing. This is the proverbial no-brainer.

And if I could extend my remarks for one minute, with your permission, Mr. Chairman. At the committee meeting involving this, we were very concerned that Suffolk County, being a large county, didn't understand the importance of this 4.1 acres of land. Again, Mr. Chairman, I don't want to go through this. It will only take me another 45 seconds, with your consent.

P.O. LINDSAY:

If you could just wrap it up. We've heard from numerous people on this subjects. And the property has been rescored. It has a very high score, so just wrap it up. Okay?

MR. FOLEY:

Point of personal privilege, Mr. Chairman. The cards that you have in your hand, the next three or four are involving the same thing, and I'm sure that they will waive their right to speak, if you give me another 45 seconds. Thank you.

P.O. LINDSAY:

You get three minutes, go.

MR. FOLEY:

Thank you very much. The Committee of the Environment that was headed by Chairperson Viloría-Fisher got the issue almost immediately when we spoke as a body in Hauppauge last week. Legislator Losquadro -- Legislator D'Amato, who likened Huntington's plight to what we have here said, "If we could only go back 50 years, we could change some things and keep some farmland." These people on the western part of Suffolk County get it. We hope all 18 of you will get it and that we will get a unanimous vote to get this thing done. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Catherine Donnelly.

MS. DONNELLY:

Good day to you all. My name is Catherine Donnelly and I come here today to plead for ShotSpotter and more police presence in the Bellport/East Patchogue area. I'm a hard-working and responsible taxpayer and active registered voter who should be entitled to protection and service by the police and leaders of the community, yet I live in fear every day in my home.

I moved here approximately two-and-a-half years ago from the Town of Babylon with my three children and the dream of building our own home. I have built this home in East Patchogue and, yet, what I had thought to be a dream that was coming to fruition has since began to resemble a nightmare. I cannot go out of my house once it is dark, and even during daylight have to keep my house alarm armed and set. If we need to take out the garbage, it waits by the front door until morning. If we run out of milk after nightfall, we do without until the next day.

My children and I have become prisoners in our own home. My son, Patrick, recently asked me if we could make S'mores in the backyard while we were having movie night and I had to tell him no. I wish you could have seen the disappointment and confusion in his eyes as he asked me why we had ever moved here. When I first moved here I did research and called various Town officials to ask what was being done about crime in the area. I was assured repeatedly that there were programs and plans being implemented in order to better the area. Of my own volition, I volunteer as the recording secretary of the South Country Community Conference, as well as with the Fifth Precinct community meeting in order to be a part of that effort. I participate regularly in the Brookhaven cleanups, as well as taking part in other betterment activities for the neighborhood, such as volunteering with Habitat for Humanity and sitting on their marketing and outreach committee, yet all of my efforts seem to have been in vain, as both my efforts and those of many other volunteers and taxpayers are not being supplemented due to the lack of police presence in my area.

There are normally only two patrol cars assigned to the North Bellport/East Patchogue area, two. In the midst of the current initiative there are four, but this is only a temporary measure. Either number is appallingly insufficient and is out of proportion to the amount of crime that occurs in this small area.

I would like to take you for a walk around my block, but I'm running out of time. However, I was able, since my presentation the other day in front of the Public Safety Committee, to have some correspondence with Nassau County Police Commissioner's Office. I have a written statement issued by Commissioner Mulvey. Though it is still too early to calculate the exact reduction in gunfire regarding ShotSpotter, we have seen a dramatic difference in the areas covered by the ShotSpotter system. We have heard from many of the people we have interviewed in the Roosevelt and Uniondale area that they are aware of the ShotSpotter system and that it has deterred them and others from firing their weapons. In addition, we have had arrests as a result of the ShotSpotter system, recoveries of weapons, and have had some instances where we were able to get medical attention to victims before a 911 call had even been received by the Nassau County Police Department Communications Bureau.

Just quickly, this information -- they further state this information provides situational awareness for our law enforcement officers prior to arriving at the crime, and invaluable evidence for post crime analysis. Additionally, we know the nearest street address and whether the gunshot came from the front or side of a building. Technically, this is significant, as it helps our officers respond faster and gives them a specific area to search for potential evidence, question witnesses; in the event a victim is found, ensure that medical attention is timely. Most importantly, this system improves both the safety of the community at large and of our responding officers. I believe that's something that's important to us all. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you very much, Catherine. Mario Mattera.

MR. MATTERA:

Good morning, Presiding Officer Lindsay, Deputy Presiding Officer Fisher. Thank you very much for letting me speak this morning and actually resolution 1408. My name is Mario Mattera. I'm the Business Agent with Plumbers Local 200. I represent approximately twelve hundred members and their families, 80% which live in Suffolk, and so do I.

First, I'd like it say is with 1408, I deal a lot with the DPW with Suffolk County. And I got to say, when I started eight years ago, I went to their office, went there very professional. This RFP, I feel that all it's going to do is it's going to hold up a lot of projects that we need these projects to be constructed today. I know that the Legislators have to vote on the monies. You pretty much have an idea what's going on with these projects as it is. The monies have to be voted on with this horseshoe, and I respect everybody here because you guys do a great job, and I know everybody in this horseshoe wouldn't like to be micromanaged like I wouldn't with mine. I'm actually an elected official, like you guys are, and you know what, it means a lot. The DPW does a great job, especially with their engineers, from the Commissioner right down to their engineers and to their work staff.

You know, we have a -- every, I think it's three to five years, depending on the contractor, they -- actually, there's a bid opening. There's actually -- it goes out to papers for a bid opening for qualified contractors to do work that work for Suffolk County. I sit there on those bid openings and everything is on the up and up, they do a great job. I just feel that people that have a position, especially DPW, need to do their job on their own. And like I said, again, this horseshoe has to vote on the money anyway, so they really pretty much know what's going on with these jobs as it is. It's -- all it's going to do is prolong projects.

All I'd like to say again is, please, I'd like this bill to be killed today, 1408, and let's just -- you know what, it's not broke, so let's not fix it. Thank you for your time.

P.O. LINDSAY:

Just in an interest of clarification, the bill isn't before us. There's a public hearing on it this afternoon. The bill has been amended, and, you know, if you want to come back this afternoon, we could have a discussion about it. I can't talk about it under public portion.

MR. MATTERA:

Okay.

P.O. LINDSAY:

It is not before us.

MR. MATTERA:

All right. Thank you.

P.O. LINDSAY:

I'm probably having trouble. It looks like Samuelson, maybe. Jeremy, right?

MR. SAMUELSON:

Yes, sir. My apologies for my handwriting. Good morning. My name is Jeremy Samuelson. I'm an environmental advocate with Group for the East End. I come before you today to speak in support of Resolution 1962. This is in reference to the Four-Poster Project on Shelter Island. As was noted earlier, Group for the East End is an environmental planning and conservation organization. They represent several thousand families, individuals and businesses throughout the five East End Towns.

When this particular resolution for \$21,000 in additional funding for the four-poster was considered by the Environment Committee last week, there were two issues that appeared to sort of resonate with members of the committee and they focus primarily on timing and funding. One of the Legislators actually said, "Well, I've heard about this for the last couple of years. Why does this keep coming up?" And I just want to clarify this has always been intended to be a rigorous three-year scientific study. From inception, it was known that when the final data gets delivered, it's going to be roughly a four-year process, so this does not represent an extension of something beyond what was originally conceived. The actual work product itself is rigorous scientific data that will help us understand what is the shortest route between where we find ourselves and increased public health benefit and pesticide reduction for all of Suffolk County and, quite frankly, New York State. This project is a pilot project that is being considered and funded heavily by New York State Department of Environmental Conservation, Department of Health and numerous other agencies.

The role that the County has played up until now, and the second set of issues that Legislators had questions about last week before the committee level, had to do with funding. To what extent has the State, have local agencies, meaning towns, non-profit organizations, community groups put money on the table? There was some additional documents that had been submitted to you over the last week. I hope you've had a chance to review them. If not, I'll just give you some quick percentages off the top of my head.

Basically, New York State, for the just over a million dollars that has been spent in hard funds for this project, New York State has come in for 36% of that, and that was through Environmental Benefits Fund via the DEC. In addition, the New York State Department of Agriculture and Markets has come in for an additional 10%. In addition to that, we have the County who has come in with an initial grant of \$155,000, that was really the seed money for this project, that was roughly 10% of the overall.

Moving further down the line, the Town of Shelter Island has put \$65,000 on the table, and an overwhelming 33% of this million dollars has come out of the pockets and been a direct result of community groups and organizations, nonprofits' fund-raisers. There are communities throughout Suffolk County and, unfortunately, New York State, which had been wracked by Lyme disease and other tick-borne illnesses in the communities themselves, have stepped up to put 33% of the money that's needed on the table.

In closing, this is a modest resolution for \$21,000 to come out of the 477 Program, which has, as you know very well, one of its core missions pesticide reduction throughout Suffolk County. The data that will be yielded from this will not only be a benefit to Shelter Island Town or even every town in Suffolk County, this \$21,000 will allow us to answer a question and find a way of solving pesticide issues and tick-borne disease issues for all of New York State. And I would ask you to approve Resolution 1962. Thank you so much for your time.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Before we go any further, I need a reso -- a motion to extend the public portion --

LEG. LOSQUADRO:

Motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Legislator Losquadro; second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Browning and Montano)

P.O. LINDSAY:

Real Boucher. Boucher.

LEG. LOSQUADRO:

Boucher.

D.P.O. VILORIA-FISHER:

Could be Boucher.

P.O. LINDSAY:

Maybe Bouche.

MR. BOUCHER:

I'll pass.

P.O. LINDSAY:

Okay? Thank you.

D.P.O. VILORIA-FISHER:

How do you pronounce your name.

MR. BOUCHER:

Boucher.

P.O. LINDSAY:

Anita Busby. Anita Busby.

MR. BOUCHER:

She waives her right.

P.O. LINDSAY:

She waves her right, okay. Thank you. Sarah Kane.

AUDIENCE MEMBER:

She waives her right.

P.O. LINDSAY:

Okay. Dottie McCann. Dottie McCann. No?

AUDIENCE MEMBER:

She stepped out of the room.

P.O. LINDSAY:

Stepped out of the room. I'll put here to the side. Elizabeth Schmanski.

MS. SCHMANSKI:

Thank you very much, Legislator Romaine. I appreciate all the hard work you're doing on 1948.

I'll be very fast. My youngest son for the first tour in Iraq came home -- we live off Sound Avenue -- came home, and as we're coming down Sound Avenue, he's crying. He's crying, he's saying, "This is God's country. You have no idea of how beautiful this is." He is now in Afghanistan with his wife, who's also in Afghanistan. They'll be coming home in February for a two-week vacation. Please don't put a strip mall on Sound Avenue. Paradise paved over by a parking lot, please don't do this. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Ms. Schmanski. George Bartunek.

MR. BARTUNEK:

My name is George Bartunek. I'm the Vice President of the North Fork Environmental Council and I live in Calverton, Riverhead. I want to speak on behalf of Resolution 1948, which authorizes the planning steps for acquisition of property at the intersection of Sound Avenue and Thomas Kelly Memorial Road in Riverhead. On behalf of the North Fork Environmental Council, I want to thank you for listening to the residents of the Reeve Park and Sound Avenue and trying to keep Sound Avenue a rural scenic historic corridor.

The 2004/2005 comprehensive rezoning in the Town of Riverhead, they find a balance between the pressure of commercial development and the need to preserve the agricultural and rural character of the Town. The comprehensive master plan was adopted in November 2003 and it states that commercial development in the Town should be concentrated along Route 58, quote, since it has already been transformed into a commercial corridor, and to limit development in other locations which are still small in size and quaint in character, end of quote.

The zoning adopted for Sound Avenue recognized the importance of preserving historic and scenic character of this two-lane corridor. Visitors and tourists come to Sound Avenue to enjoy the scenic and rural character of this area of Riverhead and to visit the farm stands and wineries that have flourished in part because of the investment made by Suffolk County and the Town of Riverhead in purchasing the development rights to extensive agricultural parcels along Sound Avenue. If visitors want to come to Riverhead for shopping and dining, they only need to drive five or six miles to the south to find an abundance of those conveniences. Give me another couple of seconds here.

As evidenced by the protest against the commercial development proposed by EMB Enterprises at the intersection of Sound Avenue and Thomas Kelly Memorial Road, the people of Riverhead realize the importance of preserving the rural and historic nature of Sound Avenue Corridor. Furthermore, the Town of Riverhead has invested a considerable time and money in defending Sound Avenue against the type of commercial development being proposed by EMB enterprises. Residents of the area surrounding Reeves Park, as well as the government of the Town of the Riverhead, have drawn a line for commercialization on the North Shore of the Town.

In recent years, Suffolk County and the Town of Riverhead have successfully partnered in purchasing the development rights of considerable farms -- farm properties along Sound Avenue, and, hopefully, Suffolk County Legislature and the Town of Riverhead will be able to justify the allocation of funds to necessarily purchase the property in question and preserve it as a hamlet park, thereby helping us save what's left. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Joe Montalbano.

MR. MONTALBANO:

Good morning, Presiding Officer and the Legislature. My name is Joe Montalbano and I represent the Laborers-Employers Cooperation and Education Trust, and that comprises General Building Laborers Local 66, the Asbestos and Hazardous Waste Laborers Local 78, and since I don't see my sister Local, the Heavy and Highway 1298 Laborers, I'm sure I speak for them as well.

I come before you today to speak about I.R. 1408. The Laborers feel that the Suffolk County Department of Public Works is totally capable in doing their job that they've been doing so well, and we don't feel that any Legislative oversight would benefit any projects coming out in the future, but only slow them down. We are against I.R. 1408. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Mike Foley.

MR. FOLEY:

I already spoke and I yield my time back, Mr. Chairman. Thank you.

P.O. LINDSAY:

It looks like Helm Febles.

MR. FOLEY:

He yields his time back, Mr. Chairman. Thank you.

P.O. LINDSAY:

James Sullivan.

MR. FOLEY:

He yields his time back, Mr. Chairman. Thank you.

P.O. LINDSAY:

Lillian Ball.

MS. BALL:

Good morning. I'm Lillian Ball from Southold Town. I'm here on behalf of Resolution 1938 and on behalf of Goldsmith Inlet and Pond. As I talked about with the Environmental Commission last week -- the Environmental Committee, Goldsmith Inlet is a part of the globally aware maritime fresh water interdunal swale that runs from Horton's Point to Goldsmith Inlet in Southold Town. You may recall, there's a recently preserved piece of property, the Bittner Property, which is adjacent to these areas, too. This spot is included in the New York State Department of State Significant Habitat maps, with its vibrant salt marsh, its double dunes and its history of shellfishing. The varied shore birds and unique and threatened species, like the *Iris prismatica*, carnivorous sundew, and native cranberries, which I have a little cranberry present coming up for you, that those members of the Environmental Committee will perhaps have a preview of. Its carnivorous sundew, its *Iris prismatica* and its native cranberries make it quite a unique area.

Some of you remember, I've been here before before you to preserve lots in this area. As a member of Group to Save Goldsmith Inlet and the Southold Town Land Preservation Committee, I am concerned about Goldsmith's -- the situation at Goldsmith Inlet. While most of the property surrounding the Inlet are preserved by Suffolk County parks and the Peconic Land Trust, that does not mean that they are protected from environmental degradation. The current circumstances of impeded flow and shoaling challenge nature's ability to heal itself. Legislator Romaine and the

Group for the East End have responded to the crisis and recognized that more science is necessary to recommend active solutions to these challenges. We have incredible support from the local community, Southold Town government, the Suffolk County Parks Department, and we need to ensure that effective stewardship is available for Goldsmith Inlet now. Time is of the essence. Therefore, I look forward to working together with you to approve Resolution 1938, as put forward by Legislator Romaine.

I did bring some cranberry sauce that I promised that are made from the globally rare cranberries in this area of Goldsmith Inlet. And anybody who would like a jar of cranberries. Yeah, Mr. Losquadro, you were on the Environment Committee. Anybody who would like some, I brought a dozen. I'm sorry, I don't have enough for everybody, but it's early for cranberries. Definitely want to give one to Legislator Romaine.

LEG. LOSQUADRO:

You did make that?

MS. BALL:

I did, I made it for you. I picked it yesterday and I made it for you. You were very helpful. Thank you. Anybody else that would like it?

D.P.O. VILORIA-FISHER:

Can I have some over here.

MS. BALL:

You definitely can.

LEG. SCHNEIDERMAN:

Disclose this as a gift.

LEG. LOSQUADRO:

Less than 75 dollars.

MS. BALL:

Cranberry sauce just in time for Thanksgiving. This area is really special, it's really special.

P.O. LINDSAY:

Fred Koetter. Fred Koetter.

MS. BALL:

Anybody else.

D.P.O. VILORIA-FISHER:

How about the Presiding Officer?

MS. BALL:

Oh, I'm sorry.

P.O. LINDSAY:

Thank you.

MS. BALL:

Thank you very much. Thank you, everybody. I've got one left.

LEG. SCHNEIDERMAN:

Trick or treat.

P.O. LINDSAY:

Go ahead, Fred.

MS. BALL:

Thank you.

D.P.O. VILORIA-FISHER:

We know how to have fun.

P.O. LINDSAY:

Thank you very much.

MR. KOETTER:

Hello. My name is Fred Koetter and I'm here to support Resolution 1948.

D.P.O. VILORIA-FISHER:

Can you lift the mic a little bit? I can't hear you.

MR. KOETTER:

Sure. Okay. Hi. My name is Fred Koetter and I'm here to support Resolution 1948, and how appropriate, 1948. I wasn't born yet, but I would think that the rural corridor looked pretty much the same then as it does today. Even if we look at our County seal with the plow, this denotes with the -- Riverhead and the North Fork, Suffolk County, is all about. I ask that you support this with us. We need this land to be rural. We need to be able to show generations to come how it is and how it's been.

You know, you don't need to spend money on yoga classes, or whatever, just take a drive on the North Fork on Sound Avenue and that's the relaxation right there. You know, I still shed a tear now and then when I pass the Target big box store, knowing that underneath is very fertile soil, but that was a decision that was made at the time and that's okay. Going forward, we have a chance to keep this part of Sound Avenue preserved. So I want to thank you all very much.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you very much. Harold Lindstrom.

MR. LINDSTROM:

I want to thank the Legislature for giving me this opportunity to speak. I'm here to speak on support of Resolution 1948. You know, when you think of Sound Avenue, you think of farms, you think of open space, you think of vineyards, you think of beautiful sunsets, but you never think of Sound Avenue as strip mall alley. And if this goes in, it's going to set a poor example for the future of that beautiful road, because if this goes in, you're going to have other developers wanting to put in more strip malls. We have to ask ourselves, do we need more stores in Riverhead? We have more stores on 58 than anywhere probably on the Island, and also, we have stores on Main Street in Riverhead. And the answer is no. So I'm asking the Legislature to pass Resolution 1948, to preserve this beautiful Sound Avenue, not only for our generation, but for future generations.

Thank you. Applause.

*(*Applause*)*

P.O. LINDSAY:

Thank you very much, sir. Captain Robert Busby. Captain Busby? No? Okay. Dan {Galran}. I'm sorry, I was having trouble with your --

D.P.O. VILORIA-FISHER:

Oh, he's our Entomologist.

P.O. LINDSAY:

Okay. He's our Entomologist.

MR. GILRAIN:

Good morning. I'm the Entomologist with Cornell Extension, and I'm going to underline a little bit of what Jeremy Samuels said concerning Resolution 1962, the four-poster deer and tick study that we're conducting on Shelter Island.

During the EPA Committee meeting a couple of weeks ago, when this was discussed, I was -- unfortunately, I think I left some people with the impression that the entire bill for the project of the study was being funded by the County residents, which is not at all true. So I'd like to correct that impression that some of the Legislators, unfortunately, took away from that meeting. The proportion of County funding that's gone in is only 15%, and when you consider in-kind and other donations that are not cash, the total is only 10%. We have 30 -- about 30% of the total is actually private sources of funding that go into that, and over 30% right now is through environmental benefit funds that are provided by DEC. So I just hope that impression is clear. And I have with me some sheets here, a spreadsheet showing you where the different sources of funding came from that I hope will clarify to my impression what a good deal the County has gotten and what a high degree of support have been provided by private citizens who have given donations to the study. And thank you very much.

P.O. LINDSAY:

Phil Barbato.

MR. BARBATO:

Good morning. Thank you for giving me some time to speak. My name is Phil Barbato. I'm here in support of Resolution 1948. I represent the Riverhead Neighborhood Coalition, and our purpose or reason for being is to help to preserve the quality of life in the Riverhead neighborhoods, as well as to preserve the rural character, the atmosphere of our town, and to do this by advocating for the protection of residential areas, open spaces and agricultural areas. Our membership includes all the major civic associations of the Town of Riverhead, as well as a large number of individual members and homeowners.

I think that you have multiple reasons for voting in favor of this resolution. We've already heard from a number of people quite well, better than I can speak, about the conformance to the master plan intent, the value for environmental protection and groundwater protection, perhaps more importantly the value to the quality of life of the surrounding neighborhood, the honoring of our fallen heroes on 911, the value of that piece of property as a major scenic park of an historic gateway to the North Fork.

I'm here also -- I apologize for my appearance. I'm an organic farmer in Riverhead, and I'm a third owner of a piece of preserved farmland, a beautiful slice of heaven on Manor Lane that was preserved in the 1970's by the Suffolk County Legislature. This is the kind of legacy that we need to leave our grandchildren and great grandchildren. And I think that enough has been said already that you get the idea.

My family's farm was originally in Smithtown. Many of you might even know the Yellow Top farm stand on route 347. Well, if you pass by that area now, it's gone. It's houses, it's restaurants, it's stores, it's a gas station. I can't even go by there anymore, it's so sad. Let's preserve it now before it's all gone.

I think you also have an economic reason, the recent foundation report showed clearly that you get a nice payback when you preserve parkland and open space. The economic benefit to this County is going to be quite good. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Chris Destio.

MR. DESTIO:

Good morning. My name is Chris Destio. I'm an employee with the John J. Foley Nursing Home. I'm here to speak about Introductory Resolution 1972, which is the transfer of funds from the Tax Stabilization Fund to the Retirement Contribution Fund to the amount of 50 million dollars.

If my understanding is correct, the County Executive wanted only to tap this fund for 30 million dollars and leave the nursing home out of it, so he could shut us down or have the Legislators here find the money to keep us going. Some of that same money is from the vacant positions that we, the taxpayers, having been paying for services that have never been rendered. And the so-called County taxes has never been raised in more than five years in Suffolk County. You still have to ask yourself a question, at what cost did that happen? We've had vacant positions at the John J. Foley Nursing Home for many years and that is the same money that's pumped into this fund, not protect our bond rating, but it's there to help Suffolk County when we need it; well, we need it. The money's there to continue services for the most vulnerable of Suffolk County. And the lack of empathy that is displayed towards the residents that reside at this nursing home is just terrible. And you have to -- and you just can't blame the County Executive for this either. There are other characters that play the same part as he does and they stand behind the saying, "We are doing this for the taxpayers." If that is true, then what are you doing for the sick and poor that reside at this facility? What are you doing for the people of Suffolk County that need this nursing home in the upcoming years?

And it is also said that the Legislators here are pandering to special interests concerning the Nursing Home. Well, if pandering to the sick and poor of Suffolk County is considered special interest, then I applaud every Legislator here today. And I'm also proud to say we passed our most recent State inspection, but it's sad to say that with the recent bad press and the bad articles, it's put a strain on our bed hold.

So, in summary, the 30 million that we're going to offset the County employees that have retired and in return will save Suffolk County taxpayers millions of dollars, and that 20 million on top of that should be going to keep such vital services as Suffolk County -- as the Suffolk County Nursing Home running for future generations. Remember this, that some day it may be your address as well as mine. Let's respect it and not get rid of it. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Chris. Bill Raab. Raab.

MR. RAAB:

Good morning, everybody. My name is Bill Raab. I'm a Director for the Sportsman Association Firearms Education, and I'm also an NRA training counselor and chief range safety officer, so I teach people to be instructors and I also supervisor area ranges and help develop plans for them.

I'm here to address Resolution 1916. I find this resolution that talks about safety, although there's no safety provision in it, it says that we should not discharge air guns under this bill within 200 feet of a residence. That would put many ranges that are currently operating in noncompliance and they would have a big problem with that, including one at a Boy Scout camp in Baiting Hollow. We don't regulate other sports equipment in this way. Shooting sports are the safest outdoor sport. They have a record that is envied by every other sport. Baseball has more fatalities and injuries, and if we regulated using a baseball within 200 feet of a residence, you guys would all be looking for new jobs next time, so that would not really work out very well.

I see a lot of things in the bill. I have further -- a lot of further comments on it, but I will give these to you to -- for you to look at. We usually address the actions of people rather than objects, and this is a pastime that's enjoyed by youth, it's enjoyed by adults, it's used in the Olympics. It has an impeccable safety record. I don't see really see the need for this. I'm a resident of Suffolk, and if there were a rash of airgun crime, I would probably know about it and I would see some way of addressing it, but, apparently, that's not here. These have been used since the 1600s. I don't see why we have to do anything about them now. And if anybody has any questions about it, my contact information is everywhere and I'd be certainly willing to talk with you.

P.O. LINDSAY:

Okay. The only thing, Bill, is it isn't on the agenda, it's scheduled for a public hearing this afternoon.

MR. RAAB:

Right.

P.O. LINDSAY:

And under the Public Hearing process, we can ask questions, we can't --

MR. RAAB:

Not now. I don't mean now.

P.O. LINDSAY:

Okay.

MR. RAAB:

I mean at another time.

P.O. LINDSAY:

Okay.

MR. RAAB:

And pretty much everybody knows how to get in touch with me.

P.O. LINDSAY:

If you're around this afternoon --

MR. RAAB:

I'll be back this afternoon.

P.O. LINDSAY:

Okay.

MR. RAAB:

I can give you this stuff now --

P.O. LINDSAY:

Okay. Thank you.

