

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTEENTH DAY

November 16, 2010

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

Verbatim Transcript Taken By:

Lucia Braaten and Alison Mahoney - Court Reporters

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

P.O. LINDSAY:

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

(Roll Called By Mr. Laube, Clerk)

LEG. ROMAINE:

(Not Present).

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. LOSQUADRO:

(Not Present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Absent).

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Fifteen.

LEG. ROMAINE:

Tim.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. Could everybody rise for a salute to the flag, led by Legislator Muratore.

*(*Salutation*)*

Please remain standing. We have our visiting clergy, which will be introduced by Legislator Muratore.

LEG. MURATORE:

Thank you, Mr. Lindsay. Good morning, everyone. It's my pleasure this morning to introduce the Reverend Ronald Stelzer. The Reverend Stelzer has pastored Our Savior Lutheran Church in Centereach since 1984. Since 1992, he has been headmaster. He currently serves as Latin teacher and head basketball coach for the school boys varsity basketball team, which plays a national schedule. The school has a large contingent of international students, as well as a diverse student body of Long Islanders. The ministry sponsors a community food pantry, drivers education, Alcohol Anonymous and Boy Scouts. Pastor Stelzer and his wife have six children, all graduates of Our Savior New American School. Pastor Stelzer has been -- was born in Kansas, raised in Indiana, earned his BA in Economics from Davidson College in North Carolina, and a Master of Divinity from Concordia Seminary in St. Louis, and Master of Sacred Theology from Concordia Seminary in Fort Wayne. He enjoys reading, watching FOX News, and, of course, playing golf. Reverend, please.

PASTOR STELZER:

Heavenly Father, gracious savior, divine counselor, we ask your presence with us and blessing upon us in this season of national Thanksgiving. We recognize with George Washington, the father of our country, that, indeed, it is the duty of all nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits, and to humbly implore his protection and favor. In this time of partisanship and competing agendas, we recall Benjamin Franklin calling a deeply divided Continental Congress to open each session in prayer, citing the scripture, "Unless the Lord builds a house, those who build it labor in vain. Unless the Lord watches over the city, the watchman stays awake in vain."

In this era of challenges regarding global competition and cooperation, we remember our founding fathers' National Northwest Ordinance, that schools be established for the promotion of religion, morality and knowledge for the purposes of preparing posterity to be free, Godly, good, competent and wise, and live in civility and mutual respect. In this time of recession, unemployment, underemployment, declining prosperity and increasing taxes and deficits, help us to reflect why governmental leaders of times gone by chose to put "In God We Trust" on our coins, and put "One Nation Under God" in our Pledge of Allegiance; and President Reagan's words, "If we cease to be one nation under God, we will become one nation gone under," and your word, which says, "The wicked will return to Sheol, even all the nations that forget God."

In this time of threats to our national security and peace at home and abroad, we humbly ask you to protect our troops, spare our land from war, terror and civil strife from man-caused and natural calamities. May your heavenly angelic airforce guard our borders and protect our land. And if skyscrapers crumble, let us remember your promise, that the name of the lord is a strong tower and the righteous run into it and is safe.

Give these public servants assembled here your favor and blessing, wisdom and courage and constant awareness that they are your servants and ultimately accountable to you. And, finally, in this holiday that is holy day season, give us all thankful hearts and the birth of true joy and peace through faith that God has sent his son to be our savior. Amen.

P.O. LINDSAY:

Thank you. If everyone could remain standing for a moment of silence for former Legislator -- actually, an original Suffolk County Legislator, Alex Proios, who served on the Suffolk County Legislature from 1972 to 1973. Alex also served as a Town of Brookhaven Councilman, and he was one of the original six members who launched the Suffolk County Off Track Betting Corporation, where he worked until he retired in 1986. He was a 64-year member of the Ronkonkoma Fire Department and had a 36-year affiliation with the Suffolk County Police Athletic League.

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

And, also, I'd like to extend our prayers and best wishes for a speedy recovery to our fellow Legislator, Jon Cooper, who is recuperating from appendicitis with complications. Jon's -- just talked to him last night, he's just getting out of the hospital today, so he's on the mend. So, with that, a moment of silence.

*(*Moment of Silence*)*

Good morning, everyone. We have a busy day in front of us and we have a few proclamations to give out. First up is Legislator Cilmi for the purpose of a proclamation. I've been just told, along with Legislator Legislator Montano.

LEG. CILMI:

Thank you very much, Mr. Presiding Officer and colleagues. If we could ask Christopher and Nicholas to join us at the podium.

You know, one of the -- one of the most rewarding things that we have an opportunity to do as Legislators is to thank the youth in our communities when they do extraordinary things. And these two young men took it upon themselves, sometime in early October or in September, to come up with an idea to collect new and used Halloween costumes for children who couldn't afford to buy them themselves. So Legislator Montano and I helped these boys in that effort by having collection

points in our District Offices. And as a result of their effort, not only in our offices but throughout their communities, they were able to collect literally hundreds of Halloween costumes for young children throughout these communities that Legislator Montano and I serve. So we, both of us, want to applaud both of these young men for their efforts, for their thoughtfulness and caring for those in the community who are less fortunate than they, and we offer our sincerest congratulations with hopes for both of you in your future. Both of you are an inspiration to all of us. And congratulations, my best. Rick, did do you want --

LEG. MONTANO:

Sure.

*(*Applause*)*

LEG. MONTANO:

Mr. Presiding Officer -- oh, that's right, the button. Mr. Presiding Officer, my colleagues in the Legislature, guests that are here today, and particularly these two young men and their family, as Legislator Cilmi said, you know, in these times, when things are very bad, we don't realize that there are a lot of families that are going without basic necessities in other parts of other fringes, and these two young men stepped forward and helped in this effort. And Legislator Cilmi and I wanted to congratulate Nicholas Oviedo Torres and Christopher Skurka for their efforts. And, as Legislator Cilmi said, we had donations that were received in our office and, quite frankly, it was overwhelming. These young men deserve your applause and your appreciation. And I think Nicholas has been here before the Legislature. I think he spoke before the Legislature; you probably all remember him. He's an excellent baseball player. And I asked him what he wants to do. He wants to be a Major League player when he grows up. So we wish him the best. We wish the two of you congratulations. Congratulations to your parents. You're a real tribute to the young men and women in Suffolk County. Congratulations.

*(*Applause*)*

P.O. LINDSAY:

Legislator Montano, do you want me to skip over you? You have another proc, right?

LEG. MONTANO:

If you want to do that now, we can do that now.

P.O. LINDSAY:

Okay. Why don't you do it now, all right?

MR. CHRISTOPHER SKURKA:

Hi. Good morning. I would like to thank everyone that was involved in the costume drive, and a special thanks to Legislator Tom Cilmi for awarding me with this great honor, and to the Principal of my school, Mr. Fallon, for all the support he gave me. I would also like to thank the people who donated costumes to the drive, my family, especially my my mom and dad, and the Torres family, for making this all possible. Thank you.

*(*Applause*)*

MR. NICHOLAS OVIEDO-TORRES:

I would just like to take a moment and thank a few people who have made the 2010 Halloween costume drive possible. The costume drive would not have been possible without the support of our parents. I would liket o thank my mom and Mrs. Skurka for taking Chris and I all around Suffolk County, collecting donated costumes, and then sitting with us and separating and labeling them,

which, let me tell you, is not an easy job. They were our chauffeurs and supervisors, and I can never repay them for their patience and support for keeping us on track. Next, I would like to thank my dad and Dr. Skurka, because while the moms were out supervising the drive, the dads would baby-sit the little brothers and picking up the slack at home. Thank you for that.

I, of course, would also like to thank Legislator Ricardo Montano and his staff, especially his Chief of Staff, Mr. Robert Martinez, for their support and guidance.

Chris and I were hoping to collect around 100 to 150 costumes. With the added support of Saint Peter's Day School, our Principal, Mr. Frank Fallon, King Kullen and KJOY, their Promotions Director, Danielle Maloney, Newsday, and reporter Michael Ebert, we were able to collect over 500 costumes. Chris and I can never repay -- can never thank everyone enough for their support and generosity. Thank you.

*(*Applause*)*

LEG. MONTANO:

Are we looking at two future Legislators, Tom?

LEG. CILMI:

Maybe, maybe.

LEG. MONTANO:

Thank you, Mr. Presiding Officer. Again, Members of the Legislature, I'd like to call up -- yes, Brittany Hahnan, and also her parents, Donna and Patrick Hahnan, if they're here. Would you step forward? Brittany, you're -- step up. Oh, just mom's here? Okay.

Brittany Hahnan, who lives in Central Islip, submitted the winning entry in the Pet Safe Coalition 2010 Pet Safe Families contest. This was sponsored by the Pet Safe Family -- Pet Safe Coalition, Incorporated. She submitted her entry, was selected as the winner this year. And we want to congratulate her for her work, her creativity and realism in drafting plans to meet several possible emergency scenarios, completeness of supplies and materials in their pets evacuation safety kit, and overall thoroughness of effort in this project.

And just let me say on a personal note, studies have indicated very clearly that pets have become a major part of families, they're like families. And if you go back to Hurricane Katrina, there were many pets that were abandoned and lost. And studies also indicate that particularly seniors who have pets actually wind up living longer because of the responsibility and the closeness. So, this for many people is a very important effort and consideration, and we want to thank you for your effort in this, for your awareness, letting people know what they need to do. I, myself, am a pet owner.

I also want to recognize Lori Beckmann, who was the teacher, and Nancy Lynch, and Beverly Poppell from the Pet Safe Coalition who have sponsored this.

MR. MARTINEZ:

They're coming up, Legislator.

LEG. MONTANO:

Are they coming up? And again, this was a County-wide effort, right? This was a County-wide effort. You want to step forward and share in this award for this young lady? Okay. And we do want to present a proclamation to Brittany. Brittany is a senior. She will be attending Suffolk Community College next year, and then from there, I believe she wants to go on to Florida to continue her studies, and I'm sure that you will enjoy it there. Again, thank you your time, thank

you for your effort, and I congratulate Brittany and all of you for this fine effort.

*(*Applause*)*

MS. HAHNAN:

I want to thank everybody for voting for me to be the best. I always -- (Laughter). I always do a thorough job in all my projects because I feel that school is really important, and that I'd never meant to win an award, but I did mean to try to get an A.

*(*Laughter*)*

And I want to thank you guys very much.

*(*Applause*)*

LEG. MONTANO:

Thank you, colleagues. Just for the record, this is the plan. It's extremely thorough and I suggest everybody read it.

P.O. LINDSAY:

Next, we have Legislator D'Amaro for the purpose of a proclamation.

LEG. D'AMARO:

Good morning. And good morning to my colleagues, Mr. Presiding Officer. I'd like to ask the Latko Family to join me this morning. And as they're coming up, I'd like to welcome all of them, including Jameson Latko. Jameson's an eighth grade student at the Henry L. Stimson Middle School in Huntington Station. I also want to welcome this morning his parents, Kim and Michael, joining their son, and also Jameson's grandparents, and his two twin sisters, they're also here.

In December of 2009, Jameson participated in the Stimson Middle School Science, Math and Social Studies Curriculum Fair. He won the seventh grade gold medal in science for his project titled, *Can Prolonged Listening to a DVD in a Car Through Headphones Cause TTS?* TTS is a type of short-term or non-permanent hearing loss. His conclusion is that the prolonged exposure to sound does, in fact, cause TTS. He conducted four 30-minute exposure time trials using the same preset DVD sound levels. He tested his own hearing after that and noticed that it was harder to hear after two hours of repeated exposure.