MR. RAAB:

-- so that you can take a look at it. I also have a card in for 1938. Would you like me to just continue?

P.O. LINDSAY:

Go ahead.

MR. RAAB:

Thank you. I'm also the -- I'm the President of Coastal Conservation Association of New York, which is a recreational fisheries-based advocacy group. We look to do the best thing for the fish. I also was, up until a little while ago, an active diver and I spent a lot of time in the outdoors. I see 1938 as something that really should be addressed. We look for -- to keep bodies of water in good health. And I also used to work doing sand dredging, and without a management plan, sand dredging is job security for people in the dredging field, because you'll be back there again next year or the year after and the year after. So they seem to have a management plan in place for it so it seems like a good idea, and that will prevent you from having to go back and spend money over and over again.

P.O. LINDSAY:

Thank you, Bill.

*(*Applause*)*

Frank Nitto.

MR. NITTO:

Members of the Suffolk County Leg., my name is Frank Nitto. I'm a Business Agent for Local 28, the Sheet Metal Workers Union. I come before you to speak on -- about bill, I.R. 1408. I've been -- excuse me. I've been here several times about several different projects and it's always been at the horseshoe, is any time that there's been a project that's come up in somebody's district, the Legislators always vetted it out and made sure that the proper thing was happening that the needs of the community were met. This process with the RFP, I think the process -- it binds up the process and wouldn't be beneficial for the community. The process that we have right now works. There's a proper vetting process, and I ask you to have some consideration and, hopefully, in the future table that 1408. Thank you.

P.O. LINDSAY:

Frank, I'll tell you the same thing I said to Mario. It isn't on the agenda, it's been tabled and it's been changed by the sponsor. It's up for Public Hearing this afternoon, and I would ask that you guys come back, that we could have a discussion about it, because I'm not exactly sure how it's going to -- we'll have that discussion if you could come back.

MR. NITTO:

We'll be back.

P.O. LINDSAY:

All right. Thank you.

MR. NITTO:

All right. Thanks.

P.O. LINDSAY:

Susan Flynn.

MS. FLYNN:

My name is Susan Flynn and I'm Counsel to the Suffolk County Ethics Commission. I'm here to speak about the introductory resolution that requests subpoena power be given to the special committee investigating the Ethics Commission. It's my understanding that that subpoena powers sought is for witnesses as well as documents. I would like to point out that at this point all of the individuals who Mr. Conway has requested to interview have cooperated, and, as a matter of fact, there are several interviews that are currently scheduled for this month.

In regards to the request for subpoena power for documents, I would like to point out again that the Ethics Commission has provided Mr. Conway with some of the documents he had requested. The other documents the Commission feels are covered by the confidentiality provisions of the Suffolk County law. I want to make it clear that violation of those confidentiality provisions provides civil and criminal penalties of up to one year. In light of this, the Commission must be careful in what documents it provides to Mr. Conway.

What we have been doing in order to seek some protection is have discussions now that are ongoing with the D.A. We are hoping that we can come up with a solution or a procedure that will protect not only the members of the Commission, but will also enable them to comply as much as they can under the law with the request of the committee. I would suggest at this point that giving the committee subpoena power is premature and unnecessary. Thank you.

LEG. MONTANO:

She's here as a County Attorney, isn't she?

P.O. LINDSAY:

Yeah, I know, it's very confusing.

LEG. MONTANO:

Yeah.

P.O. LINDSAY:

I can't -- I can't really go into conversations.

LEG. BARRAGA:

It's public portion, let's move on.

P.O. LINDSAY:

Yeah.

LEG. MONTANO:

She's not public, she's an employee.

P.O. LINDSAY:

Yeah, but she filled out a card.

LEG. MONTANO:

Let it go, we'll hear from her later.

P.O. LINDSAY:

Shaun McKay.

DR. MCKAY:

Good morning. Shaun McKay from Suffolk County Community College. I want to first thank the Legislator, Presiding Officer, Deputy Presiding Officer and those who were with us a week or so ago at my inauguration at the college. And I thank you for supporting the college over the years. Certainly, we are now the largest community college in the State of New York. And it's a great moment for us, because now, when I go to Albany, I can simply say that we are the largest and certainly we provide the best education throughout New York State.

I'm speaking to you this morning about what was a very competitive grant that will come before you in a CN later today for two million dollars. This was a combination with Federal Government by institutions across this country, and we were proud to be one of a few institutions in New York State to have been awarded two million dollars to assist our first-year students to succeed and persist at our college. As you know, over 58% of our students that come to us require remediation. This grant was specifically written to help strengthen our college's approach to help those students graduate and to move on to jobs.

I want to thank my Vice President, Mary Lou Araneo, who was with me this morning and working with the team. We had over 100 faculty and staff work with us last summer and made sure that we had a very strong grant to go forth with the Federal Government. And I'm proud to say to you that we were one of the only grants that received 100% on the score from the Federal grant. And I'm asking for your support in the CN that will come before you later today to put forward and help us to start transforming lives of our students. So I thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Dr. McKay. Good job.

DR. MCKAY:

Thank you.

P.O. LINDSAY:

Dottie McCann, did she come back in the room? Dottie McCann? No? And Captain Robert Busby, did he come back in the room? Seeing none, is there anybody else in the audience that would like to address us under public portion? Yes, sir please come forward. Did you testify already?

MR. TERRY:

I did, but it's a different matter. Hi. My name is Mark Terry. I'm here representing --

P.O. LINDSAY:

You're not supposed to testify a second time, I'm sorry.

MR. TERRY:

Oh, no?

P.O. LINDSAY:

No. Once under the public portion is our rules.

MR. TERRY:

Okay. So when you go back to back -- here I was representing the Town -- before I was representing the Town, here I'm representing myself.

D.P.O. VILORIA-FISHER:

Is he a town official?

P.O. LINDSAY:

Go ahead, do it just quick. All right?

MR. TERRY:

Okay. My name is Mark Terry. I am a resident of Sound Avenue in Riverhead. I just want to encourage the Legislature to adopt Resolution 1948. There's a long history behind this action and it goes back to the formation of the comprehensive plan. The fellow who spoke before me was correct, there were some changes in the comprehensive plan that did not follow through the -- in my opinion, the SEQRA process, as well as the Town Board was not even aware of the changes that happened in the comprehensive plan. So right now we have a flawed comprehensive plan as it relates to this section within the Town. The goals and policies conflict with themselves, and I think that's very important as you move ahead in your decision-making process. Again, I'll just be short. I recommend that the Legislature adopt Resolution 1948 and not allow the erosion of the rural character of Sound Avenue. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Is there anybody else that would like to speak under the public portion? Please come forward, sir.

MR. PENNETTA:

Good morning, Presiding Officer and Suffolk County Legislators. I'm here to discuss Resolution 1921 and 1922, which is the procurement of neighborhood surveillance cameras, and to authorize the study for ShotSpotter technology. My name's David Pennetta. I'm Vice Chairman of the Huntington Economic Development Corporation. I'm a resident of Huntington and a parent in School District Three, which includes Huntington Station, which is one of the Suffolk County towns that's experiencing a high level of gun violence.

I was first introduced to ShotSpotter at a Nassau County Police fund-raiser where Police Commissioner Mulvey was extolling the virtues of ShotSpotter and was discussing that they had within the first six months a 32% decrease in gun-related violence. Also, they said that they had -- their response time, because of ShotSpotter, was as little as 30 seconds after a gunfire. We've done our own research and found that the acoustical triangulation technology was simple, safe and accurate. We've listened to many videos and read many papers on the topic and in every case there was an immediate reduction in gun violence in the area it was being utilized.

Other than the obvious benefits of reporting gunfire, ShotSpotter can also recognize and identify the type and caliber of weapon fired, the number of weapons fired, and the direction that the criminals were traveling during the gunfire. This gives our police a good idea of the situation that they'll be responding to and they can prepare accordingly. Also gunshot victims benefit due to the quicker response time of emergency personnel. When minutes and seconds matters, ShotSpotter provides real lifesaving benefits.

Letting gun violence continue in Suffolk County towns has a negative effect other than to civilian safety. It discourages investment in these communities, and in Huntington Station's case, it has close an intermediate school which further contributes to the decline of the community.

I want to thank Legislator Cooper for drafting and submitting these resolutions and ask that you vote in favor of Resolution 1921 and 1922. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you very much sir. Is there anyone else in the audience that would like to address us? Seeing none, I'll accept a motion to close the public portion by Legislator Romaine, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. To the agenda.

LEG. ROMAINE:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes, yes.

LEG. ROMAINE:

Considering the number of people that have come out on 1938 and 1948, I'd like to make a motion first for 1938, to take it out of order so that it could be decided now, so people don't have to come back after the lunch break.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Legislator Romaine, if you would allow me to just do the Consent Calendar and then I'll be happy to entertain that motion.

LEG. ROMAINE:

Sure.

P.O. LINDSAY:

I'm going to make a motion to accept the Consent Calendar.

LEG. LOSQUADRO:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Legislator Romaine has made a motion to take 1938 out of order.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

It's on Page 9; seconded by Legislator Losquadro. This is to take it out. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Eighteen, okay.

LEG. ROMAINE:

I'll make a motion to adopt Resolution 1938.

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

Motion by Legislator Romaine to adopt 1938, and second by Legislator Losquadro. And forgive me, I didn't sit in on the environmental committee. Maybe you can -- it isn't for a specific project, it's for a study; is that correct?

LEG. ROMAINE:

This is an amendment of the capital project to provide money to do a planning study for Goldsmith's Inlet. So, as I think one of the gentlemen said that spoke so eloquently, that we would not have to repeat year after year expending funds, we'd have a set plan on how to restore this inlet, which is so crucial to the North Fork to health.

P.O. LINDSAY:

Okay. Thank you. Does anybody -- yes Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. Good morning. I support the bill, I just -- we did have some questions in committee, if the Chair will recall as well, Legislator Viloria-Fisher, that we were just questioning how -- would this be funded through bonding, and who was the agency that's going to receive the funding? Who owns the inlet? And just making sure that we dot the I's cross the T's with respect to getting the bond and the funding.

D.P.O. VILORIA-FISHER:

I see Mr. Zwirn was heading up. I thought he was going to respond to those. Mr. Chair?

MR. ZWIRN:

The resolution is in proper order. It will be done through DPW. There is a Public Works project that's already been designated, the bond issued. This can be done.

P.O. LINDSAY:

Do you want to question, Legislator Montano?

LEG. MONTANO:

Yeah, just pulling it up now. Gail, just where's the money coming from?

MS. VIZZINI:

My recollection is --

LEG. MONTANO:

I got it up. Go ahead.

MS. VIZZINI:

My recollection is the offset is 1755.

LEG. MONTANO:

Construction improvement, okay.

P.O. LINDSAY:

Okay. Any other questions on this? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

LEG. SCHNEIDERMAN:

Cosponsor Tim.

P.O. LINDSAY:

And we have the accompanying bonding resolution, 1938A. Same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. Legislator Romaine?

LEG. ROMAINE:

Yes. First, of all, I want to thank my colleagues for their support of that resolution. And second, I'd like to make a motion to take 1948 out of order. That's the parcel of land on Sound Avenue.

D.P.O. VILORIA-FISHER:

Second.

LEG. ROMAINE:

And then we could send these people home so they don't have to stay after our lunch break.

P.O. LINDSAY:

Okay. The resolution is on the top of Page 10. I'm sorry. We have a motion to take 1948 out of order.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. 1948 is before us.

LEG. ROMAINE:

A lot of people have spoken, so I will not speak. This is a planning steps resolution for a hamlet park that got a --

P.O. LINDSAY:

We need a motion, Ed had.

LEG. ROMAINE:

Okay, a motion.

LEG. LOSQUADRO:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Okay. Thank you. We have a motion and a second. Do you want the floor?

LEG. ROMAINE:

Very briefly. A lot of people spoke, so I won't speak. I will simply say this is a resolution as a planning steps for hamlet park that got a 55 rating, which is, as many know, an extremely high rating for this. I've worked very carefully with the people there, with the Town, and we think that this would be a very good thing for the community of Reeves Park and for the Town of Riverhead. Thank you.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher, and then Barraga.

D.P.O. VILORIA-FISHER:

I'm happy that it changed its designation to a hamlet park, and what I found, was very compelling, was the community support to put a 911 memorial there. And so I hope, Legislator Romaine, that you'll work with the community and with the Town to work on that, especially with the, as I said, compelling system that we had regarding that.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

I'd just like to ask my colleague, Mr. Romaine, a question, if I may. Ed, is this the only parcel along this strip that's currently zoned commercial?

LEG. ROMAINE:

I believe so. The only in the Town of Riverhead, yes, I believe so.

LEG. BARRAGA:

We're not going to get involved in a situation where we -- in essence, they purchase this and then find ourselves a year from now asking to be -- you know, authorizing additional purchases along Sound Avenue?

LEG. ROMAINE:

I believe so. According to the master plan that Riverhead adopted, this was an anomaly, this one outcropping of parcel. I don't want to get into the details, but, yes, this is the only one along -- south of Sound Avenue is zoned agricultural, north of Sound Avenue is zoned residential. This was an anomaly. But the reason that we're looking at this is not -- this is a parcel that should be preserved, this is a parcel that should be a hamlet park. This is a parcel that should be dedicated to the memories of those we lost in 9/11. This is something that the community has come very strongly together on. This has support from the Town of Riverhead. And I believe the Town has stepped forward to indicate that they would manage the hamlet park. The residents have indicated they will work together to get this hamlet park built.

LEG. BARRAGA:

But this is the only one along this strip.

LEG. ROMAINE:

Yes.

LEG. BARRAGA:

So it is an anomaly.

LEG. ROMAINE:

Yes.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah, to the sponsor. I just wanted to know quickly, the park -- the park itself that's going to be built, what is stopping the owner of the strip mall, the proposed strip mall, from agreeing to this purchase? Is that something that's already been -- does he agree to this? I mean, where are we at with that, because it sounds like he's far away -- far down the road in planning stages.

LEG. ROMAINE:

From the information that I have received, the owner of this parcel has expressed an interest to entertain whatever offer the County would say. I'm, obviously, not going to say that the owner has pre-decided that he's definitely going to sell it to the County. Obviously, that's for negotiations and appraisals and things of that nature. But, yes, he has expressed a willingness to accept -- you know, to find out what the County would be willing to offer in this particular case.

LEG. HORSLEY:

So does he have plans in the Planning Department in Riverhead right now for this strip mall, or where's that at?

LEG. ROMAINE:

I believe that there is a site plan. I don't know if they have approval. I think they're going through a SEQRA. I know that this was subject to litigation and this went to appeal to the Court -- to the Appellate Division and there is a decree from the Appellate Division. I don't have that in front of me right now.

LEG. HORSLEY:

Okay. Thanks.

P.O. LINDSAY:

Anybody else? Seeing none, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen --

LEG. GREGORY:

Abstain.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. If we go back to, I guess it's --

MR. NOLAN:

Page 9.

P.O. LINDSAY:

Page 9, resos. We didn't do tabled resolutions. Yeah Page 8, resolutions tabled to October 12th, 2010.

TABLED RESOLUTIONS

1408 (A charter Law to increase legislative oversight of RFP process (Romaine) has been -- huh?

MR. NOLAN:

We have a public hearing.

D.P.O. VILORIA-FISHER:

Motion to table.

P.O. LINDSAY:

Yeah, we have a public hearing on it. We have a motion to table; I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Tom, are you making a motion or not?

LEG. MURATORE:

Table.

P.O. LINDSAY:

Motion to table.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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

LEG. KENNEDY:

Table.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1710 - A Charter Law to implement a one-year rolling debt policy in 2011 under 5-25-5 law to mitigate budgetary shortfalls (Co. Exec.). Do we have a reso?

LEG. D'AMARO:

I'll make a motion to approve.

P.O. LINDSAY:

Motion it approve. Do we have a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory.

MR. LAUBE:

Who is the motion? I heard it, but I didn't --

P.O. LINDSAY:

Motion by Legislator D'Amaro.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

It's an issue that's -- we could approve this. If we don't have the money to do it, I mean it's really a procedural thing. And even if we did have the money to do it, we could always still pay for a project with cash.

LEG. D'AMARO:

Right.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I was going to say that I would offer a motion to table, if for no other reason. I think it's tomorrow morning we're going to start again with the Budget Working Group, and we're literally up to our eyeballs with trying to plug a budget that has, in my opinion, holes big enough to drive convoys through. So I think this is a little premature until we see where we're at with the work that the Budget Working Group is doing. I would offer a motion to table.

LEG. MONTANO:

I'll second it.

LEG. D'AMARO:

Bill.

P.O. LINDSAY:

Okay. We have a motion and a second to table. Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Just on that motion to table, I don't see the need to go ahead and table today, because if we go through the Operating Budget process, this just gives us the option of either pay-go or bonding for certain, you know, expenses that we'll have in 2011. It doesn't preclude us from paying cash, as the Presiding Officer has pointed out, if it turns out that we have some funds available to do pay-go, but I don't know. John, we're sitting in the same room. It seems to me that's not going to happen anyway. And, at this point, I think we should keep all our options open, and by passing this bill that's exactly what we're doing.

LEG. KENNEDY:

Can I, Mr. Chair?

P.O. LINDSAY:

Go ahead, Legislator Kennedy.

P.O. LINDSAY:

Okay. I -- you know, I view it as a whole host of decisions that we're looking at attempting to implement right now, none of which are particularly palatable, to be candid with you. And I think there's several other issues I know I intend to bring forward tomorrow morning beyond where the level of discussion has gone so far. Nevertheless, I think it's important for us as a body, if we can, to embrace, you know the 5-25-5 law. And I think, when it was first put into place, it was done so analogous to some of the other things that we live with each and every year with our various caps and all the other things that we have to be constrained with. I don't know whether we're going to get to the point where we can afford to, you know, expend nominal amounts of money. We hear about cash shortfalls right now. We're trying do some of our most basic functions. My own sense, though, is, is we're still a little premature with this, and we have I think three or four more meetings before we wrap up the year. So I'm reluctant to commit to this until we've made a little bit more progress through what the budget process is, Lou. That's my rationale.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher, and then you want to talk, Legislator Montano?

D.P.O. VILORIA-FISHER:

John, I'm listening to you and it's I guess counterintuitive, because you talk about constraining ourselves. We sit in the Working Group together and we see how we're squeezing beyond constraint, it's really squeezing and the cash is simply not there. And if we pay attention as the year progresses, we can always reject a resolution that's calling to bond any kind of project and say that we have to go pay-go, but we have to pay close attention as the year proceeds. This frees us, as Legislator D'Amaro said, to have the option, because we are looking at being constrained, squeezed, strapped, however you're going to put it. The cash flow is simply not there and we need to have an option and that's why I'm supporting the motion to approve.

P.O. LINDSAY:

Okay. Gail, you wanted to weigh in before I get to the other Legislators?

MS. VIZZINI:

Only that I wanted to remind you that there is one million dollars in pay-go funds in the recommended Operating Budget. So, as you indicated, Legislator Viloría-Fisher, passing this is for 2011. It would waive the requirement that we pay cash. You can go in either direction, you can wait until you resolve what you're going to do with the 2011 budget, or you can allow yourself the

freedom from the requirement, but you also do have a million dollars in the recommended budget.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I think my question has been answered. I just don't see -- this is a budgetary item, and I just feel that it should be concluded after the budget process is concluded. We don't need -- there's no time limit, there's no reason to pass this today, I understand; is that correct, Gail?

MS. VIZZINI:

You do have some time on this, yes.

LEG. MONTANO:

Okay. And if I have time, I would choose to delay it until we get to that point. I think we're putting the cart before the horse.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, I'm going to echo Legislator Montano's comments. One of the reasons I second Legislator Kennedy's resolution to table this, look, I am a proponent of 5-25-5. However, if my colleagues on the working committee, if my colleagues dealing with the budget said, "Look, Ed, we have an opportunity to try to balance this budget and the we can't go with 5-25," then on November 18th this will pass. This will pass, if that's the way we're going. But, if we can work it out between then, I'd prefer to see it done that way, because I am a proponent. But I'm also aware of the financial realities. Let's wait on this until November 18th. Then we'll get our Legislature behind it totally, because we'll know where we're going with the 2011 budget. This is something that should wait until we let our colleagues work with the Working Group and ourselves in the debate on the 3rd of November to discuss the Operating Budget and we'll have a better feel for this. Even though I'd like to see this policy adopted, I understand the financial realities that we're facing. Let's wait until we do the budget. Let's deal with this on November 18th. Legislator Montano is correct in that. Thank you.

P.O. LINDSAY:

Anybody else? Seeing none, I'm going to call a roll call. We have a tabling motion first, right?

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Legislator D'Amaro.

D.P.O. VILORIA-FISHER:

No.

MS. ORTIZ:

Sorry.

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

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

No to table.

LEG. STERN:

No.

MS. ORTIZ:

Oh, D'Amaro. I'm sorry, I'm all over the place. Yes or no.

LEG. D'AMARO:

No to table.

MS. ORTIZ:

Stern is no.

(Roll Call Continued by Ms. Ortiz, Chief Deputy Clerk)

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes. Okay.

MS. ORTIZ:

Fourteen.

P.O. LINDSAY:

It stands tabled.

P.O. LINDSAY:

The next two, 1871 and '72, I'm going to skip until this afternoon, because we still haven't gotten the bond yet. And Procedural Motion Number 19, before I make a motion on this, I'm going to ask the Clerk where we are with this.

MR. LAUBE:

Procedural Motion 19?

P.O. LINDSAY:

Yes.

MR. LAUBE:

We're ready to go on it. It was waiting on the Legislature's approval.

P.O. LINDSAY:

Okay. At the last meeting Legislator Romaine maintained that we have the ability to do this without a Procedural Motion. Have you looked into that?

MR. LAUBE:

My understanding, at the beginning of this, we could have done that, but in meeting with Counsel, he advised me that we should have a Procedural Motion.

P.O. LINDSAY:

Counsel.

LEG. ROMAINE:

I'll make the motion.

P.O. LINDSAY:

To approve.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Okay. Okay. That clarifies things. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Legislator Cooper wants to take a reso out of order?

LEG. COOPER:

Yes, Mr. Chair. If I could, we have folks in audience, I'd like to make a motion to take I.R. 1921 out of order.

D.P.O. VILORIA-FISHER:

What page is that on, Jon?

LEG. COOPER:

Public Safety, directing the Police Department to study ShotSpotter gunshot location system, Page 11.

LEG. MONTANO:

What number was that, Jon?

LEG. ROMAINE:

1921.

LEG. COOPER:

1921, yes.

P.O. LINDSAY:

Okay. We have a motion to take 1921 out of order. Do I have a second?

LEG. EDDINGTON:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1921 is before us.

LEG. COOPER:

Mr. Chair, the reason I introduced this bill --

P.O. LINDSAY:

Do you want to make a motion to approve?

LEG. COOPER:

Yes, I'm sorry. I make a motion to approve, please.

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Go ahead. Legislator Cooper has the floor.

LEG. COOPER:

Thank you. The reason I introduced this bill was that I had a breakfast meeting with the Nassau County Police Commissioner a few months ago, Larry Mulvey, and I asked Commissioner Mulvey whether there were any -- anything that was being done in Nassau County to fight crime that we were not doing in Suffolk County. First thing out of his mouth was that we should use ShotSpotter. He said it was amazing technology that has dramatically reduced gun violence in Nassau County. It's increased arrests, and it's been proven to save lives nationwide. I believe more than 650 lives have been saved to date using ShotSpotter, because four out of five times, gunshots are not even reported to 911. Many of these communities are so inured to the sound of gun violence that the calls aren't even placed. And in my own district just a few weeks ago, a homeowner was shot outside his home, was able to stumble to his side door where he collapsed. No one called 911 and the gentlemen bled to death. With ShotSpotter technology, within seconds, within four to five seconds, the exact location of any gunfire will be sent to either the local police precinct, or can be set up so the information is sent to local patrol cars. You can even set it up so that video images of the crime scene is immediately relayed to the sector car and they can respond much more quickly.

ShotSpotter is being used successfully in Nassau County, Westchester County, and dozens of other communities across the country. Unfortunately, I had met with Commissioner Dormer a couple of months ago, after my meeting with Larry Mulvey, and proposed the idea of using ShotSpotter, and he was adamantly opposed. He said falsely that it was a million dollars per square mile, technology, it doesn't work, it's only good for cities, it can't be used in suburbs. And I said, "Commissioner, with all due respect, that's just not true," and I pointed to Nassau County as an example. Unfortunately, the Police Commissioner remains opposed to ShotSpotter and that's why I felt it incumbent upon myself to introduce this bill, which simply directs the Police Department to study this technology, ascertain which communities in Suffolk County could best utilize ShotSpotter, and determine the most appropriate funding source for this. I had suggested Police asset forfeiture funds, which is what they're using in Nassau County. I believe that they've now expanded ShotSpotter to five communities in Nassau County. But I've also been in touch with the Federal Government, various folks, and there are numerous sources of Federal funding available, Homeland Security and others, for ShotSpotter. What I've been told, though, is they don't want to get involved in helping us to identify this Federal funding until the Police Department and the County Legislature are on the same board.

So, anyway, that's the point of my resolution. I believe that this will help all of us in our united efforts to fight gun violence, street crime, gang related violence that are impacting many of our communities. This will save lives, and I urge you all to support the bill. Thank you very much.

P.O. LINDSAY:

Just to clarify something you said, what is the cost per square mile?

LEG. COOPER:

It is negotiated on a case-by-case basis. On average, to implement ShotSpotter, one square mile is about 220 to \$250,000. There was a site survey that was done in Huntington Station just a few weeks ago and I know that there was done -- one done in North Bellport more recently. Ninety

percent of the gang violence and street crime in Huntington Station would be encompassed by a two square mile area. So for approximately 450 to \$500,000, we could blanket Huntington Station with this highly advanced acoustic surveillance technology where they put microphones in selected areas. And, as I said, if a gunshot goes off, they can differentiate between the sound of gunshot and a car backfiring, or a fire cracker. As Dave Pennetta testified, it can even identify the caliber of the weapon used, the direction that the shooter was running as he was firing, how many weapons were discharged. It's amazing technology that's useful, not only in apprehending criminals, but also very useful in prosecuting gang members and other criminals. But, anyway, the approximate cost is \$250,000 per square mile.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Thank you. Legislator Cooper has, of course, explained it in depth. I just want to add my voice to support him in this bill and this legislation. This is technology, this is moving forward. This is taking technological advances and putting it to great use in our communities and finding a way to not only just deter crime, but -- not only just to deter crime, but also to actively and proactively help to catch those that commit a crime. I think we should take advantage of every technological advancement at our disposal when it comes to crime fighting. And, after all, this bill only calls for a study, it's not implementing the technology just yet. I'm sure there'll be more information coming with respect to the cost of doing this, but, certainly, at a minimum, given the technology that's available, I think we should move ahead with at least a study and take a good hard look at it.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Thank you. Legislator Cooper, just with respect to the first issue, you estimate that the cost per square mile is 220,000, is that what I heard?

LEG. COOPER:
Two-twenty to 50.

LEG. MONTANO:
All right, 250, that's the high end. And can you explain the disparity --

LEG. COOPER:
And that's to set it up. Once the technology is in place, the cost to maintain the system, I think, is closer to about 60 to \$70,000 per year per square mile.

LEG. MONTANO:
So we're talking 310,000 per year.

LEG. COOPER:
There are ongoing costs. It's negotiated --

LEG. MONTANO:
Well, now, let me rephrase that. We're talking 250 for the initial setup and then 60,000 per year to maintain it. So the first year would be 310,000 -- I mean -- yeah, 310, right?

LEG. COOPER:
No, no. First two years would be about 310,000.

LEG. MONTANO:

Why the disparity between your figure and the figure that you maintain Commissioner Dormer expressed to you?

LEG. COOPER:

Well, it's probably best to ask Commissioner Dormer, but --

LEG. MONTANO:

Okay, I will ask him.

LEG. COOPER:

When we had our conversation, I had been -- I was meeting with Commissioner Dormer, County Executive Levy, a few other elected officials and myself, and when Commissioner Dormer said that it was a million dollars per square mile, I said that's simply not true.

LEG. MONTANO:

Okay.

LEG. COOPER:

And he finally admitted, upon being questioned further, that the last time he had actually looked at this issue was about six or seven years ago.

LEG. MONTANO:

Okay.

LEG. COOPER:

So maybe the costs have come down dramatically over those -- that period of time.

LEG. MONTANO:

I understand. And just with respect to the equipment and device, is this something -- is this something that if I placed in one location -- what would be the geographic radius that a particular unit would cover; is that the way it works?

LEG. COOPER:

I don't recall the sensitivity. These are highly advanced microphones that are placed on either buildings or electric polls, what have you. They have a range of several hundred yards. The exact range for each individual mic, I don't recall.

LEG. MONTANO:

So you would have to place several mics in --

LEG. COOPER:

Right, in --

LEG. MONTANO:

-- strategic locations to cover a certain geographic area.

LEG. COOPER:

Right, depending on the terrain, the number of buildings, etcetera. That's the point of the site survey. But I think on average, for a one-square mile area, you're talking about 20 to 22 microphones.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Kennedy. Kennedy, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Jon, what is -- what I've seen so far seems to be prudent and valuable and a good tool to go forward. Pragmatically, how does this system get put into place? Who owns what, and what's the responsibility for the County going forward as it gets done? Also, is there any economy of scale to be had here?

LEG. COOPER:

Yes. I'll answer the last question first. If we were moving forward with, let's say, a five square mile area as opposed to one square mile, the cost per square mile would be less, so there would be savings there. But I do want to say that, as I had mentioned earlier, this really is negotiated on a case-by-case basis. My understanding is that Nassau County did an excellent job negotiating, and I can't mention publicly what the rate was that was negotiated, but they got a -- they got a very good rate. And, as I said, they've now expanded it. I think it's in four communities. I believe, they're now expanding it to a fifth community. But there's no -- it's not etched in stone, so it's quite possible that depending on how many communities we want to initially implement ShotSpotter, it may be that we'll start off just in Huntington Station, one square mile. By the way, it can be implemented in half square mile areas.

LEG. KENNEDY:

That's the minimum increment?

LEG. COOPER:

That's a minimum increment is a half square mile. So let's say we start off with one square mile in Huntington Station, one square mile in North Bellport, a half mile in Wyandanch, and two miles in Brentwood, perhaps, so quick math, let's say that's four-and-a-half miles, they would negotiate a rate for us to install this, to hard wire this technology. And, by the way, it's fluid. They may initially put 20 mics in these fixed locations in a square mile area, but down the road they may decide to move some of the microphones.

LEG. KENNEDY:

Okay. But here's part of the question that I have with that, and I apologize, but I think it goes to the essence of the support of the study and actually whether or not we -- is there a price tag associated with this study? Are we authorizing funding, or are we just saying conceptually we want this vendor to come in and we'll work in concert with them to look at this one particular area?

LEG. COOPER:

No, there's no -- there should be no cost to the County whatsoever. ShotSpotter is more than willing to come in when invited and work with local communities to do site studies. As I said, they did one in Huntington Station a few weeks ago with the cooperation of the Second Precinct. We had Second Precinct officers that were on the ground with ShotSpotter, charted out the terrain, and, as I said, they were able to capture 90% of the territory where the street crime and gang violence is taking place within a two square mile area. Unfortunately, Kate Browning tried to repeat that in North Bellport, extended an offer to the Police Department to joint with her and ShotSpotter to do a site survey there and that request was turned down. I don't know why. Again, you'd have to ask the Police Commissioner. But, in this case, this will direct the Police Department to move forward, and ShotSpotter would be more than pleased to send their representatives at any time to meet with local police officials. They will plot out the terrain, look at the buildings, the tree lines, etcetera, and

they will, through these site surveys, be able to determine which communities are right for ShotSpotter. It can't be used everywhere, but in the vast majority, if not all of the crime-plagued communities in Suffolk County, ShotSpotter would be very effective.

LEG. KENNEDY:

So, then, two other things. You make a compelling statement, and, as a matter of fact, I think every one of us really absolutely ought to support this, it ought to go unanimously. But from -- and the reason I ask these questions is because Legislator Romaine and I did this in the County Clerk's Office here when we went to the online scanning, and there was a package that was presented that was a proprietary package which the County purchased and we also purchased equipment. But the devil is always in the details and the actual maintenance and modification of software became absolutely onerous, and, as a matter of fact, we went through a fairly tortured process to actually get a system put in place. So ShotSpotter, to us who are not necessarily I.T. or criminal justice folks, sounds like absolutely it's a thing that we ought to be doing, but until we get down to who owns the mics, who owns the boosters, who owns the software that drives them, who owns what the reporting requirement is, what's the on term -- long-term maintenance, and what are the contractual responsibilities, that's ultimately I think what's going to wind up allowing us to get into not only put in your district, but maybe Legislator Gregory's district, or Browning's district, or Montano's district, because, unfortunately, people are shooting each other all over this County.

LEG. COOPER:

Legislator Kennedy, absolutely valid points and those will all be addressed if this resolution is approved by the study. But just broadly, to answer your question, as I had said before, in addition to the cost to install the equipment initially, there will be ongoing maintenance charges, substantially less, as again my recollection was 60 to \$70,000 per square mile per subsequent years, and that will be to maintain the equipment, software upgrades, anything -- none of that is the County's responsibility, it's all ShotSpotter's. And again, they've done this I believe in 70 or 80 or 100 communities across the nation now, and the technology absolutely has improved over the years. So, if there are any benefits that would accrue down the road from new and improved technologies, we would benefit from that, because we'll be paying those additional maintenance fees.

P.O. LINDSAY:

I don't mean to rush this debate, but you wanted to take it out of order because people were here. I still have about six people --

LEG. COOPER:

Sure.

P.O. LINDSAY:

-- on the list that have questions.

LEG. COOPER:

Well, I'm ready to move the vote.

P.O. LINDSAY:

No. You're ready, but there's six other people that aren't.

*(*Laughter*)*

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Many of my questions have been answered, so I won't reiterate them. But regarding the issue of proprietary equipment and materials, I -- and perhaps Legislator Browning,

who's the next person on the list, might be able to answer this. I read an article in the paper about a community in North Bellport who was -- who had private donations and was looking at ShotSpotter. How would that work? What would the mechanism be of a private group of community members raising money? Would they be buying the equipment and then handing it to the police? Wouldn't they -- wouldn't the police still need to buy into the program? And either you could answer, Jon, or Kate, because it's her community.

LEG. COOPER:

No. You absolutely need the police to buy into the program, which is why, when I spoke to the ShotSpotter officials, as well as this one high Federal elected official who was willing to work with us to identify Federal funding sources, but this individual did not want to be put in the middle of, excuse my language, a pissing match between us and the County Executive.

D.P.O. VILORIA-FISHER:

Yeah, but my question goes more to if these private individuals who have donated to this community group, how could -- they can't buy the equipment.

LEG. COOPER:

Well, I was speaking to Kate earlier and I don't -- look, I think it's a sign of how badly that community wants this technology, but I don't think it's appropriate for private businesses or individuals to fund this.

D.P.O. VILORIA-FISHER:

Okay. You've answered my question. They really --

LEG. COOPER:

This is for local government.

P.O. LINDSAY:

Legislator Browning.

D.P.O. VILORIA-FISHER:

I see.

LEG. BROWNING:

Okay. I was going to answer the same thing. I don't think it's appropriate for Bellport to be using this \$85,000 that they appropriated. You know, it's a low income minority community. They need all the money they can get to revitalize their community, so I think it's our responsibility for their public safety to make sure that they get what they need.

I want to answer a couple of things. I know when I had the meeting, he mentioned maintenance would be approximately \$45,000 for a one square mile area, and each community, if they start in Huntington and then they go to other communities throughout Suffolk County, the amount of money, it drops, the cost drops, and that's soup to nuts, that's everything that they do. It's putting in the equipment, you know, the monitoring in, training staff. They have very highly qualified staff, many of them military backgrounds, that come out and train the Police Department on how to use it.

And again, the cost, you know, I'm sitting here listening to the cost, and I just think that -- you know I have certain communities in my district that, yes, need a lot of help, and I'm thinking, aren't they worth it? Isn't their quality of life just as important as somebody else's district where maybe it's more affluent? You know, I think it's unfair to try and tie a cost to this and say, "Well, let's see how much it is and is it worth it?" I think every single child -- the that we had that we had -- the last Legislative meeting we had a presentation, and as we were sitting there watching the

presentation of ShotSpotter, there was a shooting happened at 1:30 in the afternoon in Bellport. The School District called. Kids were getting home from school. It could have been a child.

So whether it be \$300,000 or \$500,000, every child and every resident in Suffolk County is worth it and their safety is worth it. So I can't see how anybody could vote against this. I think we owe it to them. It's our responsibility to make sure they're safe in homes that they live in. You know, we're helping Habitat for Humanity and the Housing Partnership to build homes. Habitat can't get anybody to move in there anymore. The people who are living in the homes are saying, "We want to get out of here." So I think it's important that we do this. We want to create affordable housing? We have it, but we're not doing the right thing by them and making them safe. So this is a no-brainer. We have to do it and we have to continue to support it.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:
Thank you very much. I just want to weigh in on this. The -- it seems like many of the questions that are being asked by my colleagues are -- would be presumably answered in this study, so I would suggest that we pass this bill and get on to studying this system. In a day where crime is rising and the resources that deal with it are diminishing, I think we need to try and take advantage of every innovation we can to try and make life safer for our residents here in Suffolk County. At the very basic level, the number one priority of our government should be protecting the public safety of our residents.

And I would disagree with Legislator Browning in that we should ignore or not tie a cost to this issue, because there is a cost and we do have to figure out how to pay for that cost. But if you decide that the priority should be protecting the residents of this County, then that should be the priority. And so let's study this. I, for one, would have a question as to how we roll this out and how we implement this. You know, is Bellport the right place to start; is Huntington Station the right place to start; is Wyandanch the right place to start; is East Islip the right place to start? But I think a study will give us those answers and I think we should move forward thank you.

P.O. LINDSAY:
Legislator Horsley.

LEG. HORSLEY:
Yeah. Jon, I just have a quick question. I think most of mine have been answered on the cost issue. But when we're talking about the \$250,000 for the study, and you say that there are kind of --

P.O. LINDSAY:
Not for the study, not for the study.

LEG. HORSLEY:
Oh, for the implementation, then.

P.O. LINDSAY:
Yeah.

LEG. HORSLEY:
Ah, okay.

LEG. COOPER:

The study itself should have no cost, no cost to the County.

LEG. HORSLEY:

Okay. So all we're doing today is just permitting the study itself.

P.O. LINDSAY:

Right.

LEG. COOPER:

Right.

LEG. HORSLEY:

All right. So --

LEG. COOPER:

I'm sure there'll be a cost to ShotSpotter. They'll be flying their professionals out to meet with local officials, they'll do local site surveys, but that's all on them.

LEG. HORSLEY:

God, I think that answers all my questions, then. Thank you.

P.O. LINDSAY:

Legislator Gregory. I'm trying to get this in under the wire so we can vote on this go ahead.

LEG. GREGORY:

All right. I want to express my support for this important measure. I'm concerned that the County Executive doesn't seem, or the Police Commissioner doesn't seem supportive of it. I hope that this body supports this measure and passes it, and that the County Executive, like other initiatives like the police class that this Legislature has passed, doesn't go forward with it, that we hold him to the fire and force him to implement our will. The cost I would say -- I would say this, that, you know, we spend hundreds of millions of dollars to preserve open space, to preserve trees, and things like that, which is very important, but we're balking at spending a fraction of that amount to save human lives. I think that is a real parity that we have to make -- that we have to bring to light here, that this technology will save lives, and that's our number one -- our responsibility is public safety, as Legislator Cilmi said. So I think, you know, that the cost that has been discussed today is minimal to the cost that we would save. And as we're going forward with overtime costs in the Police District, as we're going with hospitalization, all the costs that are associated with high levels of crime. So I hope that my colleagues will support this.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

I'll support the legislation, but, frankly, I do want to have some idea of the cost factor associated with it and the funding source. If we're going to do a study, I want to find out at the end when I read that study where those who do the study indicate we're going to get the dollars associated with funding this particular program. And, as a Legislator, if this program goes forward, I don't know how you implement it in a certain quadrant of a hamlet and exclude the rest of the hamlet without those people coming in yelling and screaming, "Why don't I have ShotSpotter?" And you might say, "Well, you know, the crime area is over here, but they're going to have a list of all the crimes in their particular area and they're going to demand this. And just multiply that, if you start at Huntington Station, by six or seven or eight other hamlets in Suffolk County that obviously have

very serious issues with reference to crime.

So once this program goes in place, it's going to have -- from a fiscal perspective, it's going to be large in scope. And I want to find out where the funding source is. Is there Federal money available, State money available? Because, if there is, fine; if there isn't, where do we get it locally? If you want this program in place, then are you willing to give up something else? If you want ShotSpotter and it's going to cost millions of dollars, are you ready to give up and maybe not have as many police persons on the beat? Maybe we don't do that last class of 60 officers. Somewhere there you have to have an offset.

P.O. LINDSAY:

We're out of time. We're out of time. Either we vote on this now or I'm going to leave it until 2:30.

LEG. BARRAGA:

So I'll support the bill, but I say take a look at the study. Once it's finished, I want them to concentrate on the cost factor and where the money is going to come from, because I don't think this particular Legislature is in the mood to raise taxes.

P.O. LINDSAY:

What is your pleasure? Do you want to continue this debate and vote on this --

LEG. MONTANO:

No. Move the bill. Move the bill.

LEG. SCHNEIDERMAN:

Vote on it.

P.O. LINDSAY:

Move the bill.

LEG. COOPER:

Please.

P.O. LINDSAY:

Quickly, Mr. Zwiern.

MR. ZWIERN:

I just wanted to say that the County Executive is in support of Legislator Cooper's bill. I know there have been a lot of things said.

LEG. COOPER:

Oh, thank you.

P.O. LINDSAY:

Okay. We have a motion and I a second on 1921. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen

LEG. COOPER:

Thank you very much.

P.O. LINDSAY:

You're welcome. We stand recessed until 2:30.

[THE MEETING WAS RECESSED AT 2:30 P.M.]

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

(*The meeting was reconvened at 2:32 P.M. *)

P.O. LINDSAY:

Okay. Mr. Clerk, call the roll, please.

MR. LAUBE:

I sure will.

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

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not present).

LEG. MURATORE:

Here.

LEG. LOSQUADRO:

(Not present).

LEG. ROMAINE:

Tim.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not present).

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

LEG. BROWNING:

Tim?

MR. LAUBE:

Sixteen (Not Present: Legislators Losquadro & Montano).

P.O. LINDSAY:

Okay, welcome to our afternoon portion of our meeting. We have hearings, *Public Hearings*. The first up is the *2011 Operating Budget*, and the first card is Gail D'Ambrosio.

MS. D'AMBROSIO:

Good morning. Oh, this is good, no button. Okay. Oh, good afternoon, I'm sorry. For the record, my name is Gail D'Ambrosio and I'm the President of the Suffolk County Probation Officers Association. I represent 280 Probation Officers.

First I'd like to say that I really do understand how difficult it must be for you and the County Executive to make such hard decisions about where money should go when we have such limited resources. However, I would like to respond to the County Executive's 2011 budget recommendations for the Probation Officers.

I have sincere concerns about the safety of the community if we continue to do without enough staff. Thus far, in 2010, there are over 18,000 Criminal Court supervision cases in Suffolk County. We are woefully under staffed. There are currently approximately 42 unfilled Probation Officer positions; within the next six months, we anticipate this number will increase to over 50.

I'd like to remind you again of what Probation Officers do. Probation Officers are responsible for all court-ordered investigations on persons who have already been found guilty or plead guilty. Over 7,000 investigations are completed each year. Probation officers supervise those sentenced to probation by the court; we make unannounced home visits; hold office reports; file violations of probation and make arrests; request and execute warrants; maintain contact with all those relative to the probationer, their family members, treatment providers, employers, landlords; and above all, we enforce the court's mandated conditions of probation.

Probation Officers offer an alternative to incarceration. Probation supervision costs approximately \$2.50 per day per probationer compared to approximately \$238 a day for incarceration. Probation Officers are a layer of invisible protection in the community. We protect the public from DWI offenders, sex offenders and probationers who could re-offend. Probation Officers have recently been given additional mandated responsibilities which include Rockefeller Drug Lord Reforms, Ignition Inter-lock Expansion, Leandra's Law, increased sex offender registration and supervision requirements, and enhanced DNA testing.

The fact that we are under staffed with approximately 42 unfilled positions and are experiencing an increased number of cases has a tremendous negative impact on those we serve, which is everyone in every community in Suffolk County. As Probation Officers' workloads continues to increase without any reprieve, something or someone will fall through the cracks and the consequences could be significant.

I am requesting your assistance in reexamining the recommendations put forth by the County Executive in the 2011 Operating Budget. To think that the amount of Probation Officers continues to decline, the workload continues to increase, and there are no new officers budgeted for 2011, except the three Probation Officers that will barely cover a new mandate, is reason for all of us to be concerned. Thank you.

P.O. LINDSAY:

Thank you, Gail. Anybody have any questions for Gail? Next, Dot Kerrigan.

MS. KERRIGAN:

Good afternoon, Legislators. Suffolk County AME, again, seeks to be an active part of the 2011 Suffolk County budget, representing our Suffolk County workers. My name is Dorothy Kerrigan, 4th Vice-President and Legislative liaison. I'm here on behalf of Cheryl Felice, our President, and our 8,000 active and retired members of the Suffolk County Association of Municipal Employees.

Thank you, Presiding Officer Lindsay and the entire Suffolk County Legislature, for allowing AME the opportunity to speak before you today. Once again, we stand here, as we have done every year since 2003, having carefully reviewed the 2011 County Budget, and we shall offer our recommendations and observations at the Labor Committee meeting scheduled for October 20th, 2010. We hope that the County Executive, along with the Legislature, will look at our analysis seriously as we believe that a County working together, with its Executive and Legislative representatives and with the employees representatives, can serve only to inform and protect, not confuse and divide Suffolk's 1.5 million residents which, after all, should be the ultimate goal of every successful municipality. Thank you.

P.O. LINDSAY:

Thank you, Dot.

MS. KERRIGAN:

You're welcome.

P.O. LINDSAY:

Anybody have any questions of Dot; no?

D.P.O. VILORIA-FISHER:

Moving right along.

P.O. LINDSAY:

Beverly Cody?

MS. CODY:

I didn't know you started my time. My name is Beverly Cody and I'm the Chairperson of the Suffolk County Disability Advisory Board.

LEG. LOSQUADRO:

Speak closer to the microphone, Ma'am. Thank you.

MS. CODY:

I'm Beverly Cody, the Chairperson of the Suffolk County Disability Advisory Board. I want to read a condensed version of this letter, discussed and voted on by the board at our last meeting. You're all being given a copy of the full letter.

The Suffolk County Disability Advisory Board is categorically opposed to the proposal in the 2011 budget to move the Suffolk County Office of Handicapped Services into the Suffolk County Department of Health Services, Children with Special Needs Division. We are opposed for a multitude of reasons. There are no dollars and cents cost savings from this ill-advised move. Money will not be saved unless this already under staffed office is cut even further. There is no dispute that in the near term, no additional revenue will be realized. Even in the longer term, New York State Medicaid will not pay the salary of OHS staff. The State only occasionally pays for County workers performing State Health Department functions. Office of Handicapped Services does not perform health related functions. Disabled people are not sick. Merging Office of Handicapped into the Department of Health Service will drastically impede the influence and effectiveness of the office by blocking direct access to the County Executive Office. It will seriously impair the office's effectiveness in dealing with County government agencies as well as with business and industry.

The Office of Handicapped Services serves as the information and referral point for questions related to the Americans With Disabilities Act, the Rehabilitation Act of 1973, the Individuals With Disabilities Education Act, as well as Civil Rights issues and issues of public services and public accomodation. It is this County's ADA 504 Compliance Office. The Office of Handicapped Service is the main resource on the County level to advise and educate County administration and staff on disability-related requirements and public accomodation. There is no other County office that serves such a role or has the in-depth knowledge of local, State and Federal legislation.

Making OHS a very small unit within the very large Department of Health Service will significantly change the impact and clout presently enjoyed by the office under the auspices of the County Executive. This counter-productive move could result in costly Federal lawsuits from citizens with disabilities whose disability rights are being violated. Issues that can now be handled in a timely, efficient and effective manner by the Office of Handicapped Service will not find a prompt and informed source leading to resolution of the problem.

Most importantly, the 315,000 people living with disabilities in Suffolk County deserve and expect a reliable, informed and effective County agency to address their unique needs. OHS has been and continues to be highly effective, so why make undesirable changes that make life even more difficult for individuals with disabilities, Suffolk's largest minority?

In addition to reducing the effectiveness of the Office of Handicapped Service, the move will not save or produce any more money for the County. We strongly urge you to remove this devastating budget proposal to merge Office of Handicapped Service into the Department of Health Service from the 2011 Operating Budget. Please do not disrespect the 20% of Suffolk's population who happen to have disabilities. Respectfully submitted, Beverly Cody, Chair, Disability Advisory Board. Thank you for your attention.

P.O. LINDSAY:

Hold on for one minute, Beverly. There's a question from Legislator Kennedy. Over here, this way.

LEG. KENNEDY:

Ms. Cody, hi, how are you? First of all, I want to thank you. As a matter of fact, I know you're my constituent, we've spoken before about elevator issues and things such as that.

MS. CODY:

We're finally getting a vertical lift after five years.

LEG. KENNEDY:

Good. Well, see, persistence does pay. And thank you for your service.

I just -- I appreciate the fact that you're raising concerns with moving Handicapped Services, and each and every one of us around the horseshoe has had occasion to contact Bruce Blower. As matter of fact, I worked with him directly when he was over on Jetson Lane, and I know his successor, Mr. {Krachinski}, who does a wonderful job, too.

I just want to ask if you can articulate for me a little bit more specifically where we would suffer a diminishment in our ability and, for that matter, residents' ability to get the information and referral that Handicapped Services routinely does.

MS. CODY:

Well, Handicapped Services has been an independent County department since 1981. And people with disabilities know that it exists, other agencies know that it exists, outside organizations know that it exists, and when there's a problem they know exactly who to call, they know that they're going to get the correct answers on the law and what needs to be done. If this independent department gets moved into a really tiny section of the huge Office of Health Services -- and I especially can't understand how they picked Children With Special Needs Department, to put an agency, a unit that's dealing with adults, seniors, children, we really have absolutely nothing to do in that small unit -- there isn't going to be that focal point that all of you know who to call if you have an issue, if you have a constituent call.

LEG. KENNEDY:

I don't disagree with you, Ma'am. And as a matter of fact, I think having a robust and viable Handicapped Services advisory entity is critical. But what I am going to say is I recall as I've been going through the budget, I think I saw with Handicapped Services, I don't know, what, seven positions, eight positions?

MS. CODY:

That's because positions have not been filled and several, you know, critical people have left. But --

LEG. KENNEDY:

So how many people -- my -- first of all, conceptually I think the Executive may be on to something with this; and that's a rarity when I agree with something that he's bringing forward. If there's a different entity in the Health Department, though, maybe that could be part of the dialogue.

My point is the advocacy individuals in Handicapped Services should be able to continue to do the function, provide the information, do the referral, give the information about the Civil Rights Act, 504, all the other Handicapped protections that are out there on the Federal and State level. But if there was some synergy that could be had with combining support functions, Clerk Typist functions, telephone answering functions, back-office sport functions; quite candidly, that's something we have to do at this point. Is there --

MS. CODY:

The problem is that you would be taking a department that has a better -- for lack of a better word, some clout that Frank, if a problem comes to him, can call any department head, any other agency and get -- dump right into it. If he's buried within three or four layers of supervision in the Department of Health Services to go through before he can get to the Legislator and the Executive, nothing is going to get done in a timely manner. And people -- people who are being discriminated against are going to sue, and if the County gets sued because they're not following any of the various laws that apply to people with disabilities in a timely manner, that's going to cost the County money. And putting it in another unit with people who aren't necessarily going to know the answers to the questions because they don't have the expertise, is not going to help.