So he took this project and submitted it to the Long Island Science Congress -- Congress Science Fair in April of 2010, where more than 50 schools across Long Island participated. His project was selected one of the three winners in that competition out of the over 400 who participated in the science fair's junior division, which meant that he then qualified to go onto the State level. So, in June of 2010, Jameson did compete, in fact, at the state level with that project where more than 50 other students across New York State contended. His project, I'm proud to say, was one of the top six winners, and he did receive honorable mention -- an honorable mention award in that junior division across the state.

So, obviously, Jameson's a thinker. He's obviously a fine role model for his peers. He's a future leader for all of us here in Suffolk County. He's already achieved great success with his science project, and I'm sure he's going to achieve great success throughout his lifetime. Please, join me in congratulating Jameson on his wonderful accomplishment. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. That concludes our -- oh, I'm sorry. She didn't have you listed. Legislator Eddington, for the purpose of a proclamation.

LEG. EDDINGTON:

Thank you, Mr. Presiding Officer. I'd like to call up two young ladies, Lindsay and Kaitlyn Conroy. These are two young ladies that went above and beyond to help a child. You know, we talk about public service, and these two ladies from Blue Point represent what it's all about. Well, you know what, why don't you tell everybody what you did and I'll just hold this for you.

MS. CONROY:

This summer we fund-raised for a local girl, Maddie, who was sick, and we first started off with a lemonade stand and raised over a hundred dollars, and then, after getting local businesses to donate and advertising it on the internet, we had many other fundraisers with the help of our friends and raised over \$25,000 and --

*(*Applause*)*

And Maddie's been in the hospital since June and she is coming home this Thursday.

LEG. EDDINGTON:

Excellent.

*(*Applause*)*

Stay right here. This is a perfect example of young people using technology. We were talking earlier about the problems we'd had with bullying, and this is something that we have to remember that there are kids that are using technology in an appropriate and thoughtful way, and you girls are a perfect examples.

And before they leave, I started off with community service. You know, service to our county and to our community is very important, but she has her family here today and she has both her grandfathers, and I'd like them to stand for a minute. Where are grandpa? We have two Vietnam Veterans here.

*(*Applause*)*

And I want to thank you for your service. And it shows that this is a family that not just helps the community, but has helped our country in time of need. So thank you very much, girls.

P.O. LINDSAY:

Okay. I guess that's all the procs. Now to the public portion. I have a lot of cards, so I'm going to call two names, one to speak and one on deck. You have three minutes. First up is Dennis Glassberg, followed by Michael Kaufman.

MR. GLASSBERG:

Good morning. The children that you see --

D.P.O. VILORIA-FISHER:

Mr. Glassberg, you need to press the button at the base of the mic.

MR. GLASSBERG:

Don't start my time yet, please. Good morning. All right. Thank you. Some of the children in

the back are some of the reasons why our group is here. My name is Dennis Glassberg. I'm the founder of millionsofvoters.org, an action-based grassroots organization. We initiated a petition drive which calls for the banning of all toxic pesticides and fertilizers in Suffolk County and in New York State and be replaced with certified nontoxic organics. We have collected over seventy-two hundred signatures and expect to reach over 100,000 by next fall. Imagine a Suffolk County Children and Animals Health Care Bill of Rights that will grant them the right to play without fear of ingesting toxins, the right to drink nontoxic tap water, the right to bathe in chemical-free water, the right not to inhale toxic fumes from tree and home spraying, the right not to be exposed to toxic pesticides that can cause cancer, asthma, neurological, liver and kidney diseases.

Okay. We have met with most of the -- we have met with most of this Legislative body. Most was very supportive, but money said -- but many said only in principle. I still don't understand exactly what "only in principle" means. This issue is too perilous to leave in limbo. The health and welfare of our children, our animals, our ecosystem is at its precipice. Therefore, today millionsofvoters.org is announcing the creation of a new innovative robust political party that will champion this issue, along with children's and animal's healthcare and welfare rights, balanced echosystem; its name is the Organic Party.

Lastly, if the Suffolk County Legislature can overcome the State's preemption hurdle, we would urge them to enact a ban -- enact a law banning the use of all toxic pesticides and fertilizers used for cosmetic purposes in Suffolk County. In addition, further education of the general public through the school systems about the dangers of using toxic pesticides and the fertilizers and the benefits of using certified nontoxic organics is needed. Take action, get results. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Mr. Kaufman, followed by Jerry Balsam. Michael Kaufman? Jerry Balsam is on deck.

MR. KAUFMAN:

Okay. Thank you, Mr. Presiding Officer. I'm not sure this thing is working too well. Okay. My name is Michael Kaufman. I'm Vice Chairman of the County's Council on Environmental Quality. I'm here to speak about pesticides for a moment. I know there are some people in the audience who are very interested in it. I'm going to limit my subject to control of mosquito-borne diseases.

Right now, there's malaria, AIDS, cholera, there's typhoid, all sorts of diseases out there. Diseases do break out, you see that in Haiti right now where they're attempting to stop a terrible cholera outbreak where people are dying left and right. Sometimes serious dangers do exist to public health. In this county and in Nassau and in New York City, West Nile Virus is a real threat. The level is low only because of the active suppression efforts of the city and the two counties. You've had four dead in Nassau County in 2008, you had two dead this year in Nassau County, over 50 injured in Nassau County this year. Encephalitis, it's not pretty to see. I've seen some of these people who have supposedly recovered and it's permanent disabilities. Disease threats do exist. It seems to right now break out fairly easily in Nassau and in Suffolk. It's a major suburban threat. Nassau has 50% of all the New York State cases. Suffolk County has only -- has a lesser rate, only because of extensive suppression efforts. That being said, control is not easy. Public health seems to need some mix of control, chemicals and biological.