And a lot of people who have disabilities are just not even going to know where this department went to. It's been something that they've had as an independent organization, department, since 1981, it's not broke, don't fix it. You're not saving a single penny of County money. So I don't understand why you would want to diminish the effectiveness of an agency, you know, a department that really has done so much in terms of SCAT, the paratransit, we've been involved with issues with education, with accessibility, with recreation, with --

LEG. KENNEDY:

Yes, Ma'am, there's no doubt that it's an effective agency. I just wondered whether or not there was any other area that might be more appropriate to look for a possible blend, but if you feel not, then I appreciate your sentiments. Thank you.

MS. CODY:

Thank you.

P.O. LINDSAY:

Thank you, Beverly. Wallace Broege.

MR. BROEGE:

Good afternoon. My name is Wally Broege, I'm the Director of the Suffolk County Historical Society. Thank you for giving me this opportunity to speak about the 2011 recommended budget and its impact on the Suffolk County Historical Society.

This year, in 2010, the Historical Society will receive \$265,000 in funding from the County from within the Hotel/Motel Tax Fund. The County Executive's recommended budget for the Historical Society for 2011 is \$260,000; the recommended level is \$25,000 less than the Historical Society requested. I'm here today to respectfully request that you add the \$25,000 to the society's funding in 2011 and bring it to 285,000.

The Historical Society is facing a budget deficit of \$43,000 in 2011. The Suffolk County -- and we're going to be facing some very difficult decisions as a result of that; it is a large deficit for us. Four part-time positions will be decreased from 25 to 30%; that includes our receptionist, Exhibition & Public Program Coordinator, a librarian and a publicist. Two part-time positions will be eliminated; Museum Educator and Gift Shop Manager. The staff reductions will result in a number of unfortunate losses in service to the public. The museum, library and gift shop will need to be closed an additional day a week, at least one major temporary exhibition will be eliminated from our 2011 schedule; weekend and evening programs will need to be cut about 50%, and our publicity efforts will be reduced by about 30%. With the increase of \$25,000, the society will still need to raise an additional \$18,000 to balance the budget, but I feel that's an amount that's manageable where the \$43,000 will be extremely difficult for us to do.

I'm well aware of the difficulties in finding money for not-for-profits in the economy today. Our expenses are increasing and it is becoming more and more difficult to win grants and raise money. County funding for the society is currently below the 2008 level by \$15,000, which is a lot of money when you count every penny as we do. Unfortunately, the society's income has not kept up with its expenses. Reluctant to cut successful programs, the society's board has chosen to fund deficit budgets. Each year the society has absorbed small deficits which largely have been kept under control by spending our money very carefully and working very hard to raise other money. Unfortunately, all the cash reserves have been used. And I cannot recommend to our Board of Directors that we remove funds from our endowment, which is a very small endowment, to fund general operations.

Fortunately, all the news from the Historical Society is not bad. The Society's exhibition and program offerings have been flourishing. The leadership in the society's research library and archives has never been better. Attendance has been increasing as a direct result of our public relations efforts. The number of volunteers at the Historical Society has increased. For those of you that don't know, the Historical Society's museum is located in Riverhead, we're open Tuesday through Saturday, 12:30 to 4:30 P.M., and the library is open Wednesday through Saturday, 12:30 to 4:30 P.M. there are two full-time staff members there and seven part-time. The material that I've passed out today highlights our current exhibitions and programs and our plans for the balance of 2010.

2011 will be an equally busy year. Our plans to collaborate with four historical societies on the south fork with exhibits and programs under the broad theme of food and related activities are moving ahead. Our contribution to the collaboration will be an exhibit on Hunt Clubs in Suffolk County and will focus on properties owned by the County. In the fall, our major exhibit will be one that illustrates the work of local artist Charles Henry Miller, and we'll be mounting that with the assistance of the Southold Historical Society. These are just a few highlights of our plans for 2011.

I want to thank you again for this opportunity to speak to you about our concerns and activities. We appreciate your continued interest in the Historical Society and the generous support that you've always offered us. If you have any questions, I'd be happy to answer them today, or I'd welcome a visit or a telephone call any time.

P.O. LINDSAY:

Anybody got any questions of Wallace? No. Thank you very much, Wallace.

MR. BROEGE:

Thank you.

P.O. LINDSAY:

Jennifer Critcher.

MS. CRITCHER:

Good afternoon, Honorable Legislators. My name is Jennifer Critcher and I am the Finance Director of The Retreat. For over two decades, The Retreat has been the only non-profit agency providing domestic violence services to victims located in Eastern Long Island. Additionally, because we encourage victims to receive services as far away from their abusers as possible, many of the individuals we provide service to are also from western Suffolk.

I'm here today to raise awareness about the public health crisis our community is facing, a direct result of the economic downturn, the crisis of domestic violence. During these unprecedented times, The Retreat has seen an historical 56% spike in demand for services over the past year. The Retreat feels and acknowledges the impact of the nation's recession and the tough choices that are

coming with it. Our leadership team, including our Board of Directors, recognizes in this era more than ever, every penny counts. Even with significant staffing cutbacks of over 16% implemented since 2009, our staff and board continue to energetically contribute many long hours and dedication to our mission.

As just one example recently, a Retreat team member discreetly met a battered woman at four in the morning. They met at a local train station so that the woman could be escorted safely to a hospital and then back to our emergency shelter. A crisis worker assured this woman that she was not alone.

The services of The Retreat help victims to find safety, independence and empowerment. I ask you to please keep The Retreat and domestic violence prominent when making budgetary decisions for 2011. Our phones are ringing off-the-hook from frightened, abused women and their children who need our help. With the 20% dip in fund-raising and contribution revenues, current funding levels will not allow us to meet the heightened demand that we face. We thank the Suffolk County Legislators for their continued support and commitment to ending family violence. Thank you.

P.O. LINDSAY:

Thank you, Jennifer. Does anybody have any questions; no? Thank you very much. Vito Minei.

MR. MINEI:

Good afternoon, Presiding Officer Lindsay, Members of the Legislature. My name is Vito Minei, I'm Executive Director of Cornell Cooperative Extension of Suffolk County. I'm here today to request the restoration of \$270,500 to our budget so that we can maintain two critical programs; Family Health & Wellness and 4-H Youth Development. Cooperative Extension is a non-profit education and research organization, and through our affiliation with Cornell University we employ scientific research-based data to attain our goals of saving families and communities, preserving the environment and also fostering economic development.

In your packet is our organization brochure that highlights some of our responsibilities and functions, including the Agriculture Program, the Marine Program, our many camp activities. But I'm here today to focus on two programs; Family Health & Wellness which addresses some of the most critical social and public health issues facing America today, and the 4-H Youth Development Program that enriches literally tens of thousands of youth, five -- ages 5 through 19, through their programs that teach children to learn by doing, the motto of 4-H; hands-on education outside of classrooms.

Also in your packet is our Youth Development Brochure. I spoke to many of you during the course of the year. This brochure documents our pride that only Cooperative Extension is the only organization in Suffolk County that provides a unique and comprehensive set of youth development programs. As the montage depicts, there are educational programs for prenatal care, early childhood and youth nourishment, youth and teenage programs.

In the remainder of my time, I'd like to just highlight the fact that without the funding for Family Health & Wellness and 4-H Youth Development, we will not be able to fulfill our commitment for human development activities here in Suffolk County. So again, I'd like to invite your attention to the one-page summary. The title and subheading pretty much explains the reason why I'm here and our need for funding. We're asking for partial restoration of our funding and continued support that you provided last year in the budget. In 2009, Cooperative Extension lost over \$700,000 that eliminated several jobs and also diminished the activity of others. If we sustain this loss, we'll not only lay off more people, but also have to reduce our activities even further.

As I move to the middle of this one-pager, it describes the activities of Family Health & Wellness Program. It provides parent education, diabetes prevention, education and nutrition education, and it's our only program with direct access in Spanish-speaking populations. We emphasize the importance of families in developing character; it is the frontline of defense against school failure, youth violence and unhealthy risk taking. There are many programs on family literacy, Internet safety, overuse and distraction of electronics, bullying and cyber bullying, the dangers of energy drinks, poor nutrition and sedentary lifestyles, obesity and diabetes. We have major efforts devoted to parent education, nutrition education and diabetes education. There are nearly 55,000 residents of Suffolk County with diabetes, and that increases thousands every year.

The funding request is 188,500 for Family Health & Wellness, and this funding from the County enables us to secure more than \$1.3 million in grants; and I don't cavalierly throw that money out, these grants were documented to your Budget Review Office. There's six or seven major nutrition and other grants that we're talking about. So if we lose the staff, seven members of our staff in Family Health & Wellness, not only are these \$1.3 million in jeopardy, but the future of being able to seek more grants is also eliminated.

Moving down towards the bottom on the 4-H Youth Development. Again, it reaches nearly 41,000 youth in Suffolk to help them build self-esteem, leadership skills and life skills, to learn to get along with one another. Also, they educate children to accept responsibility. The program out of the Suffolk County Farm in Yaphank also reaches 20,000 residents in Suffolk.

The 82,000 in core funding is really leverage for \$450,000 for a \$500,000 program. Now, the State Legislature has provided level funding, so we're standing here ready to cost-share with you. And last year you recognized the importance of these vital programs, and I'm asking you today to come to the same realization. Thank you very much.

P.O. LINDSAY:
Thank you, Vito.

D.P.O. VILORIA-FISHER:
Can I just say one thing?

P.O. LINDSAY:
Wait, Vito, Legislator Viloría-Fisher has a comment.

D.P.O. VILORIA-FISHER:
Actually, a good example of one of the grants, the news came to me today that Diane Wilk who was working on the diabetes grant, you just won that?

MR. MINEI:
Yes.

D.P.O. VILORIA-FISHER:
And how much did that bring to Suffolk County?

MR. MINEI:
I forget off-hand.

MS. WILK:
It will bring \$210,000.

MR. MINEI:

Two hundred and ten thousand dollars. I'm cruising in from Stowe, Vermont, so I'm not up on the numbers.

D.P.O. VILORIA-FISHER:

Okay. Well, and that's very new news. I mean, she just got the word.

MR. MINEI:

It's excellent news.

D.P.O. VILORIA-FISHER:

So congratulations. And that's part of this program, this is the Family Health & Wellness Program that Diane Wilk works under.

MR. MINEI:

Absolutely. And I tossed out a lot of numbers to you today, but really to get a sense, you have to bring it down to a more personal scale. So I invite you to come out to the Diabetes Camp next summer to see 35 to 40 kids enjoying themselves and then learning about their illness and how to take care of themselves. And if you're still sceptical about the value of the program, walk in to the storeroom and see that wall of storage cubbies with plastic shoeboxes with the individual meds for each of those kids, and the adult staff there includes eight nurses for 35 kids because of how fragile the children are. So please come and accept our invitations to join us at these events.

P.O. LINDSAY:

Thank you. Roy Probeyahn.

MR. PROBEYAHN:

Good afternoon, Mr. Supervising Officer and the members of the Legislature. For the record, my name is Roy Probeyahn, Supervisor. I'm a 50-year resident of the County of Suffolk. I sit on the Suffolk County Disability Advisory Board with Beverly Cody. I'm also Chair of the MRDD Committee of the Suffolk County Community Board. I'm here today to talk about the transfer, or proposed transfer of Office of Handicapped Services into the Department of Health Services, Children Services Division.

Since the Office of Handicapped Services was created in 1981 with Bruce Blower as Director until his retirement in 2009, this office has done an outstanding job impacting in a positive way 315,000 people with disabilities in Suffolk County based on the 2008 Census. Frank {Krachinski} has taken over the reins from Bruce and continues the important work of the department. Currently, OHS receives about 25,000 calls a year from citizens with problems, about 2,500 of the calls require direct staff, individual advocacy of at least a few hours. So it's not a lot of typing and clerical type stuff going on, but advocacy as well as information and referral in this office.

Having the Office of Handicapped Services go through has or HSD bureaucracy would -- before even reaching the County Executive or Legislature, which privilege we enjoy now, with pressing issues would neither save money, nor enhance in any way its functioning ability. Placing it in a unit for children with special needs makes no sense at all. OHS is responsible for people with disabilities of all ages, seniors, adults, as well as children.

Under the current structure, the Director of OHS can and does communicate directly with the County Executive and this Legislature and heads of other County departments. This loss of direct access to other County department heads by placing OHS under layers of Health Service bureaucracy will almost certainly delay ADA 504 complaint resolutions and other regulational complaints or discrimination resulting in more Federal, costly Federal lawsuits against the County, and of course

this will add legal costs.

In addition, being under a Director of a division and a Commissioner of an agency, the Director of Office of Handicapped Services would have a direct conflict of interest if anybody within that division or department, which is -- as you know, Health Services is huge, because he would be counseling with a very Director or Commissioner of that unit, which is something that is not an issue at this time.

So we would urge, for all of these reasons, that the Office of Handicapped Services remain in the County Executive's. Thank you.

P.O. LINDSAY:

Thank you, Roy. Does anybody have any questions for Roy? Thank you very much.

I don't have any other cards on the Operating Budget. Is there anyone else in the audience that would like to address us on the Operating Budget? Okay, seeing none, I'm not going to close the hearing because we still have some individual hearings and the committee structure.

Next is the *Public Hearing on the Southwest Sewer District Assessment Roll*. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close. It's been on our agenda for a while. Do I have a second to that motion?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Cooper & D'Amaro).

P.O. LINDSAY:

Public Hearing on IR 1408-10 - Adopting Local Law No. -2010, A Charter Law to increase Legislative oversight of RFP process (Romaine). Believe it or not, Legislator Romaine, I have no cards, after all the discussion this morning. Does anybody here want to talk on 1408? I don't see anybody. I had asked them to come back this afternoon.

LEG. BROWNING:

I guess it was not important.

P.O. LINDSAY:

Maybe I'll ask some questions.

LEG. ROMAINE:

Considering that some of the members from the trade unions had some questions and they're not here today, what I'll do is entertain a motion to assess this to give them an opportunity to speak at the next public hearing. And if there's no speakers, or whatever, at that point, I'll close it. I want to be fair.

P.O. LINDSAY:

Could I -- I know you just amended this.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

And what was the amendment? If you don't mind. How did you amend it?

LEG. ROMAINE:

The amendment to this would provide -- we set the limit at 50,000 and the amendment provided -- went along with what the Comptroller had recommended.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

So what I'm going to do is recess this today and allow the gentleman who had some questions to come back at our next meeting, raise those questions and we'll have all the facts and figures for my colleagues.

P.O. LINDSAY:

Here's -- you know, this morning we were kind of restrained because it was public portion and I couldn't ask questions, but I didn't understand their concerns. I mean, their concerns are usually over publicly-bid jobs, capital jobs. I don't understand how the RFP process affects that at all.

LEG. ROMAINE:

Well, I think they may have gotten some bad information; I'm not saying the source.

*(*Laughter*)*

And I'm starting to think that they were stimulated and encouraged to come down here.

P.O. LINDSAY:

(Inaudible).

LEG. ROMAINE:

So suffice it to say, what I'd rather do is have that dialogue --

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

-- with those gentlemen.

P.O. LINDSAY:

Okay, rather than carry on -- thank you.

LEG. ROMAINE:

We'll assess it.

P.O. LINDSAY:

Okay. Motion to recess and seconded by Legislator Losquadro.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Public Hearing on IR 1688-10 - Adopting Local Law No. -2010, A Local Law mandating compliance with financial disclosure requirements (Cooper). I have no cards on this subject.

LEG. GREGORY:

Motion to recess.

P.O. LINDSAY:

Motion to recess. Seconded -- motion to recess by Legislator Gregory, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

LEG. COOPER:

Tim?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR 1782-10 - Adopting Local Law No. -2010, A Local Law to register prepaid cell phones purchased in Suffolk County (Browning), and I have no cards on this subject. Is there anyone in the audience that would like to discuss this subject with us? Seeing none, Legislator Browning?

LEG. BROWNING:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Public Hearing on IR 1834-10 - Adopting Local Law No. -2010, A Local Law to Standardize Home Energy Audits in Suffolk County (Horsley). I have no cards on this subject. Is there anyone in the audience that would like to comment on this bill? Seeing none, Legislator Horsley?

LEG. HORSLEY:

Motion to recess.

P.O. LINDSAY:

Motion to recess.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Public Hearing on IR 1863-10 - Adopting Local Law No. -2010, A Local Law to reduce minors' access to spray paint (Browning). I have no cards on this subject. Is there anyone in the audience that would like to comment on this bill? 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:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Public Hearing on IR 1866-10 - Adopting Local Law No. -2010, A Local Law to register non-profit veterans' organizations in Suffolk County (Cilmi). And I don't think I've got any cards on this subject, let me just double check. No, it doesn't look like it. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cilmi?

LEG. CILMI:

Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Public Hearing on IR 1873-10 - 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 – Medford (CP 8150)(County Executive), and I have no cards on this subject.

Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a

motion to close.

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Public Hearing on IR 1874-10 - 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) (County Executive). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Cooper & Romaine).

Public Hearing on IR 1878-10 - Adopting Local Law No. -2010, A Local Law to ensure the safe transfer of fuel to boats and watercraft in the Peconic Estuary (Schneiderman), and I have a number of cards. Andrew Jurkiewicz.

MR. JURKIEWICZ:

Good afternoon. My name is Andrew Jurkiewicz, I'm the owner of East Hampton Fuel. I'm here to talk about Resolution 1878.

We've been through this before, we've proven our facts for the DEC reports, the approval from the U.S. Coast Guard to fuel with mobile transfer facilities. We're with the New York State Fire Codes, so I'm not going to bring up that anymore. I will bring up the fact that in a recent paper article out in East Hampton, the -- Mr. Penny, the East Hampton Town Natural Resource gentleman quoted saying, "He could not think of a spill at a mobile station in the last 20 years." With that being said, I would want to move on to a couple of other things.

This legislation, I feel, is being pushed by the marinas for financial reasons and not safety issues. On April 30th of this year I was threatened by a marina owner to stop fueling boats, private boats, in an area of East Hampton, and if I didn't I would end up looking at my truck from underneath the ground the following season. I see this legislation as a route the large marinas are taking to get their dirty work done and shut down competition and monopolize the fuel business on the east end of Long Island. If this was a genuine concern, how come no one has reached out to our companies, the truck companies, and get their input on the fueling of boats over the water ways?

I have left several messages in my own town and no one has returned my calls about it, yet there's been word of private meetings with board members and marinas in reference to this which we weren't included on. The reason why I found out about that was someone from the U.S. Coast Guard called me and told me about it because the meeting was taking place at their station in Montauk. This legislation is not going to prevent fuel spills or protect our waterways, it is only going to hurt working families businesses and cause jobs to be lost.

In conclusion, as a former Marine and disabled vet, I have seen many disturbing things in my young-adult life, but nothing is more disturbing than watching our elected officials be corrupted by large marinas, businesses in an effort to self-propel their personal financial interest by monopolizing an industry and stopping fair competition. Thank you.

P.O. LINDSAY:

Thank you. Anybody have any questions; no? Okay. Kerrie? Kerrie Jurkiewicz?

MS. JURKIEWICZ:

I'm going to pass.

P.O. LINDSAY:

Okay, thank you. Mark DeAngelis. Mark, how are you?

MR. DeANGELIS:

Mr. Lindsay. Good afternoon, Members of the Legislature. My name is Mark DeAngelis. I own a marina in West Sayville, West Sayville Boat Basin, which is one of the larger Marinas in the Town of Islip. It's not in the Peconic Estuary where this is directly related, but I feel the legislation that affects them will one day be on my table also. And in fact, when this was originally proposed, it was proposed in my area. So I feel what's right for my area is the same as what's right in their area and I should support it.

I'm against this legislation for many reasons. I used to run a large marine fuel station. When I bought my marina, it originally had fuel docks in it. I pulled my fuel docks out, got rid of the County permitted fuel docks at my marina because I know it was cleaner to have these mobile trucks coming into the facility. When I ran a permanent fuel facility, which was in the Town of Babylon, several times over the many years that I worked there I watched owners of boats mismanage the fueling of their vessels, one time fueled up a water tank in the boat, mistaken it for the fuel inlet; another time fueled up a fishing rod holder, filling up their boat up to the fills.

*(*Laughter*)*

It sounds crazy --

LEG. HORSLEY:

Not in Babylon.

*(*Laughter*)*

MR. DeANGELAS:

Frank and Dick's Gas Station, which is on the State Boat Channel. When a boat owner who uses his boat very infrequently in this area of the world, boating season is very short. They're not experts at fueling up their boats; 90% of the people are probably proficient at it, but 10% of the people maybe are not.

When you pull up to a land-based fuel station, there's usually a kid at the dock, sometimes summer help, sometimes college, sometimes high school, who hand the gas hose to the boat owner and say, "Here you go." It's up to the boat owner to figure out how to take care of it from there. Most people are proficient at it. But in all the years I worked at this gas dock, I only saw one single time where somebody put a spill-cup, a catch-cup, over the vent of the fuel so that when the boat is fueled up, if there's a chance of a spill, it would go into this fuel cup. These mobile fuel docks, these mobile fuel businesses, do this every single time. In the 17 years I've been in business in West Sayville, there has never been a single drop of fuel spilled at any single time, and I've watched

this very carefully. These people are highly insured and are trained professionals; it's all they do is fuel up boats, they're very good at it. There's never the possibility of this sort of mistake happening, and it does happen frequently. Boat owners are very untrained. To count on them to do it right every time, sometimes mistakes happen.

Mobile fuel trucks have quite a bit of money invested in their business. I know a lot of -- the question comes in where if a land-based fuel dock has to invest a couple of hundred thousand dollars into the facility, it's not fair to have these mobile trucks going around that don't have that same sort of onus of putting in permitted, responsibly permitted tanks and such. It's not the case. If you figure that a mobile fuel truck may cost in excess of \$150,000, a person that has two fuel trucks has just as much invested in their business as somebody that has a permanent marine fuel station at their marina.

But the biggest thing that I realize as a marina now that does not have fuel, first I pulled my fuel docks out because it's cleaner to do so and it's safer and more environmentally correct, now I'd be punished by legislation such as this because we don't have them. But other marinas that are even further from fuel docks, from permanent facilities, let's say 20, 15 or 20 miles away, there's some big gaps on the south shore between permanent fueling facilities. The further the marina is away from that fueling facility, the more the burden would be and the less valuable his slips would be. As a large marina owner that doesn't have fuel, my slips are made less valuable and a neighboring marina that does have fuel docks, his slips are made more valuable by this unfair legislation that's put upon us.

It also unfairly burdens my customers. Marine fuel stations, some of them are making up to 75 cents per gallon on fuel delivered. The idea was they're paying more for the fuel, which is nonsense. They're not paying more for the fuel, they're paying the same or less for fuel than these mobile trucks are paying, but it's usurious for them to be making up to 75 cents a gallon. A land-based automotive station is making between eight and 12 cents per gallon, but it's justified because it's a shorter season, but the shorter season is part of the problem. When these land-based fuel stations close down, basically boating on the The Great South Bay will be closed out. The majority of boating in the late season and over the winter is commercial entities. These commercial entities would be unfairly burdened by not having fuel at their disposal.

*(*Timer Bell Rang*)*

Facilities like the Long Island Maritime Museum, which I am a Trustee of, we can't bring our big boats, one of our historical boats, the {Fasilla} can't be brought to a marine, land-based marine fuel station to get fuel in it, it has to be done on-site. Also, things like duck hunters and groups like these environmental groups which are based at my facility, they need their fuel year-round in the middle of the winter; these land-based facilities aren't there. Basically you're saying they would have to close up their operations waiting for these places to open in the spring. It's unfair and it's unfair to put the burden on us marine operators, large marine operators that chose not to have fuel at our facilities because it is a cleaner operation to have without.

For that reason, I oppose this legislation and I hope that it is reflected upon this. Thank you very much for your time.

P.O. LINDSAY:

Thank you, Mark. Robert Faulkner.

MR. FAULKNER:

Good afternoon, Ladies and Gentlemen of the Legislature. Over the past two years, this issue has come up quite a few times and I'm pretty sure you're sick of hearing from me via e-mail or standing

up here in front of you. Just trying to talk to you about some of the processes that differentiate the mobile fuelers versus the fixed-fuel docks. And I sent out a pretty long-winded e-mail to you recently, so I'm not going to go back through that. But the one thing that nobody spoke about and what we haven't talked about yet is the fact that for every gallon of fuel, whether it be gasoline, whether it be diesel or whether it be heating oil, there's a small tax built into there, it's called the Federal LUST Tax. Now, quite a funny acronym, but LUST stands for Leaking Underground Storage Tank, okay. Why do they have this tax? Because underground storage tanks leak; you know, it's obvious. And that's why Suffolk County, along with the New York State DEC, fought very hard to get those single-wall tanks pulled out of the ground this year and replaced with double-wall fiber glass tanks with, you know, warning signals and everything else.

So with that in mind, I started to look back and said, okay, well let's take a look at some of the issues that came up and some of the testimony that happened in the past, and I went way back two years back to when this was originally brought out, IR 2165. And as I look at some of the people that came and testified, there weren't people from the environmental movement, there weren't people that owned the boats, it was the marina owners, and Andrew mentioned that as well. But I picked out a couple of little quotes here because I thought it was interesting here. One person by the name of Mr. Mendleman who owns Seacoast Enterprises, he said it was about 10 to 12 years ago that we had the need to replace our single-wall tanks; well, obviously the need was they were leaking into the ground. So he went off and he spent so much money, half a million dollars to go and replace these tanks. And a comment that he made back then, and I'm reading here from the minutes provided by the Legislature, it said, "So you'll find in Three Mile Harbor right now there's one fueling facility and that's us." Clearly a lack of competition there. When Mark spoke about, you know, 75 cents a gallon, I wouldn't even want to hazard a guess as to what these guys were making out there in Three Mile Harbor, since there's nowhere else for anybody out there to go.

As I move on to the next page here, we've got a person by the name of Mr. Sennenfelder from Gone Fishing Marina and his quote, "And it's also a financial situation. Our fuel has been down this year." Once again, this is an environmental piece of legislation, however not one of these people have mentioned anything about the environment so far.

And then finally here we have a Mr. {Derenberg} who calls from the Montauk Marine Basin; "I myself have to spend \$500,000 this year for new tanks." And he closes his quote with, "I applaud Mr. Romaine," who was championing the cause at the time, "for what he's trying to do for us." All right, once again, it looks more of a financial situation as well.

But here's the interesting point to this one. Gone Fishing -- not Gone Fishing, but the Montauk Marine Basin had to spend \$500,000 to replace those tanks. This meeting and these minutes were written on February 3rd of 2009. As I searched the New York DEC database on spills, seven days later, February 10th, 2009, there was a spill at the Montauk Marine Basin, some "material, diesel; resources affected, surface water." All right? I go further on in the same marina in January of 2010, once again, "Montauk Marina Basin; material spilled, gasoline; resources affected: Soil and ground water."

So this is going to tell you that these fixed fuel docks, no matter how much money they spent to replace this equipment under ground, it's the human factor that's going to be the problem here. Somebody was fueling their boat, fueling their vessel, there was a spill. I don't care how much money you spend and what kind of tanks you put under ground; if you don't have the right process in place to fuel these vessels, that's where your spills are going to happen. And that's why people like us at Direct Marine Fuel and Andrew is that we have trained people that do it, that do it right for a living; we take the liability, we have the equipment.

So what I'm going to request here at this point is pretty much -- you know, the choice is simple here. We need to vote no here. It's been going on since 2008, this is probably the seventh time this has come back with different wording on it. So I would just urge you to vote no on IR 1878. If you decide to close it and pass it through to the Health Committee, I would just hope that they feel the same way.

P.O. LINDSAY:

Thank you. Thank you very much, Mr. Faulkner. I appreciate it. Chris Clapp.

MR. CLAPP:

Good afternoon, Members of the Legislature. I operate three vessels, two in the Great South Bay and one around Shelter Island, and I'd also like to urge you to vote no on this piece of legislation.

As a vessel operator, both as a business and for personal use, I feel that this would hinder competition. And to bill this as an environmental bill is -- I think it's misleading. Because quite honestly, having to use -- with the prices of gas at the land-based marine docks, I've been forced to at times use gas tanks and fill them by myself, and a lot of other people do this as well because of the prices that they charge at the marine-based gas docks.

Now, I'm not perfect and nobody else is, but I'll tell you one thing, ever since I switched to these guys or companies like these guys who fill up my vessels, I haven't had to worry about a spill not once. They have not one but two people come fill up your boat; one person is standing at the truck to shut that off and one person at the boat with the drip cup over the valve and a towel around the nozzle. There's no gas -- no chance of gas spilling.

So I urge you, please, to vote no on this for environmental reasons. There's a lot more gas to be spilled by people filling up their rod holders on accident or people --

*(*Laughter*)*

You laugh, but this does happen? I had a guy -- the last time I went to a marine dock they said, you know, some guy put 20 gallons of gas in his boat before he realized he was pumping it on his feet. So, you know, these guys are professionals and they do a much better job than even I can do on my own, and I do environmental work. So I urge you, please, to vote no on this. Thank you very much.

P.O. LINDSAY:

Thank you, Chris. I don't have any other cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (**ACTUAL VOTE: Sixteen - Not Present: Legislators Nowick & Vilorio-Fisher).

P.O. LINDSAY:

Public Hearing on IR 1880-10 - 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) (County Executive). I don't have any cards on this subject. Is there

anyone in the audience that would like to speak to us on this subject? Seeing none, I'll make a motion to close. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Nowick).

P.O. LINDSAY:

Public Hearing on IR No. 1882-10 - 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) (County Executive). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, do I have a motion? Motion by Legislator Gregory to close. Second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Nowick).

P.O. LINDSAY:

Public Hearing on IR No. 1883-10 - Adopting Local law No. -2010, A Local Law declaring as surplus and authorizing the execution of a contract for the sale of ~255 acres in Yaphank to Legacy Village Real Estate Group, LLC for mixed use development (County Executive).

LEG. BROWNING:

Motion to recess.

P.O. LINDSAY:

Okay; motion to recess.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR No. 1916-10 - Adopting Local Law No. -2010, A Local Law to ensure the safe use of air guns in Suffolk County (Eddington). I have a couple of cards. Cindy

Singleton.

MS. SINGLETON:

Good afternoon, everyone. I'm here today to speak on behalf of IR --

LEG. LOSQUADRO:

Could you pull the microphone down a little bit?

MS. SINGLETON:

Sure -- 1916. I'm in favor of the new legislation to ensure the safe use of air guns, pellet guns or any other sporting equipment, and I'd like to take a moment or two to explain why.

Back in 2004 my family purchased a home, and in 2007 an adjacent property was purchased. Not known to us, the property was zoned commercial and residential; previous owners used it as a residential property. When the owner purchased the property in 2007, we then realized that he would be using it for commercial use; not a problem, by law he's able to do so. However, a few months later we then realized that he is selling -- using the property to sell sports equipment; again, not a problem, his right. Well into the first year. We then hear noises outside and come to realize that the owner uses his outside property as a target range, or a range that's outside. So not only do the employees use it, but he does allow customers to try out their weapons before they use it.

If this was an enclosed area, there would absolutely be no problem. However, the fact that it is being done outside, the fact that it is being done in a residential setting, and the fact that the employees and the clients are shooting into commercial property, which is a Burger King, is a serious concern for a lot of the residents in Lake Ronkonkoma. Please know that I am not against the fact that he's able to sell this equipment or anybody else is able to sell; that is not the intent of this law. The intent of the law is to ensure the safety of the residents in this community.

Being that I have three small children, as I said, the property that I am specifically talking about is parallel to my backyard. My children, who are twins that are seven and a four-year old, are fearful to play in their backyard without adult supervision. Monday through Saturday, from the times of 12 to about 6 PM, we consistently hear the discharge of these firearms. Also, pellets and other fragments have been found on my property; we have collected them and I have called the Suffolk County Police Department in which many, many, many complaints have been made. This is a very serious issue, not only to my family but, again, to the general public. At any given point in time, someone can get hurt if these or this equipment is not used correctly.

I will also say as a teacher here in Suffolk County of middle school students, I hear often about boys and girls purchasing these sports equipment and going in their backyard and shooting at whatever they can shoot at, whether it's animals or just targets. I am fearful that my children or someone in the community or the students that I teach will be seriously hurt.

So, therefore, I am hoping that you see that this could be a serious liability, not only for my family specifically, but also for the members of the community. So please know that I am not against the fact that they are selling or the use -- the selling of this anywhere, it's more to ensure the safety of the people in the neighborhood. I think making sure that this does not happen within 200 feet of residential setting is appropriate, and I hope that you do vote on this. And I thank you for your time.

P.O. LINDSAY:

Ms. Singleton, Legislator Kennedy has a question for you.

LEG. KENNEDY:

Thank you for coming out to speak on this matter, Ma'am. You mentioned I think -- and I'm sorry, I didn't quite hear; you live in Ronkonkoma, Lake Ronkonkoma?

MS. SINGLETON:

I'm in Lake Ronkonkoma.

LEG. KENNEDY:

You're in Lake Ronkonkoma. And you're concerned about somebody that backs up to you who's selling air rifles and allowing purchasers to try them out in the backyard?

MS. SINGLETON:

Correct.

LEG. KENNEDY:

Okay. Where is the vendor, where is the merchant? Is it on Ronkonkoma Avenue?

MS. SINGLETON:

No, it's on 22 Foster Avenue. It is adjacent to the Meat Farms Shopping Center and where Retro Fitness is on Portion Road, so it would be the corner of Foster and Portion Road.

LEG. KENNEDY:

Yes.

MS. SINGLETON:

And the home, again, really when you see it by first glance you would never think that it's a commercial use.

LEG. KENNEDY:

Oh, this is a residence that somebody is vending these --

MS. SINGLETON:

The property is zoned commercial and residential.

LEG. KENNEDY:

Okay.

MS. SINGLETON:

So, therefore, whoever the owner is has the choice.

LEG. KENNEDY:

Okay. At 22 Forrester?

MS. SINGLETON:

Foster, F-O-S-T-E-R, Avenue.

LEG. KENNEDY:

Thank you. Have you approached the town about this?

MS. SINGLETON:

I have. This is a two-year battle and -- it's two years, a long, long time I have been fighting to resolve to have something. And again, like I said, it's not the fact that he's selling. I live next to it, it's not the selling that concerns me, it's the fact that he allows employers and clients to shoot. But not only him specifically, and I don't mean to target him, I'm bringing this up because it's a neighbor and it directly affects me.

LEG. KENNEDY:

Okay.

MS. SINGLETON:

But like I said, kids that I know and even kids in the neighborhood go in their backyard and they shoot, and this is a serious problem where someone can end up seriously hurt.

LEG. KENNEDY:

Okay. Thank you, Ma'am.

P.O. LINDSAY:

Legislator Browning and then Stern and then Montano.

LEG. BROWNING:

Just curious, because you said that you've picked up the pellets and called the Police. Are the Police telling you that he's within his rights to do that?

MS. SINGLETON:

Yes, they are. I have two complaints with me. I do have a whole load folder at home, I did not bring it due to the fact that I was rushing to get here. I also have a bag full of pellets and glass fragments that I have found on my son's play yard, I have rocks, and we find them in the play yard. Here are two complaints. Sixth District has been called in the last two years probably at least, at least three dozen times. Again, not only, you know, because of the fragments and the pellets that we find, but it's a noise factor. You know, on Saturday afternoon, if my sons go play in the backyard, I have to worry about on hour's end, almost on a consistent basis, hearing the discharge, and that's a serious concern. If I wanted to hear this on a daily basis, I would go live somewhere else. You know, I don't think it's fair to me and I don't think it's fair to the community members that have to hear this on a consistent basis.

LEG. BROWNING:

And the town, when they approved this place, I mean, they approved him being able to do this outside his property?

MS. SINGLETON:

Well, come to find out in '07, when I first started to make complaints to the town, Planning Department got involved and they looked into this further and I came to find out that I believe in the 70's there was some transition going on in zoning laws, and this specific property was grandfathered under a specific law that allowed them to keep the property zoned as residential and/or commercial use. So because of the fact that they were grandfathered under, this has been -- it has been allowed to continue.

LEG. BROWNING:

Okay. Thank you.

P.O. LINDSAY:

Wait, I still have -- Legislator Stern has a question.

LEG. STERN:

Thank you. In dealing with this issue for so long, is it your understanding -- is the issue here a zoning and a noise issue, or does it come down to the fact that these types of air guns are not classified by New York State as weapons? What's the core issue here?

MS. SINGLETON:

The core issue is the fact that this is allowed to happen in open space in a residential setting. No, it doesn't have to do with his law to sell, we don't have a problem with that. The problem we have is it's done out in the open, it's done within close proximity to residential setting, and also the idea

that, you know, the pellets, when they're shot into the target, they ricochet. Okay? It doesn't matter what kind of setup you have, they will ricochet. And in this particular case, the pellets are ricocheting on to my property. Okay? So it's a direct safety factor for my children if they happen to be in the backyard.

Also, it's a noise factor. When you have a commercial -- you have the commercial business, you're trying to get clients in the door and therefore you're going to allow them to try out the weapons in order for them to purchase it. So the fact that you're now allowing someone to come in and try them, you know, it's a safety factor. If someone really doesn't know what they're doing and they're just trying it out, something bad could happen.

LEG. STERN:

Maybe very quickly, Mr. Presiding Officer, if I could just ask the sponsor just a quick question. Jack? Is the issue here that this type of air gun is not classified as a weapon pursuant to New York State Law? If New York State did classify it as a weapon, would any of these other issues even be an issue?

LEG. EDDINGTON:

I don't know. You know what?

LEG. STERN:

Would they be able to conduct that type of activity on this property or any other similarly situated property if it was classified as a weapon under New York State Law?

LEG. EDDINGTON:

You know what? I don't know. And of course the lack of legal training, I really can't even think if that would be the answer.

The question here that I see it from my perspective is that it's an improper and reckless use of an air gun in an area that is -- I mean, it's obvious that this young woman can't go out in her backyard for -- she keeps saying children at risk, but it's anybody that goes to her backyard. And I think the question is not whether these weapons, as she said weapons but, I mean, as air guns, you know, I think every kid tries to get one at some point in their life. But if it was in the basement of this building, it would be a non-issue. It's the fact that it can go through or over fences in that area, and that's why we put the two -- the 200 yard exemption.

I mean, that's not to mention that if you talk to the Police in certain areas, that this is a weapon that gangs have been using that somewhere in Islip over the summer, 40 car windows were shot out; that in Smithtown just recently pedestrians on Main Street were shot at and windows were shot out with these guns; buses in Mastic. It is a problem. But this seems to put an immediate fine and a penalty if it's used in a residential area. So I don't think she'll come back with a stack of papers because we'll have done something that will say, "This is going to cost you \$250 every time you break this resolution, this law." And I think that will cause this problem to go away. I mean, I'm convinced that if I owned that business, I would be cleaning out the basement.

MS. SINGLETON:

And again, I just want to point out, it's directly affecting my family, but the target that they shoot at, okay, it's parallel to Burger King's parking lot. And if you're familiar with the area, Burger King's parking lot is pretty wide, but it starts on Portion and it ends on Foster Avenue, or the entrance is into Foster. So they are -- they're shooting towards the Burger King parking lot because at the end where their property line is is where they have their target, you know. And it is, as far as I understand, to code of what they shoot at.

Here's my concern; you have the kids that are shooting, you have the employees and/or the clients that come in that want to purchase. You're shooting at Burger King, okay, the parking lot. So I can't tell you how many middle school kids that we have in my area that skateboard near there. I can't tell you how many times we have older high school kids who park in that parking lot and hang out and listen to music. Why? Because I hear it because that's my backyard, so I know that they're doing it. So it's a real serious safety issue because in the event that somebody shoots wrong or something ricochets and -- those things come out pretty quick. You know, they're pretty dangerous, okay. Whether it's close proximity or pretty far away, someone's getting hurt, and I think in the end it's a serious liability, and that's what we want to prevent.

Also know that the corner in which this house or property resides is a bus stop for the Gatelot Elementary School in the Sachem School District, it is a bus stop for middle school, Samoset, and a bus stop for High School North. So the fact that this property is also where bus stops let their children out is another serious issue. I have already contacted Sachem, the PTA has been made aware. And I can tell you right now, for the elementary school children who get off at that bus stop, they get picked up by parents, whether they're a kindergartner, 1st grade or a 5th grader, they are getting picked up by parents because of the safety issues. So I'd like you to please take that into account.

P.O. LINDSAY:

Okay. Wait, Cindy. Legislator Montano, did you want to --

LEG. MONTANO:

Just very quickly. What township is this? I know you said Ronkonkoma, but I think Ronkonkoma is in different towns.

MS. SINGLETON:

Brookhaven.

LEG. MONTANO:

Brookhaven; okay, thank you.

P.O. LINDSAY:

Okay.

MS. SINGLETON:

And Tim Mazzei has tried to get legislation passed for the town as well, his office has been working with me before Mr. Eddington had taken over. So he's an abundance and a big resource as well to help with the contribution of getting this passed.

LEG. MONTANO:

Right, but -- part of Ronkonkoma is in Islip, which is the town that I live in --

MS. SINGLETON:

Okay.

LEG. MONTANO:

-- so I was curious about that. But there's no town ordinance that you can go under or that would be applicable to this situation?

MS. SINGLETON:

Not that I'm aware of, no.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Bill Raab.

MR. RAAB:

Good afternoon. I'm also here to speak about this legislation. And I was listening to quite a few things and I agree that this young lady has quite a problem. However, I think her problem is in the wrong jurisdiction. This, to me, strikes of a town problem, which Brookhaven did try to pass a law about discharging air rifles and I believe it did not pass in the town about a month and a half ago.

We hear a lot about kids and safety and we hear about what if, what if, what if, and I've gone through this with the trap and skeet range -- which most of you know, you've seen my face here for quite a long time about that one -- and I could bring most, if not all, of those arguments over to here. Now, I kept hearing references to firearms and weapons, and air guns are neither. New York State does not regulate them as weapons or firearms, they do regulate them in the Penal Code under 265-20 which I spoke about earlier. We already have negligence, we have criminal mischief, we have if you cause damage to something, we have laws for all of those things. And you're trying to run a legislation that we're going to run contrary to town zoning laws, besides the fact.

The 200 foot; Department of Environmental Conservation, while hunting, has a 500 foot limit and a longer limit for schools, that if you have the owner's permission you are allowed to hunt in those areas. We're not talking about this, we're talking about shooting pellet rifles. The owner's conduct may not be stellar in this case, I -- being in -- having a business and having that kind of thing going on, I would myself try to work a lot harder to be a good neighbor, and there are steps to be taken.

Designing ranges, there are many things you can do to keep this kind of thing from happening. I'm a Chief Range Safety Officer, certified by the NRA, I help design range safety plans and everything else. This person could probably stand a good talk with me and maybe they would have a lot less problems. I really don't see this as an issue here for the County to deal with. Air guns are used ninety-nine and forty-four one hundredths of them, you know, percent are used without incident. I don't see the need to be putting something like this on. You're going to restrict everyone in the County because of the bad actions of one individual or one business. I don't see that as fair to me, to the thousands of people who use air guns, who practice for everything up to the Olympics, because there are Olympic events for air guns. Many of these school teams have changed to air guns because they had problems with using rifles because of the ventilation in their ranges. There's a Boy Scout range that would have to close if this were enacted because it's less than 200 feet from a residence, and it's been in the camp for I don't know how long, it was there when I took the troop, my old troop there in 1971. So, you know, you would have to shut it. It's never had an incident, but if this passed they would have to close or move it.

So I can't really talk any more about this. The residential setting, the zoning, it sounds like it's a zoning problem. The zoning is commercial, even though it may have appeared to be a residence, the other structure, and it is allowed to be used for a commercial purpose. Again, if you do your research, I brought this up at the trap and skeet range, you do your research and find out what's going on around you, it's really important because you're making probably your biggest investment of your life in your home and a place for your family. It's important that you do the right work. So I'm here, and at this point you can ask me any questions you want. I'm not going to sit here and talk any more about the stuff I talked about this morning. So, can I help any of you.

P.O. LINDSAY:

Thank you very much, Bill. Does anybody have any questions of Bill? Legislator Montano.

LEG. MONTANO:

Yes, sir. Have you -- are you aware of this particular issue or have you had a chance to speak with the owner in your capacity?

MR. RAAB:

I have not had a chance to speak with the owner. I have heard of it, I heard of it when the Brookhaven legislation was proposed. I heard about it and I asked someone what was going on and they said there was one range that had a problem where there was interference or whatever, it was affecting a neighbor, and that's what brought the legislation on in Brookhaven. And apparently, from all I understand, the legislation didn't go anywhere. I would gladly speak with the --

LEG. MONTANO:

What is your capacity again? I'm sorry, you said you're the head of the --

MR. RAAB:

I'm not -- I'm a volunteer.

LEG. MONTANO:

Okay.

MR. RAAB:

But I'm certified as a Chief Range Safety Officer.

LEG. MONTANO:

That's what you said, right.

MR. RAAB:

And I'm also a training counselor which means I train people to be instructors as well as train students in the safe use of things.

LEG. MONTANO:

All right. Well, it might be wise to speak to this person.

MR. RAAB:

I'd be glad to. I just -- I think this whole thing is in the wrong place, I think it belongs in the zoning or with a nuisance problem in Brookhaven.

LEG. MONTANO:

You may be correct, but it might be good to speak to the previous speaker. You know the address.

MR. RAAB:

Absolutely.

LEG. MONTANO:

And maybe --

MR. RAAB:

I'll definitely talk to her.

LEG. MONTANO:

I think what she's asking for is for her particular issue --

MR. RAAB:

Absolutely.

LEG. MONTANO:

-- to be resolved. And if it can be resolved, then maybe it obviates the other issues that you just raised.

MR. RAAB:

I'd be good with all of that.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Gregory and then Barraga.

LEG. GREGORY:

Thank you, Mr. Chair. Do you have any idea as to how many businesses would be impacted by this legislation?

MR. RAAB:

I know of at least a dozen throughout the County. I'm sure there are more that I'm not aware of, because I don't know every business that does this in the County, but I have -- I know a lot of friends who work and use different equipment in different places and they tell me about different places they go to, and there's about a dozen that would be impacted by this.

LEG. GREGORY:

So is it fair to say that most businesses that sell this type of equipment that they have an area set aside for target practice?

MR. RAAB:

No, it's very unusual, actually, for that. Things are done -- typically at an outdoor range, they have range availability for air rifles. Typically a place that sells air rifles may have an indoor facility, it's unusual for them to have an outdoor facility, especially in that type of setting. Like I said, this one specific thing seems to be a problem, but this, the way this legislation is written, it would be broad and sweeping and it would cause a lot of unintended consequences.

LEG. GREGORY:

The concern I have, and I haven't decided if I'm supporting this yet, is that it seems like it would just prohibit any activity in a residential community. You know, most communities are 100 by 75, 75 X 100 lots, so you're going to be within the confines of this law.

MR. RAAB:

Oh, yeah.

LEG. GREGORY:

So if you're in your backyard, you're going to be restricted from doing --

MR. RAAB:

Yes, you are. And this legislation doesn't even make any exception for your own property, you can't shoot. Even if you didn't have another house around you, you're not allowed to shoot within 200 feet of your own home.

LEG. GREGORY:

Right. So you would be -- you would have to go to -- I know there's a place I want to say in Yaphank where they have an indoor facility? I'm sure there's others.

MR. RAAB:

Well, there was one right on Horseblock Road but it's not there anymore. And yes, there's one in Yaphank, there's a few in different places and you'd have to go there. I mean, there are some that have outdoor ranges, but it's not that common; it's probably about one-fourth of the businesses have an outdoor area to use these.

LEG. GREGORY:

Okay. All right, thank you, sir.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Yeah, I would just like to second my colleague Mr. Montano's suggestion to you. Because with your expertise and background, maybe you should speak to Mrs. Singleton in terms of going down and seeing the owner of that property. With your background, maybe he might see the light as opposed to her continuous chronic battle that doesn't seem to be getting anywhere.

MR. RAAB:

Sure. With a few changes that wouldn't be that expensive, this whole thing could just be resolved.

LEG. BARRAGA:

If you do that, could you please let Mr. Montano and myself know how you made out?

MR. RAAB:

Sure.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Okay. I don't have any other cards on this subject. Is there anyone else in the audience that would like to address us on this bill? Seeing none --

LEG. EDDINGTON:

Motion to close.

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

Motion to close. Motion to recess. Do I have a second to either motion?

LEG. CILMI:

I'll second to recess.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

Okay. We have a motion --

MS. ORTIZ:

I didn't get those motions.

P.O. LINDSAY:

Okay. We have a motion to close by Legislator Eddington, seconded by Legislator Browning. We have a motion to recess by Legislator Losquadro and seconded by Legislator Cilmi.

LEG. MONTANO:

Question?

P.O. LINDSAY:

Go ahead.

LEG. MONTANO:

Dan, Legislator Losquadro, what is the reason to recess; is there a particular issue? I'm just curious. I mean, it's your right, I'm just curious as to --

LEG. LOSQUADRO:

I think we've heard very limited testimony here today.

LEG. MONTANO:

Okay.

LEG. LOSQUADRO:

I think that there are any number of individuals. I had a phone call in to some other user groups and representatives that I think would like to have the opportunity to speak on this.

LEG. MONTANO:

Okay. I didn't ask for any particular reason, just out of curiosity.

LEG. LOSQUADRO:

Absolutely. I mean, I think this goes to, you know, certain fundamentals. I mean, given property sizes here on Long Island, young people having the ability to be introduced to the shooting sports, not necessarily through firearms. You know, a BB gun in the backyard was how I was first introduced to a lifetime of being an advocate of shooting sports, I go shooting, trap and skeet shooting on a fairly regular basis. And given the property sizes on Long Island, I think that the guidelines set forth in this potential legislation are really akin to banning this across Long Island, and I have concerns about it.

Like I said, I have some calls in to some of the user groups. And I think the testimony that we heard here today was very limited with two individuals, given something that has such, in my opinion, far-reaching effects, and I would like to have more individuals have the opportunity to come speak on this.

LEG. MONTANO:

Right, okay. And that's it, the issue is to give others the opportunity to comment that may be affected by the law that aren't here now.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yeah. As the gentleman spoke and talked about dozens of businesses, it only reinforced the fact that this may be a larger problem. You know, the whole thing is because we don't hear more complaints doesn't mean that it isn't a problem, but that people suffer in silence. You know, this woman, it's the first time she's come to us, it doesn't mean it hasn't been a problem for years for her. I guess I would just say to the other Legislators, go home and watch The Christmas Story.

*(*Laughter*)*

I mean, we've all seen that story, and the idea is ridiculous that this is banning it. You know, I grew up in Queens. Yeah, maybe it's a problem in Queens, but here there's enough wooded areas and places to go that you don't have to shoot it in a contained area that can go in to somebody's backyard. And you know what? I guess I'm a little tired of hearing the same excuse, "I want to give more people the opportunity to come." When is the right time? This has been out there, this isn't just dropped on the table today. So at the next meeting we can say, "Well, I want more people," and I've heard that as a stall tactic for years. This is a problem that the woman has come to us with, it's obvious she tried to work it through the town and didn't get assistance. I'm hoping that we'll do something to stop this problem anywhere in Suffolk County, whether they suffer in silence or they come before us. So I'm asking to close it.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I think the gentleman talked about this one incident, I don't think there's more -- that this is the only incident. I've heard many complaints in Mastic, like you had mentioned earlier, with school buses getting shot at, it's within a residential community. And yes, there's laws against it, but I think this is just toughening it up a little bit more.