CEQ saw these issues in 2002. We ordered a full EIS. It took us four years to complete it, 5 million dollars, world class scientists, state-of-the-art examination of the situation. The study is now used throughout the country as a basis for control methods. We examined 200 years of history in Suffolk and the world. We looked at chemical and biological controls, marsh manipulation to drown insects, all of the chemicals that were out there. We came to a number of different

conclusions, larviciding being the best way to go, trying to reduce the adulticiding. The County is committed in this EIS to chemical reduction wherever possible. The adulticide use is down. That's the most dangerous chemical out there. We're also using integrative pest management when actual detects occur. But but the primary finding is that most of the chemicals that are used at this point in time are not global killers, they are not like DDT. We are not using the strongest chemicals possible. We're accepting less effective chemical use to avoid some of the impacts. And again, through years of study, through surveying all of the literature that's out there, we have not seen global killers. We do not see teratogenic effects going down wiping out everything out there.

The control methods that we use on vector control right now seem to basically hit the insects only that we are trying to hit. We do not wipe out everything else that is out there.

D.P.O. VILORIA-FISHER:

Thank you, Michael. Your time is up.

MR. KAUFMAN:

Okay.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Our next speaker is Jerry Balsam. On deck is Meryl Glassberg.

MR. BALSAM:

Good morning to the members of the Legislature. My name is Jerry Balsam and I'm a resident of Suffolk County.

Pesticide use raises a number of health and environmental concerns. Over 98% of sprayed insecticides and 95% of herbicides reach a destination other than their intended target, and, thus, pollute and contaminate our air, water and soil. In addition, pesticide use reduces biodiversity, reduces nitrogen fixation, contributes to the decline of those pollinating species, destroys habitat, especially for birds, and threatens endangered species. May I also say, there's a major decline in the worldwide bee population. Pests develop a resistance to these pesticides, necessitating a new and even stronger pesticides, causing a worsening of the pollution and health problems.

A 2007 review found that most studies are Non-Hodgkin's Lymphoma and leukemia show positive associations with pesticide exposure. Strong evidence exists for other negative outcomes from pesticide exposure to include neurological disorders, birth defects, fetal death, and, of course, breast cancer. Pesticides cause acute and delayed health effects in those who are exposed. The AMA recommends a limiting or stopping the exposure of pesticides and using safer alternatives. The World Health Organization estimates that each year three million agricultural workers experience severe pesticide poisoning of which about 18,000 die.

Over the past two decades research has shown that life-style factors and the environment play a major role in causing breast cancer. Breast cancer cannot be easily cured, but can potentially be prevented by reducing risk factors and eliminating exposure to carcinogenic substances, including environmental toxins in our air, soil, water and food supply. Therefore, to prevent future harm to our environment, health -- health, Suffolk County, together with the State of New York, should advocate the precautionary principle guide, rather than placing the onus on the injured party to prove harm. Legislation to enshrine the precautionary principle in both County and State Law should be a must. Given the complexity of scientific research, it may take several decades -- several decades to prove that many other harmful substances currently being discharged into our environment causes cancer.

D.P.O. VILORIA-FISHER:

Jerry, please wrap up, your time is up.

MR. BALSAM:

All right. One more sentence? All right. While we delay action, hundreds of thousands of lives will be lost to cancer. Thank you very much.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Mr. Balsam. Our next speaker is Meryl Glassberg, followed by the Reverend Mack Smith. You have three minutes.

MR. GLASSBERG:

Good morning. My name is Meryl Glassberg. I've been a resident of Suffolk County for almost 40 years. I was a teacher and a librarian in the New York City school system for well over 30 years. As such, I am very concerned with the health, welfare of our children, the residents and animals residing here in our county.

The high incidents of breast cancer, lung cancer and other cancers, respiratory diseases, asthma and various allergies seems to be alarmingly high here in Suffolk County. Over the past several years I've read many medical reports and statistics which greatly trouble me. Unfortunately, I have several friends and family members who have become victims of terrible diseases. Several of them have linked the spraying of toxic pesticides and fertilizers in contributing to their ill health. On their behalf, I urge you to take prudent action, searching out non-harmful organic sprays to be used as alternatives.

We depend on our elected and/or appointed officials to ensure the health and well-being of. The needs of our communities must be addressed. We are counting on this Legislature to take positive measures to eliminate these toxic pesticides and fertilizers. As a parent and, indeed, as a grandparent, we all want to believe we're leaving a legacy of improved health, a clean environment, and an ecosystem to sustain the many, many generations to come. We all need to work together towards these ends. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you. Our next speaker is Reverend Smith, followed by Steve Bate.

REVEREND SMITH:

Good morning.

D.P.O. VILORIA-FISHER:

Good morning.

REVEREND SMITH:

Let me try that one more time.

("Good Morning" Said in Unison*)*

I'm here in response to a letter I received from our County Executive, Steve Levy. Quickly, let me introduce myself. My name is Reverend Max Smith. I'm a Pastor of Trinity Lutheran Church in

Wyandanch. I also serve as Director and Program Director of the Trinity After-School Pride Program, which ministers to 80 high-risk youth in the Wyandanch community. We've been in service for over 20 years.

I received this grant a number of years ago from, God rest her soul, Maxine Postal, and I received this letter dated November the 8th, 2010. It says, "Dear Director, Reverend Max Smith; I write to regretfully inform you that despite my best efforts, the Suffolk County Legislature has cut my proposed 2011 funding to the Trinity Evangelical Lutheran Church After-School funding program by some \$11,000." And a proposal for that program for 2010 and 11 was for 22,000. So, as you can see, we were cut almost in half.

And the reason why I come before you this day is also to talk to Legislator Gregory, which we've talked before, is I'd like to see that the Legislature return these funds due to the fact that as many of our communities are now going through gang violence. And I can probably stand before you, as God in my witness, in 20 years I've only had four statistics, only had four deaths. We've had over a hundred young people from the Wyandanch area go off to college through my program. So, as you can see, this is funding that is greatly needed, and we're doing the job to the best of our abilities. And we're not asking for millions of dollars, but \$25,000, just think what it can do.

So I'm just here before you, and like I said, Legislator Gregory, I see on the agenda that you're the Budget and Financial Chairperson, so I definitely want to come hit you in your pockets. And if you don't have the money now, I'd like for you to search your hearts, your minds and your spirits to see if we can come up with that, another nine thousand dollars. All right?

Thank you for your time, and, also, I'll keep you in my prayers. Have a happy Thanksgiving, everybody.

*(*Applause*)*

P.O. LINDSAY:

Steve Bate, followed by Gloria Rocchio.

MR. BATE:

Good morning. My name is Steven Bate. I'm Executive Director of the Long Island Wine Council. I'm also on the Board of the LICVB, the East End Tourism Alliance and the North Fork Promotion Council. The Long Island Wine Council supports the County Executive's veto of I.R. 1531 and urges Legislators not to override it.

In the global competition for tourism, the East End is obviously in the strong position of being within easy driving range of the third most populated metropolitan region, and certainly the most important media center in the world. Unfortunately, it also happens to be one of the most expensive markets for advertising. It makes no sense for us to cede our comparative advantage in our own home market by reducing our purchasing power for ad campaigns that would give Suffolk County the visibility it needs and deserves. We believe this law will do this by dividing up available resources for smaller, more fragmented, less effective campaigns.

Visitor traffic is essential to the viability of small boutique wineries in Suffolk County. The Wine Council has launched a number of promotions to help generate tourism, especially during the off-season, including our April barrel tasting month, our May "Run for the Roses" campaign, our June Wine and Food Festival, and, of course, the increasingly popular Winterfest Jazz on the Vine program, which we co-produce with the East End Arts Council with the support of the County Executive, Legislator Ed Romaine, and the LICVB. These initiatives helped our wineries record an increase in sales during last year's recession, and there's no question that they also help sustain the

East End's tourism economy during the downturn.

The new laws provision covering the timing of grant applications and disbursements would effectively rule out any advertising expenditures either by the LICVB or by smaller regional groups with grant support during the first month -- six months of the year. This may be acceptable for businesses that are only open during the summer or fall, but wineries, among many others, are open year-round. This law would discriminate against these latter tourism-dependent businesses by denying grant funding for initiatives such as the Winterfest, which has succeeded in raising traffic to the region by over 400% during the off-season.

We would also note that the LICVB has already been using a small percentage of the Suffolk Specialty funds to support specific marketing initiatives by regional groups. These grants have not been large enough to divert resources from larger general campaigns, but they have, nevertheless, been valuable to the recipients. For its part, the Wine Council use these grants to distribute touring guides, wine region and touring guides and target markets around the New York Metro area, along the I-95 corridor from Connecticut to Boston, and throughout New Jersey. The new law's stipulations would deny access --

P.O. LINDSAY:

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

MR. BATE:

-- like the Wine Council, which have an established established track record of conducting --

P.O. LINDSAY:

Mr. Bate, could you wrap up. You're out of time.

MR. BATE:

Yep. The new law would deny access to the Wine Council and other associations for using grant funds for such initiatives. For these reasons, we strongly support the County Executive's veto and urge Legislators to -- not to override it. Thank you.

P.O. LINDSAY:

Gloria Rocchio, followed by Moke McGowan.

MS. ROCCHIO:

Good morning, Legislators.

D.P.O. VILORIA-FISHER:

You need to keep your finger on the button.

MS. ROCCHIO:

The green button, that okay?

D.P.O. VILORIA-FISHER:

Yes.

MS. ROCCHIO:

My name is Gloria Rocchio and I'm President of the Ward Melville Heritage Organization and past Chair of the Long Island Convention and Visitors Bureau, current member of the LICVB Executive Committee, and current President of the North Shore Promotion. I'm here today as President of the North Shore Promotion Alliance to speak regarding Resolution 1531. Our members and I urge you to sustain County Executive Steve Levy's veto.

The North Shore Promotion Alliance represents businesses and not-for-profits on the North Shore of Suffolk County. In 2010 the alliance received a small grant from LICVB, \$5,000, to promote package vacations and attractions. The grant was matched by \$5,000 from the membership funds. The campaign we undertook was very effective, having received over 60,000 visits to the website in just four months and package vacations were booked. Under the recent resolution that was passed, we will be unable to apply for matching funds. The alliance does not have a full-time staff, a full-time office, or does not represent ten hotels with a minimum of 500 rooms, as this resolution requires. However, we represent businesses, cultural institutions that need visibility, such as Cold Spring Harbor Whaling Museum, Sagamore Hill, Northport Theater, Heckscher Museum, the Huntington Historical Society, Long Island Museum, and the list goes on. There are many more organizations that are involved and we are all volunteers. We represent an important part of history, culture and the beauty of Suffolk County's North Shore and we need exposure, too. We urge you again.

LEG. SCHNEIDERMAN:

Gloria, I can't hear you.

MS. ROCCHIO:

We urge you again to sustain County Executive Levy's veto.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you. Moke McGowan, followed by Kevin Moran.

MR. MC GOWAN:

Good morning. I'm Moke McGowan, President of the Long Island Convention and Visitors Bureau. I'm here this morning to urge you to sustain the veto of Local Law 1531. I'm fully aware that you all unanimously passed this law, even though it came out of committee without recommendation. I'm now asking you to reconsider.

This law would require the LICVB to set aside one-third of the Suffolk Specialty Marketing Fund, that's over \$300,000, to create a new matching grant program. I say a new program because the Bureau, on its own initiative, has administered a matching grant program for the past five years and currently has allocated \$117,000 to this program for the coming year.