He talked about the Baiting Hollow Boy Scout Camp. My son has been to Baiting Hollow, he has shot in Baiting Hollow. I don't think the intent of this bill is to prevent it from happening in Baiting Hollow, that's a controlled area, there are instructors, there's experienced people with these kids. You know, God forbid somebody lives in a small 50-foot lot and somebody shoots a BB gun or some kind of a gun and the next door neighbor gets hurt. I don't think it's an appropriate location for people to be shooting guns. You know, like I said, I think maybe, Jack, if you could answer where the places like Baiting Hollow, the Boy Scout Camp; I mean, are they included in this or no?

LEG. EDDINGTON:

Yeah, I haven't been there in years, but I don't think there's a home right next to it --

LEG. LOSQUADRO:

There is.

LEG. EDDINGTON:

-- that would be getting shot. And I'm sure that they have procedures. And if it, then maybe they have to look at it. I think 200 feet is passed -- over that is adequate space. But if you're that

close, then maybe we've been lucky so far and I'm not going to press our luck, since we know it can go that far.

LEG. BROWNING:

Okay. Because I didn't think there was any residential homes nearby. The only homes that I know of is the actual home that the Boy Scout leaders use in the summer time.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I had spoken to my future step-children about this bill, they are air gun enthusiasts. And I said, "Well, what do you think?" They're 14 and 15, and they said, "Kill this bill," was their first response.

*(*Laughter*)*

They said that they would -- they would be restricted from doing as they do now in their backyard, they would have to go to a facility which in St. James is an inconvenience for them, because I don't know of one that's near them.

LEG. HORSLEY:

(Inaudible).

LEG. GREGORY:

Right. So I think, you know, what Legislator Losquadro said, that, you know, we could use some more testimony, if you will. But, you know, I don't think that -- and I don't want to debate the bill, but I don't think that -- you know, and just from their experience, they have an agreement between all the neighbors and the parents got together, they have to wear their safety equipment, all this -- they have written contracts; they're 14-year olds, it's amazing. So there are people that do act safely with this equipment. You know, I don't think everyone should be punished because of one business so far that we know of.

P.O. LINDSAY:

I can't wait till when we do debate the bill; this is just whether to close it or not.

*(*Laughter*)*

Legislator Cilmi.

LEG. CILMI:

You're right, you're right. I'll just pass.

P.O. LINDSAY:

Okay. We have a motion to recess and a motion to close. Recess comes first; roll call.

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

LEG. LOSQUADRO:

Yes to recess.

LEG. CILMI:

Yes.

LEG. COOPER:

No to recess.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes, close.

D.P.O. VILORIA-FISHER:

No, recess.

LEG. NOWICK:

Oh, I thought you meant to close. Recess, fine.

LEG. KENNEDY:

Yes, I'll recess.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes to recess.

LEG. EDDINGTON:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:
No.

MS. ORTIZ:
Eleven.

P.O. LINDSAY:
Okay, it stands recessed.

Public Hearing on IR 1923-10 - Adopting Local Law No. -2010, A Local Law to increase public confidence in government by amending the nepotism provisions of the Suffolk County Code (County Executive).

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. LOSQUADRO:
Motion to recess.

P.O. LINDSAY,
Motion to recess. Do we want to give people a chance to come and talk about this one, too?

LEG. LOSQUADRO:
Okay, motion to close.

P.O. LINDSAY:
I'll second that, to close. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

LEG. ROMAINE:
Now let's kill it.

(*Laughter*)

P.O. LINDSAY:
Public Hearing on IR 1939-10 - Adopting Local Law No. -2010, A Local Law to require Homeless Sex Offenders to report their overnight locations (Eddington). I don't have a card on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Eddington?

LEG. EDDINGTON:
Motion to close.

P.O. LINDSAY:
Motion to close. I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
Public Hearing on IR 1947-10 - Adopting Local Law No. -2010, A Local Law to sunset living wage subsidies (Cilmi), and I have a number of cards. Robin Kane.

MS. KANE:

It's actually Robin Kane and Dina Brown. Both of our cards are in there, but we're from the same organization.

My name is Robin Kane, this is Dina Brown, and we're co-owners of Kiddy Care Early Learning Center in Commack. We serve 150 children between the ages of six weeks and five-years old, and we have over 50 employees. Kiddy Care follows the Living Wage Law that requires us to pay our employees no less than 10.50 an hour as a starting wage, and we follow this law knowing that at the end of the year we will be reimbursed for the gap between paying our staff the 10.50 an hour. We struggle every year to make our payroll due to this law. The only way that we are able to do this is with the hardship funds that we receive at the end of the year.

Kiddy Care and our staff does one of the most important jobs in the world, they care and teach for our children of the future and they deserve the money and then some. There is only a certain amount of tuition that we can charge parents for the service that we provide. The staff, parents and children deserve the subsidy, especially in today's economy where parents are struggling and businesses are struggling. Without the funds, the burden would fall all on the working parents who are already having trouble making ends meet.

This may push parents into using poor quality care that's below market rate which is concerning for our children and their future. We have educated, quality staff. We do background checks and require college credits and continuing education. Kiddy Care is committed to high quality child care and meeting the needs of our communities' children and their needs. Paying a living wage has helped in retaining quality teachers, and we have a very low turnover and that is due to the living wage and when we decided to follow the living wage.

P.O. LINDSAY:

Okay, Ladies. We have -- Legislator Viloría-Fisher has a question for you.

D.P.O. VILORIA-FISHER:

I know we have a number of speakers on this, but I want to ask you certain questions about it, and I think they'll pertain to most of the other speakers. How many employees do you have?

MS. KANE:

Fifty.

D.P.O. VILORIA-FISHER:

Fifty employees. And what percent of your child population comes to you through the voucher system, contract with the County?

MS. KANE:

Very few. The only reason we actually -- we probably only have about five out of 150 right now. And the only reason we actually did go with the living wage, because we did have the option of not doing the living wage, the only reason we did is for our staff so that they could be paid a higher wage. We had the option of not going with the contract of Social Services, and really it's minimal what we get from them --

MS. BROWN:

Ever since the recession, we started --

D.P.O. VILORIA-FISHER:

You need the mike.

MS. BROWN:

I'm sorry. Ever since, you know, the economy changed the last three years, a lot of people were taken off of DSS. So we went basically a little bit less than half from what we used to get.

D.P.O. VILORIA-FISHER:

Okay. Since we've had the living wage bill, has -- what has happened to the retention of your teachers? Have they stayed with you longer?

MS. KANE:

(Nodded head yes). Yes, they have stayed --

D.P.O. VILORIA-FISHER:

If you nod we can't get you on the record.

MS. KANE:

They've stayed. Definitely our turnover is one of the lowest. We're not a chain, we're not a franchise, so our teachers have been the same for -- we've been doing this together for 16 years and a number of them have been with us at least ten years and there's no turnover. And that's one of the things that draws parents to us is the low turnover, and it's because we can pay them a higher wage.

D.P.O. VILORIA-FISHER:

Yeah, that was one of the things we tried to accomplish with the incentive that we had.

MS. KANE:

Yes.

D.P.O. VILORIA-FISHER:

When I was first elected we had the incentive. So if you lost this living wage provision, you know, this hardship money coming to you, what would be your recourse; what would you do?

MS. BROWN:

Honestly, we would probably sustain about six months and probably go out of business. We, Robin and myself, we don't take payroll checks for at least three or four months a year.

MS. KANE:

In the summer.

MS. BROWN:

Throughout the summer and spring when our enrollment goes down in general because we have --

D.P.O. VILORIA-FISHER:

It's really hard to hear you.

MS. BROWN:

Really? I'm sorry. We don't take our own salaries for at least three to four months in order to cover our payroll. And we usually wait for -- our living wage funds usually come in September, and at that --

*(*Timer Bell Rang*)*

Oh, am I out?

D.P.O. VILORIA-FISHER:

No, you are not out.

MS. BROWN:

Oh, good, another five. So basically we can't sustain anymore.

D.P.O. VILORIA-FISHER:

Thank you very much.

P.O. LINDSAY:

Anybody else?

MS. KANE:

Thank you.

LEG. CILMI:

I have a question.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Hi. Thanks for coming. You mentioned that you had five or six --

MS. KANE:

Social Services.

LEG. CILMI:

-- customers, I guess, that come through the Suffolk County DSS system.

MS. KANE:

(Nodded head yes).

LEG. CILMI:

And how many that are not DSS clients?

MS. KANE:

About 145.

LEG. CILMI:

So why would you -- with only five out of 145, why -- how would you go out of business?

MS. BROWN:

Wait, are you talking about the contract? I think we're getting mixed up. We're talking about our DSS contract for Social Service children.

LEG. CILMI:

Right, right.

MS. BROWN:

That's different than the living wage. Maybe we misunderstood. We used to get -- DSS children used to come, and before the economy changed and the laws changed, those children are now off of Social Service; that was just another downfall in the last three years.

So I don't know if I confused you.

MS. KANE:

Yeah, but the living wage --

D.P.O. VILORIA-FISHER:

Can I just explain that?

MS. KANE:

Yeah, thank you.

D.P.O. VILORIA-FISHER:

Legislator Cilmi, a few years ago we lost a lot of State aid so we didn't have as many vouchers for kids to go to child care.

LEG. CILMI:

Right.

D.P.O. VILORIA-FISHER:

So a lot of the child care centers that had more children from DSS have fewer children now coming to them from DSS.

LEG. CILMI:

Okay. But --

D.P.O. VILORIA-FISHER:

So Kiddy Care had more kids a few years ago --

LEG. CILMI:

Right.

D.P.O. VILORIA-FISHER:

-- from DSS and now they have fewer. But I think --

LEG. CILMI:

But if there are only -- if there are only five or six kids from DSS, correct me if I'm wrong, if you lost those five or six kids --

MS. KANE:

It's not about losing the kids.

MS. BROWN:

That wasn't it.

MS. KANE:

We were just --

LEG. CILMI:

Well, just answer -- follow my lead.

MS. KANE:

Go ahead.

LEG. CILMI:

I want to make sure I understand this. I've met with a couple of groups about this already and I'm certainly open to the arguments and discussing it. So if you have five or six kids that are through DSS; am I right so far?

MS. KANE:

Uh-huh.

LEG. CILMI:

Okay. If you didn't have those five or six kids, you wouldn't be required to abide by the living wage requirements, correct?

MS. BROWN:

Yes.

LEG. CILMI:

So you would have a hundred and some odd kids still coming to your program and so --

MS. BROWN:

And a lot of the employees leaving.

LEG. CILMI:

For five or six kids? I'm not quite sure I --

MS. KANE:

Because if you --

MS. BROWN:

Go ahead, you say it.

MS. KANE:

If you took away -- if you took away the living wage, then we would be forced to either do one of two things; charge the parents over the market rate, or you would have to tell the staff, "Okay, you're getting a decrease in pay," which would cause them to leave. I think that's what we're -- it's not the five kids that we're talking about, it's actually the staff's wages.

LEG. CILMI:

So let me just -- again, just to make sure I have this straight. You would no longer be required to pay the living wage --

MS. KANE:

Right.

LEG. CILMI:

-- if you lost those five or six kids.

MS. KANE:

Right.

LEG. CILMI:

But because you are, you wouldn't have any -- you wouldn't have any way of -- well, if you didn't have those five or six kids, would we still be subsidizing you?

MS. BROWN:

No.

LEG. CILMI:

No.

MS. KANE:

No.

MS. BROWN:

Basically --

MS. KANE:

No, the employees would be making less money, basically.

MS. BROWN:

Which would create a turnover with the parents. What she had asked me earlier was if you lost the living wage, what else would happen? And this is, you know, the fallout, that's where I think you got a little confused.

LEG. CILMI:

Okay.

MS. BROWN:

Okay?

LEG. CILMI:

Thank you.

MS. BROWN:

Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

First of all, operating a day-care center is never easy. Many, many, years ago I was on the board of a day-care center up on the grounds of Kings Park. My question to you is what's the makeup and the range of families that are coming to you to have their kids there? Are you dealing with the accountants or doctors or Wall Street traders or --

MS. BROWN:

We're dealing with middle class families where both parents work.

LEG. KENNEDY:

And if a child is with you for -- first of all, what's your age range; where do you start and where do you end?

MS. BROWN:

Six weeks old.

LEG. KENNEDY:

You do infant care? How many infant slots do you have?

MS. BROWN:

How many do we have right now?

LEG. KENNEDY:

Yeah.

MS. BROWN:

Eight.

LEG. KENNEDY:

You have eight infant slots?

MS. BROWN:

Yes.

LEG. KENNEDY:

Okay. And the ratio there --

MS. BROWN:

One to four.

LEG. KENNEDY:

Exactly. That's by State Health, or who --

MS. BROWN:

That's New York State.

MS. KANE:

(Inaudible).

LEG. KENNEDY:

Right. And then you go up to -- do you have an on-site kindergarten or no?

MS. BROWN:

We go through Pre-K --

LEG. KENNEDY:

You go to Pre-K.

MS. BROWN:

-- four years old, and then we do before and after school; really after school and holiday care for school-age children up to nine years old.

LEG. KENNEDY:

So what are you operating from, maybe like seven, 7:30 in the morning to around six at night?

MS. BROWN:

Six thirty to six thirty.

LEG. KENNEDY:

Six thirty to six thirty. Five days a week?

MS. BROWN:

Five days.

MS. KANE:

Most days.

MS. BROWN:

And we're closed when the banks are closed.

LEG. KENNEDY:

And you have 50 staff. Do you -- do you do any sliding scale or means testing yourself when it comes to what your rates are, or is it just you have the rate structure and that's it?

MS. BROWN:

We have a -- there's a normal going rate, you know, for infants, toddlers, preschoolers; you can't charge more than that. You know, you have to stay within that range.

LEG. KENNEDY:

Okay.

MS. BROWN:

It's different. It's like centers versus home, you know, care.

LEG. KENNEDY:

The State sets the tuition?

MS. BROWN:

Yeah.

D.P.O. VILORIA-FISHER:

The State sets that, there's a rate.

LEG. KENNEDY:

So you actually charge based on a rate structure that's authorized by the State?

MS. BROWN:

Yes.

LEG. KENNEDY:

And that's regardless of whether it's just a simple family that's doing private pay or a Social Services child? That doesn't make any difference.

MS. BROWN:

It's the same rate, Social Service versus a private child. It doesn't matter, it's still the same rate.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Legislator Cilmi again.

MS. BROWN:

I did have one more thing, if that's okay?

P.O. LINDSAY:

Go ahead.

MS. BROWN:

Sorry. The Living Wage Law for this has already started in January, so we're already basically halfway into it for this year. So this is why Robin and I, you know, we're a little concerned. I don't know, if you do decide to get rid of it, like, do we get warning? We need to restructure, we need a lot of things.

LEG. CILMI:

Correct me if I'm wrong, Counsel, but since they've already been approved for this year, they would receive the remainder of this year's funds, correct?

MS. BROWN:

We did, but the new year started in January for -- that we would get next September.

MR. NOLAN:

Well, the law says that after January 1st of '11 that we cannot pay any more of these monies.

MS. BROWN:

Wait, I'm --

MR. NOLAN:

After January 1st, 2011, monies cannot be paid for this purpose.

LEG. CILMI:

I'm sorry, just a couple of more questions for you.

MS. BROWN:

Sure.

LEG. CILMI:

How long have you been in business?

MS. BROWN:

Fifteen years.

LEG. CILMI:

Fifteen years. When was the first year that you started availing yourself of this subsidy?

MS. BROWN:

2002, whenever the law went into effect.

LEG. CILMI:

What's the name of your organization again?

MS. BROWN:

Kiddy Care Early Learning Center.

LEG. CILMI:

Okay.

P.O. LINDSAY:
Legislator Barraga.

LEG. CILMI:
Thank you.

LEG. BARRAGA:
So as I understand it, if you lose the supplement you'll have to reduce wages, all right, and there's the possibility of losing staff. And the other possibility is that the only other offset is to increase the tuition or the weekly cost associated with caring for children by increasing that rate to the parents.

MS. BROWN:
True, but then you would have to have every other day-care charging the same rate or else we would just lose everyone.

LEG. BARRAGA:
All right. What was -- before you got -- how many years have you been getting the supplement?

MS. BROWN:
Since it started, 2002 I believe the law started.

LEG. BARRAGA:
All right. Any idea what the reduction in salary would be if the supplement was taken away?

MS. BROWN:
Two dollars, probably. What we could afford to pay people? Probably \$8 an hour.

LEG. BARRAGA:
And you think at that rate they would go someplace else?

MS. BROWN:
Oh, absolutely.

LEG. BARRAGA:
Definitely, huh? All right. What about, you know, day-care personnel, there's always been quite a bit of turnover because it's kind of hard to get people to work, even at 10 an hour, because of the type of work, it's difficult work. You have a turnover problem anyway?

MS. BROWN:
No, we don't.

LEG. BARRAGA:
So you're pretty much staffed --

MS. BROWN:
That's like one of our -- we're so proud of that. We have a lot of people who bring their children and are teachers, we try to help our community.

LEG. BARRAGA:
But the supplement has been in effect for ten years then. The first time you got the supplement was, what, 2002?

MS. BROWN:

Three.

LEG. BARRAGA:

Oh, 2003.

MS. BROWN:

Yeah.

LEG. BARRAGA:

So it's been around for seven years.

MS. BROWN:

Yes.

LEG. BARRAGA:

All right. All right, thank you.

P.O. LINDSAY:

Okay. Thank you, Ladies.

MS. BROWN:

Thank you.

P.O. LINDSAY:

Lori Maldavir.

MS. MALDAVIR:

Good afternoon. I'm here to read testimony that was prepared by a teacher at our program; she couldn't be here today because she's teaching in the classroom.

She writes, "Dear Members of the Legislature: Thank you for the time to tell my story. I would have loved to be present to share my experience, however I am currently teaching my Universal Pre-K class. Please allow Lori Maldavir to read my testimony. Warmest regards, Nicole Andriassi."

"Members of the Legislature, I'd like to thank you for the opportunity to explain to you how the living wage made it possible to obtain and achieve things in my life which would not have otherwise been possible. For starters, allow me to give you some background on myself. My name is Nicole Andriassi and I have been a staff member of the Early Discovery Center for eight years now. I was originally hired as a summer camp counselor and continued as a float per diem employee during the school year. I worked around my core schedule at Suffolk Community College and have always been grateful for the company's flexibility and cooperation."

"When I originally started, my hourly rate was approximately \$7.50 an hour. It was extremely stressful trying to juggle my core schedule and still maintain a schedule at work that allowed me to pay for books, gas and maintenance on my car and every day life. Then, as if a saving grace, we received a letter in our employee mailboxes; this letter stated that due to the living wage being granted to us by Suffolk County, the company was able to raise our hourly rate from the \$7.50 we were receiving to \$9 an hour. That initial living wage increase was my first sigh of relief. I was now able to afford my books and other expenses and not struggle. I can concentrate on my studies and create a future for myself. The

living wage increases that followed only amplified this feeling. I was able to stay in a field that I loved, go to work with a smile on my face and continue my education."

"Since that time, I have graduated from Suffolk Community College and gone on to S. Joseph's College to complete my Bachelor's Degree in Child Study. I am currently still employed at the Early Discovery Center. However, now I am the head classroom teacher for their Universal Pre-Kindergarten Program through which we are partnered with the Connetquot and Middle Country School Districts. It amazes me to think of how my life might have been different at this moment in time if I had not received the living wage increase. I may have only been able to afford to attend school part-time, I may have had to leave the field of early childhood education and go on to something else, perhaps I might not have even finished school. But thanks to that living wage, I am on my way to obtaining my Master's Degree and building my future."

"In closing, I would like for you to you stop and think of how many stories similar to mine there may be and how many more of those stories are to come. Many young American men and woman have to work to put themselves through school. I hope for the sake of our future that others have the same opportunities that I was so fortunate to have. And I also hope that for the sake of our children, that facilities such as the Early Discovery Center continue to offer hourly wages which include the living wage in order to ensure that we retain our highly qualified and responsible staff. Thank you for your time. Sincerely, Nicole Andriassi."

P.O. LINDSAY:

Hold on one minute. Legislator Cilmi, Lori, has a question for you.

LEG. CILMI:

Hi, Lori.

MS. MALDAVIR:

Hi.

LEG. CILMI:

Could you just refresh my memory? I know we had this conversation when you were in my office. What's your total budget for your agency?

MS. MALDAVIR:

Can you hold on? We have some paperwork that our Director had brought.

LEG. CILMI:

Sure, thanks.

MS. GEARY:

To answer the question, the budget in --

MS. MAHONEY:

Can you state your name, please?

MS. GEARY:

I'm sorry. My name is Elizabeth Geary and I'm Director of the Community Program Center of Long Island. One of our programs is Early Discovery Center.

P.O. LINDSAY:

She's the next speaker, if you want to hold the question for Ms. Geary.

MS. GEARY:

I'm wondering if --

LEG. CILMI:

I can hold the question for after she finishes speaking, sure.

P.O. LINDSAY:

Okay. Do you have any other questions?

LEG. CILMI:

No, no, no, that's all. Thanks.

P.O. LINDSAY:

Okay. Stay there, Elizabeth, you're our next speaker. Go ahead.

MS. GEARY:

As I mentioned, I'm Director of Community Program Center of Long Island, a not-for-profit agency founded in 1980 to provide inter generational day care services to working families on Long Island. I've been the administrator since 2002. Our agency has three programs; Early Discovery's Child Care Learning, the Children's Community Head Start, and Dayhaven Adult Day Services. These programs provide care to young children and frail elders, including those with Alzheimer's, thus enabling hundreds of Long Island families to go to work each day.

First, I'd like to say that our child care program has benefitted tremendously from the Living Wage Law. After instituting the living wage, we have seen a more stable work force in our child care program. Research shows that employee longevity, especially in early child care and education, helps to provide higher quality and better educational, social and emotional outcomes. By providing the living wage, we have been giving our child care staff more incentives to further their education, as Nicole's story told us. Even our assistant teachers have been more willingly and eager to obtain their CDA, the foundational credential to move up to become a teacher. Thus, both the children and the staff benefit from the living wage; for the staff and the County, there is a further impact since the effect of their increased wages helps them to sport their own families and, in turn, thus contributes to the economy of Suffolk County.

When the living wage was introduced in 2002, our agency made the decision, rooted in our mission, to implement the living wage and continue to accept families receiving subsidies for child care through the Department of Social Services. We believed that it was necessary to fulfill our commitment to low and middle income families. We believed that helping families during difficult times would give their children a better chance at success because, as we all know, education is the great equalizer. We also felt that it recognized and compensated early childhood educators for their tremendously important work.

The implementation of the living wage would not have been possible without the hardship assistance. Our agency has never operated with a profit, and without the hardship assistance the financial demands of this law would have crippled us. Since 2002, the hardship assistance has impacted well over a hundred staff and thousands of children and families, all residents and taxpayers of Suffolk County. Eliminating the hardship assistance, which for CPC would translate into a reduction of approximately \$133,000 in our 2011 budget, would have a devastating effect on our whole agency's financial stability. We have already felt the impact, like others, of the downturn in the economy as families try to manage their finances.

Acknowledging the burden on working families, we have not issued a tuition increase for our child care program in over a year and a half. We continue to work hard to help families juggle their financial commitments and yet to provide their youngest children with high quality, reliable, licensed child care and early childhood education. If the hardship assistance was eliminated, I do not know how our agency would fill the gap. Reducing existing wages for child care program workers is not an option. Increasing child care tuition by well more than the 10% to absorb the cost of the living wage hardship assistance isn't an option either.

More than one quarter of our child care consumers receive DSS subsidies. If CPC chose not to serve DSS families anymore, what would be the impact on low income working families? Would families choose subsidized -- excuse me. Would families choose substandard or unregulated care? Would mothers be forced to stay home? Quality child care, work force participation and community development are all inextricably linked. What would be the ripple effects on the Long Island economy? These are the many concerns that I share as I stand before you today, grateful for the opportunity to address this issue and to request that you reconsider the resolution to end all living wage hardship assistance in 2011. Thank you for the opportunity to speak today.

P.O. LINDSAY:

Okay, Elizabeth. Now, Legislator Cilmi has his question.

LEG. CILMI:

I will. Thank you. Thanks for coming.

MS. GEARY:

You're welcome.

LEG. CILMI:

So back to my initial question, I suppose. What is your total agency budget?

MS. GEARY:

In the last year -- I'm sorry, I can't see the number -- a little over four and a half million; \$4,644,068 total.

LEG. CILMI:

And do you know how much money you received from the subsidy?

MS. GEARY:

Last year?

LEG. CILMI:

Yeah.

MS. GEARY:

Yes, about \$157,000, both centers. Also, I wanted to clarify, too, that CPC, when we first accepted the living wage and the hardship assistance, had three centers and well over a hundred and some employees in child care in that first year. Now we have more than 65 employees in child care and we have two centers, all of them multi-purpose; so we have Child Care, Head Start and Elder Care. Did I answer your question?

LEG. CILMI:

Yes.

MS. GEARY:

Okay.

LEG. CILMI:

Now, you've been receiving this fund since its -- or benefit from this fund since its inception, correct?

MS. GEARY:

Yes, I have.

LEG. CILMI:

Were you aware at the time -- it's my understanding at least that when this concept of having a subsidy was presented, it was presented as a means of temporarily helping agencies like yours adapt to the living wage requirements that the County passed back in 2001 or 2002. Are you familiar with that and --

MS. GEARY:

I'm sorry. I think that part of the dilemma is since that time line wasn't set, it was not something that hung over our heads like this sort of Damocles. But on the other hand, what we did was try and manage our child care and other related program services to continue to build a solid business foundation for the future, and being aware of it is part of what drives us to try and get on solid ground. On the other hand, we are not there yet because the gap is still too great. As the living wage was implemented it had step increases, and each time that the living wage increase on our own internal books we're doing the calculation to see where we would stand. So we still need the hardship assistance. The gap is there, it's much less than it was in 2002, but it's still there. It's a substantial gap for us if we weren't to receive the hardship assistance.