1531 stipulates that an organization must maintain a full staff, full-time staff and an office, and represent at least ten lodging properties consisting of 500 rooms. Other than the Montauk Chamber of Commerce, few other organizations can meet the criteria for eligibility outlined in this law. The Hamptons Visitors Council represents five chambers of commerce, but contracts its management to a local public relations firm. The East End Tourism Alliance and the North Shore Promotion Alliance both rely solely on volunteers. None of these fine tourism promotion organizations meet the criteria outlined in 1531.

This law also refers to tourism promotion agencies not under contract with the County. What constitutes a tourism promotion agency? Does the law allow any business organizations, such as the Hauppauge Industrial Association, to simply declare that it is now a tourism promotion agency in order to apply for grant funds? Can a number of existing organizations and chambers come together and declare that they are a tourism promotion agency without first incorporating under an umbrella organization in order to apply for these funds?

You know, the law stipulates that funds available to a recipient agency shall be based, I quote, on the respective share measured as a percentage of hotel tax revenue generated by the, quote, region represented by the recipient agency. And I have to ask, what are the defined regions of Suffolk County? Where is the accountability of this law? The Bureau's current matching program -- matching grant program is a reimbursement-based program based on criteria for eligible and ineligible expenditures and is accountable. This law contains no accountability.

I am here today representing but one organization that opposes this law. You have heard others, other organizations, and you will hear other more representing both the North Shore, the South Shore and both forks of the East End. I do ask you to listen to them and I urge you to sustain this veto. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Mr. McGowan. Our next speaker is Kevin Moran followed -- sorry. Followed by Janine Nebbons. You have three minutes.

MR. MORAN:

Good morning. My name is Kevin Moran. I'm the Vice Chairman of the Long Island Convention and Visitors Bureau and the General Manager of the Courtyard Long Island MacArthur Airport. I am here to urge you to uphold the County Executive's veto of I.R. 1531.

I believe this is poor legislation and would like to touch on a couple of reasons why. First, it serves to fragment the efforts of the LICVB by mandating that funds, for which would be used to promote the County as a whole, to be siphoned off and earmarked for use by a chosen few. This is not good for Suffolk County. It restricts the LICVB's ability to promote Suffolk County with a strong unified voice, rendering these funds less effective. In short, we would be wasting tax dollars by competing among ourselves in diluting our message to our targeted markets.

As the general manager of a hotel property in western Suffolk, I believe the hotels in western Suffolk County would be deprived of their fair share of marketing dollars so that other properties could benefit. This legislation seems to have been tailored to funnel funds to the Montauk Chamber of Commerce, which, to my understanding, is the only agency which currently meets the criteria of this bill. Coincidentally, the author of this and similar legislation is a principal in a lodging establishment which would be materially benefitted by this legislation.

Secondly, the bill calls for any funds not used in matching funds -- in the matching funds grant program to be used as grant funding for cultural programs. It is highly unlikely that all of the approximately \$300,000 would be used in matching funds. Why would these funds not be returned for their original use? The State law clearly designates 24% of the hotel tax revenues go to the designated TPA, which is the LICVB.

I urge you again to uphold the County Executive's veto of this legislation. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Mr. Moran. Our next speaker is Janine Nebbons, followed by Frank D'Andrea.

MS. NEBBONS:

Good morning. My name is Janine Nebbons. I'm the General Manager of Tanger Outlets in Riverhead, and also a Managing Director of the not-for-profit East End Tourism Alliance. Our group

is the creator and operator of the East End's regional tourism website, eastendgetaway.com. Many of you may have seen the summer television campaign that helped us drive over 2,000 people a week to the East End Getaway website. Those 10,000 visitors could click their way through a seamless website that was designed to directly promote the East End's most precious assets. Our volunteer-based tourism organization provides a unique platform for the five East End Towns to work together to overcome fractionalization and duplication of efforts, and, more importantly, to leverage our private budgets with available funding on a much larger scale to promote the entire region. We know that today 74% of travel decisions are made online. For the East End to be competitive with competing one-tank-of-gas destinations, we not only have to have a website rich in content, user-friendly and creatively marketed, we need to have access to public funding to compete for consumer attention, be it traditional media, in the most expensive media market in the world.

In the age of Google search, GPS navigation, smart phones, iPads, iPods, and electronic devices yet to come, web-based marketing is a necessity to compete. The web enterprise tourism platform would be handcuffed by the proposed legislation. EETA's eastendgetaway.com venture is the most innovative and ambitious effort to effect change in decades, aimed at shaping the future of the East End tourism economy from a seasonal enterprise to a year-round engine for economic growth. The proposed legislation would effectively pull the rug out from under our feet. We do not maintain a physical office, but we do operate a virtual office. We have no paid staff. We have a group of volunteers with full-time jobs in the private sector that recognize that for our own businesses to succeed, our neighbors need to succeed. We volunteer our time and resources accordingly. We're pleased to report that we do represent every hotel and bed and breakfast on the East End. We also represent every tourism business from the lighthouses to kayaks, wineries to fisheries, house rentals to boat rentals, and lots more.

The East End Tourism Alliance platform provides equal opportunity for all tourism entities to participate at no cost with the option to upgrade to fit their needs. We organized as a 501(c)(6) to be eligible for matching fund programs, and more importantly understood that from a consumer perspective, we needed to offer the travel consumer a full array of all there is to experience in our unique destination, just a stone's throw from the capital of the world. We do need County support and we do need LICVB matching funding to market the website in the tri-state area.

We do hope that the Legislature will recognize the benefits to our economy of collaborative enterprise among tourism promotion entities. The ultimate economic and political power that the East End can yield depends upon our ability to pull together and demonstrate to those agencies and to you that our tourism industry is willing to invest in themselves and collaborate as a region. Thank you for your continued support.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you very much. Our next speaker is frank D'Andrea, followed by frank Rauch.

MR. D'ANDREA:

Good morning, and thank you for the opportunity to speak in support of County Executive veto of Resolution 1531. My name is Frank D'Andrea. I am the Director of Sales and Marketing for the Courtyard by Marriott, Long Island MacArthur Airport. In addition, I have been a standing member of the Meetings and Convention Subcommittee of the Long Island Convention and Visitors Bureau and Sports Commission for over 19 years. And today I'm here especially as an accommodations representative for the South Shore Promotions Committee whose mission is to foster the abundance of diversified attractions and year-round activities that promote history, cultural identity, education, recreation and natural beauty specifically on the South Shore of Long Island. We have 28 businesses and organizations represented in that committee.

It may seem as if we're splitting hairs as we determine just who receives how much Suffolk County Specialty Fund receipts they get. Why not let any entity or recipient agency who falls into this resolution's criteria, as delineated in Paragraph 327(13A.7), continue to receive "X" amount of tourism promotion receipts in perpetuity. There are several reasons why not, not the least of which is that it goes against the spirit of the vision expressed within our LICVB mission to raise awareness of all that Long Island has to offer to business and leisure travelers alike. The fact that there are limited resources to market the message to the world and we are woefully underfunded in comparison to countless other destination just accentuates the need to unite behind this mission and stay on message, the message being this is Long Island, diverse, beautiful, and definitely having something for everyone. We send that message out after much participation, inclusion and consideration by LICVB's membership.

The South Shore Promotion Committee recognizes that we need to utilize the broadest marketing vehicles with the greatest reach to tell the world Long Island is a preferred destination. This for us at the SSPC does not require marketing sacrifice. We enjoy the benefits derived by the present and soon-to-be more expansive marketing efforts of the LICVB.

As Suffolk County receives their monies dedicated to the Specialty Fund, it is incumbent upon our organization and other like entities to develop the requisite events by which we may receive any matching funds. This is an equitable rationale to this procedure. Unique programs and events sponsored and executed by tourism groups, committees, alliances, etcetera, hopefully draw guests to that tourism group's locale and their respective members may deserve discretionary funds when they -- when and where possible. That's good business, but it is based upon creating unique tourism and cultural programs or events, not based simply on annual entitlements to recipient agencies.

There was a reason why many years ago major hotel companies coming to Long Island with whatever hotel brand type chomped at the bit to try to get exclusively the words "Long Island" within their hotel's moniker, and strained equally hard to keep the next guy from Long Island to getting their hotels I.D. This was the right strategy, get people to know Long Island first, your specific neighborhood next. With a few exceptions, that has always been a winning formula for drawing in guests. Diluting our Long Island marketing --

P.O. LINDSAY:

Frank, you're out of the time. If you could wrap up, I'd appreciate it.

MR. D'ANDREA:

Thank you. Diluting the Long Island marketing effort was never the intention of hotelier support and approval of the dedicated tourism tax several years ago. We all would like guarantees of annual percentages of marketing monies to do with what we will. I'm pretty sure that if those days ever did exist, they certainly do not now. We respectfully appeal to you, our honorable representatives, to keep faith with the original intent of the law embodied within tourism tax and uphold the County Executive's veto of Resolution 1531. Thank you for your time.

P.O. LINDSAY:

Thank you. Frank Rauch, followed by Art DiScala.

MR. RAUCH:

Good morning. Before I came here, I went -- took the time to go to each of your websites. I wanted to get a view of what your thinking is. Legislator Browning, I notice that you are very proud of your beginnings in Suffolk County as a school bus driver, and you're also proud of the fact that you helped to acquire about 300 million dollars to acquire private land for Suffolk County.

Legislator Lindsay, you take pride in being a member of the International Brotherhood of Electrical Workers, and also for the work that you've done in the field of labor relations. All of you seem well-meaning and dedicated people, and, like myself, have grown children and grandchildren.

Now, I'd like to tell you something about my background. Settling in Suffolk County in the '60's, my wife and I raised three children here. Life was good. I was employed at the Grumman Aircraft Engineering Corporation. Most of you remember Grumman. It was one of the firms that helped make Long Island the cradle of aviation, along with Fairchild Republic and many, many small aerospace companies on Long Island. At one time, Grumman employed 35,000 people. Back in the '90's I began to realize that Long Island was no longer the place for the aviation industry, they couldn't flourish here. I left Northrop Grumman and made a decision to become self-employed as an engineering consultant. Many of my friends and fellow workers in the aerospace field had seen the handwriting on the wall before I did and they fled Long Island. This was somewhat fortunate for me, since it provided me with a network of aerospace people in the industry.

As my children grew and had children of their own, it seemed to become apparent to them that Suffolk County was becoming economically difficult to live in. My oldest son settled in Washington State, along with his wife and three children. My middle daughter, her husband and two children are now looking for opportunities off the Island. It is only a question of time before my youngest daughter begins to realize that there are many places in the country that have lifestyles as good as here and are considerably less -- cheaper to live in.

The point I've tried to make is that while the population of Suffolk County remains fairly constant, the people and businesses that pay for the County's bills are fleeing. The message I'd like to leave you with is you must cut costs now and operations of the County while you can still do so gracefully. Sell the Foley property. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Art DiScala, followed by Fred Gorman.

MR. DI SCALA:

So there are buttons and signs up here saying to press while speaking. I'm just curious of that or if everyone just missed it.

P.O. LINDSAY:

You're not pressing it. We don't -- we can't hear.

MR. DI SCALA:

I'm pressing it.

P.O. LINDSAY:

Are you?

LEG. LOSQUADRO:

Just speak a little closer, sir.

MR. DI SCALA:

Closer to the mic? All right. Where in the Constitution does it say your job is guaranteed? I'm here because my job is not guaranteed, like many of us here. I only work part-time now and I have no guaranteed retirement plan, a pension. What will it take for you people to understand that all of our jobs are important, the public sector, the private sector, but no job is guaranteed? I don't want

you to fund someone else's job as a political favor. You're taxing me too much as it is and I'd like to save some of my own money for my retirement. Right now, I'm being forced to pay for someone else's.