LEG. CILMI:

Okay, thank you.

P.O. LINDSAY:

Thank you, Elizabeth, for coming.

MS. GEARY:

Thank you very much. Good to see you.

P.O. LINDSAY:

Linda Zach. She left? Okay. Is there anyone else that would like to speak on this subject? Seeing none, Legislator Cilmi, what would you like to do?

LEG. CILMI:

Motion to recess.

P.O. LINDSAY:

Motion to recess.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Next up is *Public Hearing on IR No. 1949-10 - Adopting Local Law No. -2010, A Local Law to protect children from cadmium poisoning (County Executive)*. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. EDDINGTON:

What is it?

LEG. LOSQUADRO:

Do we really want to protect them from poison? I guess so.

*(*Laughter*)*

P.O. LINDSAY:

Does that mean you'll second?

LEG. LOSQUADRO:

I'll second.

P.O. LINDSAY:

Second to close. All in favor? Opposed? Abstentions?

Public Hearing on IR 1950-10 - Adopting Local Law No. -2010, A Local Law strengthening the Social Host Law --

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

I'm sorry, *to deter the consumption of alcohol by minors within the Suffolk County Park System (County Executive)*. I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none --

LEG. MONTANO:

Motion to recess.

P.O. LINDSAY:

Motion -- who is that?

LEG. MONTANO:

Montano.

P.O. LINDSAY:

Oh, I'm sorry. Motion to recess by Legislator Montano.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR No. 1952-10 - Adopting Local Law No. -2010, A Local Law to protect animals in Suffolk County from abuse (Cooper).

I have one card on this subject, Detective Paul Llobell.

MR. LOBELL:

Thank you, Ladies and Gentlemen. I'm just here on behalf of the Suffolk County SPCA. I'm one of their Peace Officers and Detectives and I want to support -- I want to tell you that our organization fully supports Legislator Cooper's resolution here, 1952.

You know, we've had -- over the past couple of years we've had quite a few cases. We do about, I don't know, 2,000 plus animal abuse, neglect, hoarding cases in Suffolk County every year, give or take. And over the past couple of years we've had some real serious, notable cases, and I'll give you a couple off the top of my head.

You had the Derek Bernard case where the gentleman took his dog, chained him to a stake and a tree in the woods and doused him with gasoline and burned him to death. We had the Central Islip five horse abuse case, neglect, where the gentleman was neglecting horses that were given to his care to take care of, and he's back in the horse business taking care of horses and, you know, disobeying the Judge's orders.

We also had the woman up in Selden with the 40 dogs, and this is where it kind of really hits home. She actually bought in excess of 40 dogs, she would take those dogs home, she would hang them from a bed post on her six children's bunk beds, or six young girls, 18 to 14 -- 18 months to 14-years old and she would let them strangle to death and tell the kids, "*This is what happens to you if you don't pay attention to me.*" But the fact of the matter is here she would go back out and she would buy another dog the next day, and she basically went to four or five different locations within Suffolk County. You would think that these pet shops or these breeders would realize that there's something wrong here, there's nobody in their right mind that buys 40, 50 dogs over the course of a few years without something being running amuck.

So I'm asking that everybody on the Legislative board here supports Legislator Cooper's resolution. And, you know, the Suffolk SPCA, which by the way, just to clarify, is not funded in any way by Suffolk County, we raise all our own money. And this resolution I don't think will have any cost to the County whatsoever, it's going to be administered by our organization, and I'm just here to show our support. Any questions?

P.O. LINDSAY:

Thank you, Paul. Does anybody have any questions of Paul? Seeing none, thank you very much.

MR. LLOBELL:

My pleasure. Thank you.

P.O. LINDSAY:

I don't have any other cards on this subject. Is there anyone else in the audience that would like to address us on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

I need to make one change to the resolution, so I'd like to make a motion to recess the public hearing.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

All right, it stands recessed.

Public Hearing on IR No. 1972-10 - Authorizing transfer of funds from the Tax Stabilization Reserve Fund to the Retirement Contribution Reserve Fund (Presiding Officer Lindsay). I don't have any cards on this subject. Is there anyone in the audience who would like to address us on this subject? 1972. I'm going to make a motion to close.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. All in favor?

LEG. LOSQUADRO:

I'm make a motion to recess.

P.O. LINDSAY:

Motion to recess. Is there a second to recess?

LEG. BARRAGA:

Second the motion.

P.O. LINDSAY:

Second to recess. Okay, recess goes first; roll call.

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

LEG. LOSQUADRO:

Yes to recess.

LEG. BARRAGA:

Yes.

LEG. COOPER:

No to recess.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No to recess.

LEG. HORSLEY:
No.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
No.

LEG. CILMI:
Yes to recess.

LEG. MONTANO:
No.

LEG. EDDINGTON:
No.

LEG. MURATORE:
No.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
No to recess.

LEG. ROMAINE:
No.

D.P.O. VILORIA-FISHER:
No.

P.O. LINDSAY:
No.

MR. LAUBE:
Four.

P.O. LINDSAY:
Okay. To close; roll call.

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

P.O. LINDSAY:
Yes.

LEG. GREGORY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Close, yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No to close.

LEG. MURATORE:

Yes to close.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay, that concludes our Public Hearings for today.

I want to set the date for the following Public Hearings for November 16th, 2010, 2:30 PM at the Rose Caracappa Legislative Auditorium, in Hauppauge, New York; IR 1976, to broaden eligibility for senior citizen exemptions; IR 1981, a Local Law establishing Tourism Grant Program in Suffolk County; IR 2010, a Local Law to strengthen the Social Host Law in Suffolk County; IR 2013, a Local Law to establish minimum standards for breath alcohol ignition interlock devices; and IR 2018, a Local Law to promote the preservation and integrity of the Pine Barrens Core area by prohibiting the redemption or conveyance of vacant or unimproved Pine Barrens Core parcels required by Suffolk County by the Tax Deed. I'll make a motion to set the date for those Public Hearings.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present:

*(The following testimony was taken by Diana Flesher, Court Reporter
& transcribed by Kim Castiglione, Legislative Secretary)*

P.O. LINDSAY:

Before we go back to the regular agenda, I have -- I want to take out of order the Procedural Motion on the Ethics Committee to issue subpoenas. There is a revised Procedural Motion in front of you. We heard some comments from the County Attorney's Office this morning and evidently there was a flurry of phone calls this weekend and I -- the reso before you gives the committee subpoena power for books and records. This came about because we had asked for certain information and the information was not given us to. There was a number of reasons cited for not turning over the information by the attorney for the Ethics Commission and we were told to subpoena them. So that's why we're here.

We have with us our special Counsel, Joe Conway, in case anybody has any questions of him, but I want to make it crystal clear to everybody we will continue to pursue who we want to talk to on a voluntary basis. If the people we're looking to talk to refuse to come and speak to us, we will be coming back before you again and asking for subpoena power to talk to those individuals as well. Thus far we haven't had anybody turn us down that we requested.

D.P.O. VILORIA-FISHER:

I just have a question.

P.O. LINDSAY:

The Procedural Motion is -- should be before you. It's 25 of 2010. *Procedural Motion 25, Authorizing the Special Legislative Committee reviewing the Suffolk County Ethics Commission to issue subpoenas.* And I'll make a motion to approve.

LEG. COOPER:

I'll second the motion.

P.O. LINDSAY:

Second -- who was the second?

LEG. MONTANO:

Legislator Cooper.

LEG. LOSQUADRO:

On the motion, Mr. Chairman.

LEG. MONTANO:

On the motion, too.

P.O. LINDSAY:

On the motion. First I think Legislator Viloría-Fisher -- I knew somebody -- and then Losquadro and then Montano.

D.P.O. VILORIA-FISHER:

I have a question about this morning's testimony. I'm not an attorney so I'm a little confused by the testimony, which was if we are asking the Commission for documents that are supposed to be confidential and she -- there was testimony that they, of course, couldn't break the confidentiality, can you tell me what happens with papers that are supposed to be confidential with regards to sharing them with our Counsel.

MR. CONWAY:

Yes, I can. One or two things could happen. The response that I have received from Counsel for the Ethics Commission is that due to the confidentiality clause in the law they will not be turning over the documents. My understanding is they can do one or two things. Pursuant to a subpoena that would authorize them to turn over the documents in full, we've also had some discussions about them redacting some of the documents in terms of names of people and things of that nature, which I think, again, will allow them to avoid the confidentiality provision of the statute.

D.P.O. VILORIA-FISHER:

Just so I understand. So if they are subpoenaed it releases them, that gives them some kind of relief and they can then submit the papers to you? Is that what you're saying?

MR. CONWAY:

Yes.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Yes, thank you. And Legislator Montano will probably follow-up better than I can given his greater expertise in the law than I have. But given the confidentiality clause, the language that exists, wouldn't affected individuals of these documents, wouldn't they have to obtain a written waiver from those individuals if they didn't redact them?

MR. CONWAY:

I don't know if they would have to, but I believe the better practice would for the Ethics Commission to do so.

LEG. LOSQUADRO:

Okay. Well, I mean, I guess absent a subpoena they would have to get a written waiver, correct? I mean, that would comply with the language in the law, correct?

MR. CONWAY:

That is correct.

LEG. LOSQUADRO:

So I guess the question then becomes with a subpoena if these individuals who voluntary gave information understanding that that information would not be made public under any circumstances with the confidentiality clause, does the Commission then redact certain information, seek a waiver from those individuals or simply turn over the information. I mean, to me this is not -- by us passing this, this is by no means -- this issue is by no means closed. I think we still have some things that need to be answered here, isn't that correct?

MR. CONWAY:

I think you're correct. Regardless of the vote today I don't think the issue will be firmly resolved, but to answer your question the Commission has the ability to either redact or to get waivers from the individuals whose documents will be turned over to myself.

LEG. LOSQUADRO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yes. Initially I was just going to ask how does the -- because we were handed a Procedural Motion in the morning and this one is an amended Procedural Motion. It's different, but could you just explain the difference?

P.O. LINDSAY:

Yeah. The first one gave the committee full subpoena power to subpoena records and people.

LEG. MONTANO:

Okay. And this is just for records.

P.O. LINDSAY:

The revised one is just for records.

LEG. MONTANO:

Okay. My understanding is in looking at the letter that was written by outside Counsel it's my understanding that they are going to seek judicial guidance before returning the records, or that you don't know whether or not this has been resolved.

MR. CONWAY:

I do not know the intentions of outside Counsel for the Ethics Commission. In his correspondence to me he requested a subpoena before turning over any documents. There is some mention in his letter that once a subpoena is issued, if it is in fact issued, he may seek judicial guidance --

LEG. MONTANO:

And when you say judicial guidance I understand that to mean sort of a motion to quash. Is that where we're going with this?

MR. CONWAY:

I would take that as a potential motion to quash before a Supreme Court Judge in this County.

LEG. MONTANO:

And that is the procedure that would be followed if they failed to comply. Well, if they didn't file the motion to quash then you would -- how would you seek to compel it?

MR. CONWAY:

If I received subpoena power and they failed to respond to the subpoena, then I would seek the appropriate remedies to hold them in contempt. If in the inverse they do not wish to turn over their documents even though there is a subpoena, they would have their remedy, I believe, by going to a Judicial Officer to try to quash the subpoena.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. One of the things that I think is important to focus on here is that your letter on behalf of our working group asked for a variety of different things. I think it talked about opinions, talked about some memorandums, talked about basically any writings that reflected what the work of the committee has done since I believe it was appointed 2006.

MR. CONWAY:

That's correct.

LEG. KENNEDY:

I'm curious as to how this attorney, Mr. Levanthal, and even that I find ironic that there is an outside lawyer that represents the people that we appointed, but that he identifies everything that's gone on with this group as being under this broad blanket of confidentiality. We don't know exactly what they've done, but not everything that they have done has been a particular opinion presumably. I wonder, I mean, has there been any conversation that you've had, and how many outside attorneys do these folks have anyhow?

MR. CONWAY:

I'm not sure I know the answer to that. I have been dealing with Mr. Levanthal for quite some time now. I have not dealt with anybody else other than a call here and there with the County Attorney.

LEG. KENNEDY:

Ms. Flynn has not or -- been part of this or no?

MR. CONWAY:

I know her name, I know that she has some connection to the Ethics Committee in terms of Counsel, but I have not dealt with her to date.

LEG. KENNEDY:

Okay. But as far as the other questions, Levanthal's response has just been whatever it is that they have done, whether it's an opinion for an individual who's queried or it may be putting together an agenda or if it's, you know, next week's lunch menu, all of that's under the blanket of confidentiality.

MR. CONWAY:

Well, in fairness to Mr. Levanthal, the documents that I requested his response has been that based on the ethic statute and law that he feels at this time absent a subpoena he cannot turn over the documents I have requested.

LEG. KENNEDY:

Okay. All right. So then really the only logical way to go forward in an effort to try to do anything to look at the functioning of this group is to issue that subpoena, and as the Presiding Officer pointed

out, I guess, today individuals that we've talked about we may want to have a conversation with, there has been no rebuff. There is some dialogue that's going on.

MR. CONWAY:

As far as the documents, absent subpoena power for me to get those documents I don't think there's any other way those documents will be turned over to me, so I think the subpoena power is obviously necessary. In terms of speaking to individuals, I've had discussions with Mr. Leventhal. I believe there will be some interviews set up. The scope of those interviews will probably be determined by the documents and how the Ethics Commission feels about confidentiality that might attach to some of the issues I may wish to talk to them about.

LEG. KENNEDY:

Okay. Thank you.

LEG. MONTANO:

Point of information, if I may interrupt for a quick second.

P.O. LINDSAY:

Go ahead.

LEG. MONTANO:

Just for Legislator Kennedy. Just want to, I don't know if you're aware, Mr. Levanthal has three separate retainers with the Ethics Committee. It's not solely this investigation. I don't know if you're aware of that.

LEG. KENNEDY:

No. Continue.

LEG. MONTANO:

Yes. He's representing them on other issues, two other issues in addition to this particular investigation.

D.P.O. VILORIA-FISHER:

You don't know what the other two --

LEG. MONTANO:

Well, they're confidential. The agreement, the retainer agreement doesn't specify, but they are separate. They are three separate agreements, three separate amounts and three separate issues.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. When you put forth the Procedural Motion to establish this committee I was supportive of your efforts to exercise our oversight of this Commission. I'm still supportive of it. I would rather us move forward with subpoena, with the full subpoena power, but I guess that's not an option now, or is both Procedural Motions on the table or just --

P.O. LINDSAY:

No, the only one is alive is the one for documents, and I have been asked by a number of my colleagues to go this way and I respect them and I agreed to do this under the proviso that we're not further rebuffed in what I feel is our absolute obligation to find out what this body that we created does and how they operate.

LEG. GREGORY:

And that's exactly my concern, is that this is a stall tactic. We can always seek the power, obtain the power through this body, but we don't have to exercise it. Or you don't, your committee wouldn't have to exercise it until deemed necessary, so why wait until next month or another month. You know, this is the process from you and I, our talks, you expected to last maybe a month, two months, and this is going to drag on six months.

P.O. LINDSAY:

Well, I really thought that the whole special committee's work would have been done by now and we would be well on our way to writing a report about what's needed either to reform the Commission or to leave it alone or to do whatever we hope to do at the end of this trail. But it's been very, very frustrating. And I hear you, it's not that I disagree with you, it's just that I feel that it's more prudent to go slowly and to keep everybody on board and so the only one that's alive is the one for documents, which is the only problem we're having at this particular moment.

LEG. GREGORY:

Okay. Just one question. Mr. Conway, thank you for coming here today. You're the subject matter expert. You have done, I don't know, numerous amount of investigations, that's your background. Is it unusual or is this a usual course to take where you're seeking subpoena power, I guess you probably had it in your previous employment. Is it -- I guess is it usual to just go for -- for paper or documents or to have full power of your office or your abilities as an investigator to seek that authority all at once or in a piecemeal fashion?

MR. CONWAY:

Well, I don't know if I can answer that question directly, but let me put it this way. I don't think it's unusual the route we are taking today. Most of what you said makes sense as a former prosecutor, but at this point I think moving for subpoena power for documents hopefully there is no need to come back in terms of subpoena power for witnesses, but if we do we'll have another session and we can discuss that. But I don't think it's that unusual what we are doing at this point.

LEG. GREGORY:

Okay. Thank you.

P.O. LINDSAY:

And just before I go to the next speaker, just to clarify things some more. Is -- the assumption is they were only seeking to speak with people inside the government. That isn't necessarily so. You know, we might want to speak to people outside of the Commission or outside Suffolk County Government. And they are under no obligation to reply, you know, but we are going to see. We'll see, we'll take this slowly. Legislator Barraga.

LEG. BARRAGA:

I guess there has been some concern on the part of the Commission members in terms of handing over confidential information that might make them criminally liable. The question is what is the position of the Suffolk County District Attorney with reference to the waiver of confidentiality in this particular case. Is he indicating that before the documents can be turned over that whoever the individual is that the documents pertain to has to give a waiver, and does that still hold true in the case of a subpoena. So what is his position?

MR. CONWAY:

My understanding is the position of the --

LEG. BARRAGA:

I'm asking Mr. Zwirn. I'm sorry, Mr. Conway.

P.O. LINDSAY:

There has been discussions between our special Counsel and the District Attorney. I think he can probably answer that for you better than Mr. Zwirn.

LEG. BARRAGA:

All right. Let's try it. Mr. Conway.

MR. CONWAY:

It is my understanding that the District Attorney has informed Counsel for the Ethics Commission that they can, in fact, turn over the documents to this committee and myself and will not seek -- or he will not seek or they will not face any potential criminal charges for violating confidentiality.

LEG. BARRAGA:

Did the District Attorney indicate what you said plus the waiver of confidentiality, you have to have a waiver from the person who the documents pertain to before they can turn it over?

MR. CONWAY:

I believe he did inform Counsel that the best practice was to get a waiver from those particular individuals.

LEG. BARRAGA:

So if the documentation pertained to Tom Barraga, I'd have to give a waiver to give them permission to turn it over to the Ethics Committee; that's what he is recommending.

MR. CONWAY:

Yes.

LEG. BARRAGA:

I don't give the waiver, it's not turned over.

MR. CONWAY:

Yes, I would --

LEG. BARRAGA:

And you're willing to live with that.

MR. CONWAY:

Well, I think that's the position of the District Attorney's Office at this particular time as I understand it. I'm not so sure I'm willing to live with that, but --

LEG. BARRAGA:

What is your option if you don't?

MR. CONWAY:

There's also -- there's, you know, additional resolutions that can be brought here and if necessary, if the committee is so willing to do so, there might be judicial intervention --

LEG. BARRAGA:

But I think, if I understand you correctly, you are willing to live with his ruling as it is right now.

MR. CONWAY:

As it is right now, yes.

P.O. LINDSAY:

If I might, I mean, the other option is redact the names. We are not interested in personalities here, we are interested in process.

LEG. BARRAGA:

But I understand specifically the District Attorney indicated that you should go to the individual and get a waiver from that individual, not about redacting. You have to get his permission before you can release that information.

P.O. LINDSAY:

Legislator Barraga, you know more about this than we do. People on the special committee hasn't seen this communication with the District Attorney yet.

LEG. BARRAGA:

Is that what he said, that you have to go -- he is recommending that you go to the person and get a waiver of confidentiality from that person before the Ethics Commission turns over the documentation to the Ethics Committee, isn't that what you said?

MR. CONWAY:

I believe that to be his recommendation.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

I just wanted to comment to Legislator Gregory, just so you know this is not a stall tactic, the truth is documents have been required. Mr. Rozen -- is it Rozenhal or Rozenblume?

P.O. LINDSAY:

Levanthal.

LEG. NOWICK:

I was very close. Mr. Levanthal. Mr. Levanthal as an attorney is doing his job and has stated that he does not feel he should be releasing any of these documents. However, that does slow us down a little bit. Just so you know, nobody has refused us, has refused to come in. Nobody has said no. We don't anticipate anybody's going to refuse coming in, but we do need certain documents.

I feel that we need to go forward on subpoena power at least to get the documents. As the Presiding Officer said, if there seems to be a lot of controversy, people don't want to come in, well then we'll go a different route, but there's no reason to go that route right now. We're not -- we're not criminal attorneys. We are not looking to bang people and say we need everything. We're just going slowly. We're putting one foot in front of the other, we're trying to do it properly, and I think this will work out better in the long run.

LEG. GREGORY:

If I may, I just want a two second response. My comments weren't directed at the Legislative committee. I think that there's a -- by design there is going to be a stall tactic by the Commission and the Administration from this process. I believe in what you are doing. I would like you to seek your full power and authority to do what you have to do so you can get it done so we can past this. We have a hundreds of millions of dollars budget deficit that we have to address as a body. We should be focused on that and not this investigation and get it past us. As I know, the Presiding Officer wanted this to be a short-term investigation, if you will, and get a report out.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I had a question for our Counsel first. George, what -- under what provision or authority do we have the power to grant subpoena power to a special committee formed by the Presiding Officer.

MR. NOLAN:

Well, the Legislature as a whole has the authority under the Charter and the New York County Law and --

LEG. D'AMARO:

I'm sorry, County Law?

MR. NOLAN:

New York County Law, which empowers the Legislative Body, Board of Supervisors, to issue subpoenas in connection with an investigation. And I forget where it is, it might be in both, the County -- the State Law and the local law that authorizes the full body to give the authority to one of its committees.

LEG. D'AMARO:

Does the authority that you're citing refer to special committees?

MR. NOLAN:

I don't think it makes a distinction.

LEG. D'AMARO:

What does it contemplate -- I'm sure you don't know the language off the top of your head. You're saying that this law that you're citing contemplates a special committee that's formed without a vote of the Legislature. I mean, this is just a committee that's formed by the Presiding Officer. This State Law gives this Legislature the authority to give the special committee the power to issue a subpoena.

MR. NOLAN:

I believe it does, yes.

LEG. D'AMARO:

Okay, but you don't have the specific section? Could you get me that information.

MR. NOLAN:

I believe the procedural references the sections of -- it's New York County Law 209.

LEG. D'AMARO:
209?

MR. NOLAN:
And 23-6 of the County Charter are the relevant sections.

LEG. D'AMARO:
All right. I appreciate that. I just had a couple of quick questions for Mr. Conway. Nice to see you again.

MR. CONWAY:
Same here.

LEG. D'AMARO:
What the resolution before us today is asking the Legislature to grant the special committee the authority to issue subpoenas for documents. What documents are you going to subpoena?

MR. CONWAY:
I have already sent a letter to Counsel for the Ethics Commission, I believe dated September 18th or so, that set forth six different groups of documents that I have requested. I believe the letter has been made available to the committee and maybe to the other members of the Legislature.

LEG. D'AMARO:
What did you use in formulating your request for documents?

MR. CONWAY:
Basically my experience.

LEG. D'AMARO:
Well, in other words, you must have a goal. You must be seeking some type of information through the types of documents that you're requesting. What's the objective?

MR. CONWAY:
Well, I mean, the objective is to be able to do the job I was hired for, and that is to look and see what the Ethics Commission has done in the last few years and whether they can do it better. What I used to formulate my letter requesting the documents was the first month that I spent reviewing documents in the public sector, talking to various individuals and getting a read on areas that I thought were something that I needed to look into. And that led me to write a letter demanding or requesting six different topics of documents.

LEG. D'AMARO:
Okay. So I understand that and that makes sense. You're looking at the past history of the Commission, how it operates and that's what the document request is supporting, that type of inquiry.

MR. CONWAY:
That is correct.

LEG. D'AMARO:
Okay. Now, it's been mentioned here today that some of those documents may be confidential, there may be a procedure to redact, there may be a procedure to get a waiver. But what safeguards will the committee be putting in place to safeguard the confidentiality of these documents?

MR. CONWAY:

I can tell you the safeguards that I will institute and have always instituted is any documents I get pursuant to a subpoena will stay in my possession and will not be shared with anybody other than the committee members that I am serving at this point.

LEG. D'AMARO:

So copies of those documents will be given to committee members, the special committee as well?

MR. CONWAY:

Documents I receive will be shared with them. I'm not necessarily sure copies will be made for them, but they will be in my possession and yes, they will be shared with them to the extent necessary.

LEG. D'AMARO:

Okay. And you feel that the documents -- you said there are six areas or general areas that you have requested in writing of the Counsel to the special Legislature -- special -- I'm sorry, to the Ethics Commission.

MR. CONWAY:

That is correct.

LEG. D'AMARO:

Okay. Could I get a copy of that?

MR. CONWAY:

I'd be more than happy to give you my letter.

LEG. D'AMARO:

Okay. And the expectation is that when the subpoena is issued it will only cover the documents contained in that letter, you know, the first subpoena. I'm not saying you wouldn't have the authority to do a second one, but that's what you're anticipating?

MR. CONWAY:

Yes. Right now the subpoena power is for the documents I already requested. If there's additional documents that I need to request as a follow-up, we will do so.

LEG. D'AMARO:

All right. And my last question to you is some of those documents I would assume that you're requesting in the letter, which would be covered by the subpoena, are proprietary not to the Ethics Commission, but to the recipients of let's say an opinion. And Legislator Barraga and yourself just had a discussion about how do you get those documents or how do you get a waiver from the person that they are issued to. Do you intend to seek those waivers? It's the Ethics Commission's obligation, I would assume, to get the waiver. Now, if the Ethics Commission comes back and says, you know, we'll give you A, B, C and D but, you know, 30 percent of what you requested is proprietary to individuals who are not willing to give a waiver, what's the next step after that?

MR. CONWAY:

To answer the initial question, yes, I believe it will be the Ethics Commission's duty to seek the waivers if they so choose to do so. If the response back is 30 or 40 percent of the people have refused to give waivers, I very well might try myself, but if not, then at that point I will have to honor the fact that they are not willing to waive their confidentiality and see if there's another way to get those records without their waiver.

LEG. D'AMARO:

What would be your preference, the waiver or the redacting of the documents?

MR. CONWAY:

Quite frankly, either way would be fine with me. I like the quickest way possible. My letter is dated September 18th, today is October 12th. I think I was hired approximately August 18th. Whichever method get the documents to me quicker will be fine by me.

LEG. D'AMARO:

All right. Thank you. Appreciate it.

P.O. LINDSAY:

Anybody else? Okay. Do we have a motion?

MR. LAUBE:

You have a motion and a second.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. LOSQUADRO:

Opposed.

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. D'AMARO:

Opposed.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay. Thank you, Mr. Conway. I don't think we need you anymore. You can make your trek back to Queens. Okay, back to the agenda.

LEG. COOPER:

Mr. Chair, if I could, I would like to make a motion to take one resolution out of order, please.

P.O. LINDSAY:

Okay. What --

LEG. COOPER:

It's IR 1879 on page ten. Public Safety, a local law establishing a County registry for animal abuse offenders.

P.O. LINDSAY:

Okay. We have a motion to take 1879 out order and I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. It's before us. *1879, Adopting Local law No. -2010, A Local Law establishing a County Registry for animal abuse offenders. (Cooper)*

LEG. COOPER:

Thank you. I'd like to make a motion to approve.

P.O. LINDSAY:

Second by Legislator Nowick.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

Yes. Legislator Cooper, while we are speaking, I received an e-mail earlier which I'm trying to pull up. I didn't know you were going to take this out of order. It raised one or two questions. Did you see -- do you know which e-mail I'm referring to?

LEG. COOPER:

Yes. It actually didn't raise questions about this resolution. There are two bills. This bill before us now and then the companion bill that we had the public hearing on today. The question that was raised was about the second bill. All this bill does is establish the registry itself.

LEG. MONTANO:

Okay. So that e-mail that I'm trying to pull up is irrelevant to this bill.

LEG. COOPER:

Correct.

LEG. MONTANO:

Okay, then you answered my question. Thank you.

P.O. LINDSAY:

Okay. Any other questions? Seeing none, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Back to tabled resolutions on page eight. We have -- we didn't vote on 1871; am I correct?

MR. LAUBE:

1871 or 1872.

P.O. LINDSAY:

Okay. So 1871 is first. We have the bonds for both of them now. ***1871, 1871A, Amending the 2010 Capital Budget and Program and appropriating funds in connection with improvements to Suffolk County Sewer District No. 9 - College Park (CP 8163). (Co. Exec.)***
Do I have a motion? College Park.

LEG. BROWNING:

I'll make it.

P.O. LINDSAY:

Legislator Browning.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying Bond Resolution same motion, same second; roll call.

(Roll called by Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1872, 1872A, Amending the 2010 Capital Budget and Program and appropriating funds in connection with improvements to Suffolk County Sewer District No. 23 - Coventry Manor (CP 8149). (Co. Exec.) Do I have a motion?

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Same motion, same second, on the accompanying Bond Resolution 1872A; roll call.

(Roll called by Mr. Laube, Clerk)

LEG. HORSLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. The agenda on page nine, **Budget and Finance, IR 1903, Amending the 2010 Operating Budget to support the Patchogue Fall Arts Festival. (Eddington).** Motion by Legislator Eddington.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1945, Amending the 2010 Operating Budget to support the Long Island Latino Teachers Association. (Montano)

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Economic Development, Higher Education & Energy. 1531, Adopting Local Law No. -2010, A Local Law improving tourism promotion in Suffolk County. (Schneiderman)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator D'Amaro. On the question? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1657, Authorizing the temporary transfer of development rights to Quadrangle Properties, LLC. (Co. Exec.)

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

LEG. LOSQUADRO:

I just want an explanation from Counsel on the temporary aspect?

LEG. KENNEDY:

Yeah, as a matter of fact, through the Chair, I can go ahead and supply that for Legislator Losquadro if you'd like. The subject area is along Motor Parkway adjacent to the newly expanded or to be expanded Sewer District 18 in the Hauppauge Industrial Park. While the new sewage treatment plant is being constructed, the developer is agreeing to rent, if you will, portions of the County property that do have development rights on them. So he's using those TDR's to bring forward to allow for a sufficient density to operate the proposed sewage treatment plant. Once the STP is constructed, on line and operational, there's sufficient capacity for him to connect. He'll no longer need those sterilization credits and they'll be able to be available elsewhere.

LEG. HORSLEY:

It's about 200 jobs too, Dan.

LEG. KENNEDY:

As a mater of fact, I'd like to second it.

LEG. MONTANO:

I'm going to withdraw my second.

P.O. LINDSAY:

Clerk, do you have that?

LEG. MONTANO:

I'm going to withdraw my second.

LEG. KENNEDY:

I'll go in on the second on that. Thank you, Legislator Montano.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1937, Authorizing the granting of a permanent easement to the State of New York on Suffolk County Community College property in Brentwood for the purpose of active State parkland in the Town of Islip (SCTM No. 0500-071.00-01.00-012.003 p/o). (Co. Exec.)

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Environment, Planning & Agriculture. *1931, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Kozak property - Kozak Family Farm - Town of Riverhead (SCTM No. 0600-043.00-01.00-001.005 p/o). (Co. Exec.)*

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1932, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component - for the Ammerita property – Beaverdam Creek - Town of Brookhaven - (SCTM No. 0200-932.00-01.00-023.000) (Co. Exec.). Motion by Legislator Browning, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. GREGORY:

Abstain.

MR. LAUBE:

Seventeen. (Abstain - Legislator Gregory)

P.O. LINDSAY:

1933, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Pedro property - Beaverdam Creek - Town of Brookhaven - (SCTM Nos. 0200-901.00-03.00-016.000 and 0200-901.00-03.00-019.000) (Co. Exec.).

LEG. BROWNING:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote all right with everybody?

MR. LAUBE:

Seventeen. (Abstain - Legislator Gregory)

P.O. LINDSAY:

1934, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Smith property - Mastic/Shirley Conservation Area II - Town of Brookhaven - (SCTM No. 0200-983.50-02.00-042.000) (Co. Exec.). Motion by Legislator Browning, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Abstain - Legislator Gregory)

P.O. LINDSAY:

1935, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Pappalardo property - Town of Riverhead - (SCTM No. 0600-100.00-01.00-015.001 p/o) (Co. Exec.). Mr. Romaine, Riverhead.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, we did 1938 and 38A. ***1946, To appoint member of County Planning Commission (Diana Weir). (Co. Exec.)***

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We did 1948 already. ***1951, Appointing member to the Council on Environmental Quality (James F. Bagg, Jr.) (Vilorio-Fisher).***

D.P.O. VILORIA-FISHER:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1962, Amending the Adopted 2010 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2010 Capital Budget and Program, and appropriating funds in connection with a Four Poster Field Study 2010-2011 (CP 8710) (Co. Exec.).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Health & Human Services. *1842, Amending Resolution No. 417-2010, ending the voucher system and directing the Department of Social Services to develop a comprehensive plan to house homeless sex offenders (Schneiderman).* Maybe we need an explanation. I thought we already did this.

MR. NOLAN:

Right. This is just amending the original bill that you sponsored, Presiding Officer, to add a provision that to the fullest extent practicable the new shelters will be set back from residential areas.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. STERN:

Opposed.

LEG. D'AMARO:

Opposed.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

1877, Establishing an automated calling policy prior to mosquito spraying in Suffolk County (D'Amaro).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1917, Mandating an annual survey of Automated External Defibrillator locations in Suffolk County (Pres. Off.). I'll make a motion.

LEG. LOSQUADRO:

I'll second, Mr. Chairman. I just have a question.

P.O. LINDSAY:

Sure.

LEG. LOSQUADRO:

I guess it's going to be someone in FRES who's going to be compiling this information and tracking it?

P.O. LINDSAY:

Yeah, it's really not FRES, it's Health Services is how that program is administered. To my surprise when we install a defibrillator there is a process where they have to be registered with the State and they have to prove everything. After that nobody ever looks at them. We don't know whether they are still active, they are operating or what. All I want is the Health Department to send out a survey to where we think they are and if they're still active they'll send back the survey. If we don't hear from them we'll take them off the list. Just so we don't think that there's more active units out there than there actually is.

LEG. LOSQUADRO:

Absolutely. And will we include a question as to whether or not -- the functionality of the unit, would the batteries need to be changed periodically?

P.O. LINDSAY:

I believe all of that and to see if they still have someone on staff that went through the --

LEG. LOSQUADRO:

Is currently trained and certified.

P.O. LINDSAY:

Right, right.

LEG. LOSQUADRO:

Very good. Thank you.

P.O. LINDSAY:

Doctor Tomarken, did you want to say something?

DR. TOMARKEN:

I want to introduce Bob Delagi.

P.O. LINDSAY:

Okay. Bob -- Legislator Losquadro, I didn't see you guys here. I would have asked you to come up. Bob Delagi is the man who oversees the AED program among many other things. Bob. You have to hold your finger on the button, Bob. Oh, no, there is no button there. Okay. Somebody must have shut it off on the mic.

MR. DELAGI:

Here we go. Thank you, Mr. Lindsay and thank you, members of the Legislature, for allowing me the opportunity to answer your questions. And you are absolutely correct. The permissive legislation here in New York State requires that any agency who wishes to employ an AED simply notify the regional EMS Council of its intent to do so. And you are absolutely correct, Mr. Lindsay, in once that paperwork is filed there is no framework that allows for routine maintenance or routine upkeep. And frequently these agencies go out of business and there is no reporting requirement when an AED comes out of service.

P.O. LINDSAY:

And all this reso is suggesting, and I know you know this, Bob, but to explain to my colleagues, is for us -- I'm not looking to extend manpower to go out in the field and examine these units. I'm asking for voluntary compliance, to send out a questionnaire to all of the premises where we have these registered, to ask do you still have the unit, is it still in working order, do you still have a trained person on the premises.

MR. DELAGI:

That's correct. And as matter of routine we communicate with the agencies on record with us in the County on a regular basis whenever issues arise, such as new legislation requiring signs back a number of years ago, or if there is an issue with regard to recall of a particular brand of AED. We send out information on a regular basis to remind people of their obligation to report AED uses to us. So from a procedural standpoint we don't believe that this legislation will have any undue impact.

P.O. LINDSAY:

Okay. Thank you very much. Anybody have any other questions for Bob? Thank you.

MR. DELAGI:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1958, Designating October 23-31, 2010 as "Red Ribbon Week" in Suffolk County (Stern).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Labor, Workforce & Affordable Housing. *1936, Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Islip for Affordable Housing purposes (SCTM No. 0500-100.00-02.00-041.000) (Co. Exec.).*

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano and I'll second -- Legislator Barraga will second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Parks & Recreation. *1953, Authorizing a license agreement with the Long Island Chapter of the U.S. Lighthouse Society for Cedar Point County Park, East Hampton. (Co. Exec.)*

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1954, Authorizing a license agreement with South Shore Soccer Club, Inc., for Van Bourgondien County Park, West Babylon. (Co. Exec.)

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1955, Authorizing use of Blydenburgh County Park by Reflection Counseling Center for its Dog Walk and Picnic Fundraiser. (Co. Exec.)

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1967, Approving six (6) license agreements for County Employees to reside in County Parks facilities. (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Safety. We did 1879 already. *1894, Approving the reappointment of Rajeshwar Prasad as a member of the Suffolk County Human Rights Commission. (Co. Exec.)*

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1895, Approving the reappointment of Dr. Yu-Wan Wang as a member of the Suffolk County Human Rights Commission. (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Viloría-Fisher, second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1896, Approving the reappointment of Rabbi Steven A. Moss as chair of the Suffolk County Human Rights Commission (Co. Exec.). I'll make a motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1897, Approving the reappointment of Marc J. Epstein as a member of the Suffolk County Human Rights Commission (Co. Exec.).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

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

P.O. LINDSAY:

1898-10 - Approving the reappointment of Augustus G. Mantia, M.D as a member of the Suffolk County Human Rights Commission (County Executive).

LEG. KENNEDY:

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:

1921 we did already.

1959-10 - Approving an increase in fleet for the Suffolk County Police Department Emergency Services Section (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1963-10 - Accepting and appropriating a grant in the amount of \$94,785 from the State of New York Governor's Traffic Safety Committee, to enforce motor vehicle passenger restraint regulations with 83.37% support (County Executive).

LEG. EDDINGTON:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1940-10 - Authorizing the use of Schrader House at the Suffolk County Farm by Project Soar (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1943-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with off-street, public parking spaces to replace on-street parking spaces eliminated during the reconstruction of CR 80 in Mastic (CP 5516) (Browning).

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Browning.

D.P.O. VILORIA-FISHER:

There was a question about the offset.

P.O. LINDSAY:

Second by Legislator Eddington. Question?

LEG. KENNEDY:

What's the offset?

P.O. LINDSAY:

Legislator Kennedy --

LEG. MONTANO:

CI. The Central Islip project.

LEG. KENNEDY:

It's the Central Islip project?

LEG. MONTANO:

Yeah.

LEG. KENNEDY:

CR --

MS. VIZZINI:

CR 17, Carleton Avenue.

LEG. MONTANO:

Seventeen. And my understanding -- just for the record again, Gail -- is that that project was already complete because of the stimulus money?

MS. VIZZINI:

The phases that were budgeted have been completed and this project has started to be used as an offset. These are surplus funds.

LEG. MONTANO:

Right. Are we going to go back to that for any other work that's existing now in the budget, or this ends the project? The project is ended and whatever money is left when it comes out it's over; am I correct in that? Did I explain that right?

MS. VIZZINI:

I don't know if there's --

LEG. MONTANO:

Follow-up.

MS. VIZZINI:

Any more money left in CR 17 for 2010, I'd have to check that. I don't know if we're going to be -- we're not going to revisit it in 2010. I'd have to get back to you on 2011.

LEG. MONTANO:

Okay. That's good enough for now. I'm going to abstain on this.

LEG. KENNEDY:

Through the Chair. The CR 17 Capital Project is fully funded, it's not complete. As a matter of fact, the southern part of it which shares a border --

LEG. MONTANO:

With you.

LEG. KENNEDY:

-- is wide open at this point, just south of the Expressway. So there's sufficient funding to complete the project beyond what we're talking about here, or do we know?

MS. VIZZINI:

The phase -- the portion of the project that we were going to do we did. What I don't know, and I'd have to check the Capital Program, is to whether -- at what juncture we're going to do more?

LEG. MONTANO:

It's -- I think they referred to it as Carleton but it's not Carleton, it's -- am I correct, Gail, it's referred to as Carleton Avenue? But it's really Wheeler Road.

LEG. KENNEDY:

It's Wheeler Road.

LEG. MONTANO:

It's Wheeler between Suffolk Avenue and Motor Parkway --

LEG. KENNEDY:

Right.

LEG. MONTANO:

-- where my district ends and yours begins.

LEG. KENNEDY:

Right.

LEG. MONTANO:

And I'm not sure if this particular funding goes into, you know, that section north of Motor Parkway which is your district.

LEG. KENNEDY:

Do we have anybody else? Does anybody from the administration know? Ben or --

LEG. BROWNING:

Bill?

LEG. KENNEDY:

-- Dennis or anybody? Nobody.

LEG. BROWNING:

Bill, I checked with DPW and they said -- what Ric had said earlier was that they didn't need -- this was excess money and they approved the offset.

LEG. MONTANO:

Yeah, they've been saying -- they've been raiding this for every project, but they've been saying that it's because the project is complete.

LEG. KENNEDY:

Okay.

LEG. MONTANO:

At least that's what I understand.

LEG. KENNEDY:

Through the Chair?

LEG. MONTANO:

Am I correct on that, Gail, that it's supposedly complete? That's what Commissioner Anderson, my understanding, had indicated earlier.

MS. VIZZINI:

The phases -- the phase that was originally budgeted has already been addressed.

LEG. MONTANO:

This phase, but there are going to be other phases that will deal with the reconstruction of this road; am I correct?

MS. VIZZINI:

I believe you are correct, but I --

LEG. MONTANO:

Because it was originally a \$13 million project.

MS. VIZZINI:

Yeah.

LEG. MONTANO:

And it was done in stages, I understood. I don't have the Capital Budget in front of me, but where do we stand -- I guess the question Legislator Kennedy raised and I'm also raising is where do we stand on the subsequent work that is to be done on this particular road, whether it's my district or Legislator Kennedy's district?

P.O. LINDSAY:

The administration --

LEG. MONTANO:

Because we share the road.

P.O. LINDSAY:

-- has risen to the mic, they might know. No, you don't know.

*(*Laughter*)*

Then what are you standing there for?

LEG. MONTANO:

Real good, Ben.

P.O. LINDSAY:

What, did you have to stretch or something?

*(*Laughter*)*

LEG. KENNEDY:

Is there -- through the Chair. Is there any opportunity for you to find out, Ben, at this point? I mean, rather than being hung up on this. I mean, do you have access to calling Gil or anybody?

MR. ZWIRN:

Yes.

LEG. KENNEDY:

I would just like to hear -- both of us would like to hear that it's the administration's position there's a sufficient amount of funding to complete the project.

MR. ZWIRN:

I'll make that call. If you want to skip over it, I'll get back to you.

P.O. LINDSAY:

That's wonderful, Ben. Instead of standing there just a pretty face, you know, do something, will you?

*(*Laughter*)*

MR. ZWIRN:

Never mind.

LEG. KENNEDY:

Thank you.

LEG. BROWNING:

Can I add? There were two bills; one was mine, one was the County Executive's. The offsets were exactly the same on his as they were on mine. So I don't know if that's any help to you.

P.O. LINDSAY:

Well, we're going to get the answer. Let's just skip over it until we get some more information.

1944-10 - Directing the Administrative Head of Suffolk County Sewer District No. 3 to conduct public hearing and determine the necessity of increasing fees for scavenger waste discharge and treatment (Schneiderman). Legislator Schneiderman, motion. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1960-10 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for improvements to the Birchwood/Holbrook Wastewater Treatment Plant (CP 8143) (County Executive). I'll make that motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1961-10 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for improvements to the Sewer District No. 7 – Medford Sewer System (CP 8150) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

1971-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with improvements to lighting and paving on CR 100, Suffolk Avenue, Brentwood, Town of Islip (CP 5185) (Montano).

P.O. LINDSAY:

19 -- this one we have to -- we're not going to vote on 1971, we didn't get the Bond.

LEG. MONTANO:

Well, can we -- can we pass this? Well, first of all, I was going to ask to skip over it so we can get the same answer on 1943 which is Legislator Browning's bill. But could we pass this and hold off on the Bond, or you want to do it in one shot?

MR. NOLAN:

I don't think we're getting a Bond today.

LEG. MONTANO:

No, we're not getting a Bond today.

P.O. LINDSAY:

You want to pass 1971?

LEG. MONTANO:

Well, right now I want to skip over it.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

So let's move on.

P.O. LINDSAY:

All right.

LEG. MONTANO:

I don't think -- we're not getting the Bond today?

MR. NOLAN:

(Inaudible).

LEG. MONTANO:

Yeah. Then I'll make a motion -- if we would go back, Mr. Lindsay, I'll make a motion to table.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

And the reason is that we don't have -- we're not able to get the Bond today.

P.O. LINDSAY:

All right, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1899-10 - Approving the reappointment of Gene Pritz as a member of the Senior Citizens Advisory Board (County Executive).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1900-10 - Approving the reappointment of Carolyn Gallogly as a member and chairperson of the Senior Citizens Advisory Board (County Executive). Legislator Stern makes the motion. Second by Legislator Nowick, or whoever.

D.P.O. VILORIA-FISHER:

Barraga.

P.O. LINDSAY:

No, Gregory. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1925-10 - Amending the Consultant Services Procurement Policy for non-medical in-home social services providers (County Executive). Motion by Legislator Stern.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1904-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Central Islip Union Free School District (SCTM No. 0500-143.00-04.00-081.006) (County Executive).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1905-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Islip (SCTM Nos. 0500-319.00-01.00-062.000 and 063.000) (County Executive).

LEG. CILMI:

Second.

P.O. LINDSAY:

Motion by Legislator Cilmi.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1906-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Islip (SCTM No. 0500-297.00-01.00-129.000) (County Executive).
How about same motion, same second, same vote?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1907-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 V and C Holding Corp (SCTM No. 0200-720.00-03.00-032.000) (County Executive).

LEG. NOWICK:

Same motion, same second.

P.O. LINDSAY:

Do I have a 13?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1908-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Donald Zucker (SCTM No. 0200-664.00-02.00-026.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1909-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Kevin Baumgardner (SCTM No. 0800-095.00-04.00-072.000) (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1919-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Veena R. Shetty (SCTM No. 0100-169.00-01.00-013.000) (County Executive). Same motion, same second; is that okay?

D.P.O. VILORIA-FISHER:

Sure.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same vote.

1920-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Strong's Marine, Inc. (SCTM No. 1000-122.00-09.00-007.021) (County Executive). Same motion, same second, same vote?

D.P.O. VILORIA-FISHER:

Yep.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1924-10 - Authorizing the use of the H. Lee Dennison building by the Child Development Center of the Hamptons and the National Foundation for Human Potential to host Over the Edge for Charity (Montano).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1927-10 - Increasing the petty cash fund for the Public Administrator of Suffolk County (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. We ask for an explanation by Viloría-Fisher.

MR. NOLAN:

The Public administrator is representing that they need additional petty cash from 5,000 to \$10,000 to pay various filing fees, expenses related to death certificates, insurance coverage, other legal papers. So it's a small increase in the petty cash fund.

P.O. LINDSAY:

1956, authorizing -- oh, no, we have a motion and a second.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1956-10 - Authorizing the lease of premises utilized by the Suffolk County Sheriff's Department (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1968-10 - Appointing Commissioner of the Suffolk County Board of Elections (Wayne Rogers).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Muratore.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Did we skip over anything?

MR. NOLAN:

1943.

P.O. LINDSAY:

Okay. We go back to page eleven, 1943, and there is Ben Zwirn.

D.P.O. VILORIA-FISHER:

Looking pretty as usual.

MR. ZWIRN:

Thank you very kindly. I believe that Legislator Montano mentioned it during the discussion on the bill. This -- Federal funds came down and this project was moved up and is being paid for with our money. And therefore, all the money that was in this was not necessary and that's why they're using this as an offset going forward.

LEG. MONTANO:

A question on that. The only -- I understand that. My point is that there are other phases of this project and if we take out all this money, are those other phases still going to go through, absent stimulus money?

MR. ZWIRN:

Yes.

LEG. MONTANO:

Okay.

MR. ZWIRN:

I had that discussion with Gil Anderson.

P.O. LINDSAY:

Probably not ready to go yet.

LEG. MONTANO:

That's why -- yeah, exactly.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

But I just don't want to raid this money and then wind up that they abandoned the project altogether.

MR. ZWIRN:

In fact, with the Federal funds they actually moved the project up to get it --

LEG. MONTANO:

This project; right, exactly. Okay.

P.O. LINDSAY:

Mr. Clerk, help me with my memory; do we have a motion and a second on this?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second, roll call on 18 -- 1943A, the accompanying Bond.

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

LEG. BROWNING:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, we have one *Procedural Motion, authorizing funding for the community support initiatives (Phase VII)* (Presiding Officer Lindsay). I'll make a motion.

LEG. KENNEDY:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, go to the red folder. *Certificates of Necessity:*

First up, *2009-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with rehabilitation of Smith Point Bridge, Town of Brookhaven (CP 5838) (County Executive).*

D.P.O. VILORIA-FISHER:

Oh, that's coming from CI.

LEG. MONTANO:

It's coming from CI also. That's what I'm saying, they're raiding the funds on this but they say that they're not going to need it.

P.O. LINDSAY:

Okay. Do we have a motion on this?

LEG. BROWNING:

I'll make the motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

MR NOLAN:

There's a Bond on 2009, it's not in the packet.

P.O. LINDSAY:

Okay, and there's an accompanying Bond to this that isn't in the packet. *2009A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,100,000 bonds to finance a part of the cost of the rehabilitation of Smith Point Bridge, Town of Brookhaven (CP 5838.313); same motion, same second; roll call.*

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

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

LEG. BROWNING:

Cosponsor, Tim.

P.O. LINDSAY:

Okay, *2021-10 - Authorizing the County Executive Task Force to prevent Family Violence to illuminate the H. Lee Dennison Building for Domestic Violence Awareness (County Executive)*. I illuminate the H. Lee Dennison.

D.P.O. VILORIA-FISHER:

Motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Browning.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2022-10 - Accepting and appropriating a grant award from the United States Department of Education for a Title III Strengthening Institutions Program entitled "Student Engagement through Informed Support (SEIS)" 58% reimbursed by Federal funds at Suffolk County Community College (County Executive). This was what Dr. McKay I think was alluding to before.

D.P.O. VILORIA-FISHER:

Motion.

LEG. KENNEDY:

Second.

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Muratore.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2023-10 - Authorizing the use of property located at Francis S. Gabreski Airport by Island Harvest (County Executive).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Motion by Schneiderman, second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

MR NOLAN:

One more, 2024.

P.O. LINDSAY:

2024-10 -Declaring November 1-7, 2010 Teen Personal Safety Awareness Week in Suffolk County (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Let's go to the yellow folder. I want to make a motion to waive the rules and lay the following Late Starters on the table; 2019 to Public Safety; 2020 to Public Safety; 2025 to Health & Human Services; 2026 to Health & Human Services; 2027 to Budget & Finance; 2028 to Public Works; 2029 to Public Works; 2030 to Public Works; 2031 to Public Works; 2032 to Public Works; 2033 to Public Works; 2034 to Public Works and set the Public Hearing for November 16th at 2:30 in Hauppauge, and that's assigned to Health & Human Services; 2035, Directing the Criminal Justice Coordinating Council, so that must be to Public Safety, right? Okay, 2036 to Public Safety; 2037 to Public Safety and setting a Public Hearing for November 16th, 2:30 in Hauppauge; 2000 -- 1938 to Health & Human Services, and that's it. I made a motion. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

I have a second by Legislator Romaine. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And I'll accept a motion to adjourn.

LEG. LOSQUADRO:

So moved.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

*(*The meeting was adjourned at 5:54 P.M. *)*

{ } - Denotes Spelled Phonetically