I heard a woman outside say that she worked for the nursing home for the past 22 years and doesn't want to lose her job. You know what, God bless her. I don't want her to lose her job either, but I barely get by. I make great sacrifices to feed my family and to put a roof over their heads. Should my life get harder to make her life easier because she works for the State? No. Sell the nursing home, make all of our lives better.

And, gentlemen, there is a new sheriff in town; his name, the American people. Thank you. Applause.

*(*Applause*)*

P.O. LINDSAY:

Fred Gorman, followed by Michael DiNapoli -- DiPaoli.

MR. GORMAN:

I just left a copy --

MS. ORTIZ:

You have to hold the button, sir.

MR. GORMAN:

I just left a copy of my speech with the Clerk and I've e-mailed you all a copy of it so you have it, because it's complex, it goes a lot more; it's about consolidation.

The happiness is being taxed out of Long Island and it's got to stop. We need you, the Suffolk County Legislature, to examine all the municipal districts in here and determine what we need. We don't need both a county government and a town government. They're redundant, they get in the way of each other. We have to look at consolidating our school districts and the overall advantage of it. We have to look at what can be done by consolidating library districts. They go into length explaining all the advantages of that. Fire districts with crazy boundaries that make no sense at all also have to be consolidated. We have to seriously consider one police department. It's absolutely necessary to change it. You're a body that can certainly examine the changes and then bring it before the people and allow them to make a decision as to whether or not they want more affordable and more efficient government, or they want to keep up with all these crazy municipalities that constantly conflict with each other and water districts that don't even have water. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Michael DePaoli, and Kathleen Reeves to follow.

MR. DE PAOLI:

Mike DePaoli, a Vietnam Vet, a Suffolk County resident. Gaming in the political process system is gaming, no matter how you look at it. Whether you use the old machines or new machines, it's irrelevant. When you see the same candidate appear on the line, a voting line several times, cross-endorsed several times, the public gets the idea that the gaming system is continued under the old machine and new machine. In this particular last election campaign on November 2nd, I asked that this Legislature declare those votes, those vote casting null and void and require the Federal Government to come in and hold an entire new election for the State of New York. The

system is still gamed. The public has no idea that when they choose a write-in candidate, they are under the impression that they can select Deputy Presiding Officer Vivian Vilorio-Fisher and her name will be successfully entered as the Governor of the State of New York. That's not true. There needs to be a disclaimer on the new voting ballots indicating that candidates have to file with the Board of Elections and the public has a right to know what those names are.

Additionally, when I voted for Governor this year as write-in candidates, I need to vote for two people. If my name happens to be Ed Kalofsky, Jr. and Mary Sullivan O'Donohue, I could never, ever fit it in handwriting in one little space. Null and void. The public was under the wrong impression. You people represent almost 1.5 million people in Suffolk County. You had the right to call that shot. Null and void.

The public is under a misimpression that their vote counts, old machine or no machine, gaming is still relevant. We export democracy around the world. Every day our individuals are dying on the forefront to export democracy and we don't have it here. Have the courage of your convictions. Overturn these elections and hold some new elections in New York State.

In other matters I hear economic development is important. On Long Island, it doesn't take much to say thank you to individuals; it's the most cost effective. We know about New York State and we hear it on PR right across the board, "I love New York." Well you also heard of music, you heard of the "Piano Man", you heard of "New York State of mind". He is a Long Island --

P.O. LINDSAY:

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

MR. DI PAOLI:

He's a Long Island known. The only thing I ask of this Suffolk County Legislature, maybe offer a prayer or two for his upcoming operation. Billy Joel is getting both hips, replacement. I guess it's going to give him a little more motive for the next generation. A little feedback and a little thank you to Billy Joel would be most appreciated. Thank you for your courtesy today.

P.O. LINDSAY:

Kathleen Reeves, followed by Matthew Sanfilippo.

MS. REEVES:

Good morning, I represent --

P.O. LINDSAY:

Push the button.

MS. REEVES:

I'm pushing.

AUDIENCE MEMBER:

You've got to hold it down.

MS. REEVES:

I am. I'm here and I work at the John J. Foley. I'm not going to tell you all the problems we have with the kind of residents we have. You know it, you've heard it all before. What I am asking is that there are Legislators that have made the commitment to not sell the facility and not close the facility because of the type of residents we have that other facilities will not take. And if the facility is sold, as Mr. Levy wants to do, as a nurse and have worked in a hospital and a nursing home, residents that he doesn't want, they will wind up in the hospital and the hospital can discharge to

the street, the nursing home can't. And this is why we do have some of the residents we have, because we have to make only -- we can only make safe discharges, and we can only make discharges to places where they will be taken care of. Hospitals do not need to do that. And what I'm asking is the Legislators who over the past year have made their commitment to us, all I'm asking is that you keep that commitment. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Matthew Sanfilippo, followed by Steven Flanagan.

MR. SANFILIPPO:

Good morning, Mr. Presiding Officer, and Ladies and Gentlemen of the County Legislature. My name is Matthew Sanfilippo and I'm a resident of Sag Harbor, and I would like to please ask you to consider selling the nursing home for several reasons. One reason, it actually takes it off the County payroll, you no longer have to fund it. It makes County government smaller; smaller government is efficient government. Also, it's a win-win situation for the nursing home itself. It will not close, no employees will be laid off, no one will lose their job, and patient care will not be compromised. In the health care field, patient care is the number one priority and this priority will be met by privatizing out the nursing home. Thank you very much. Applause.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Mr. Sanfilippo. Thank you for your brevity. Our next speaker is Steven Flanagan, followed by Suzanne Ruggels.

MR. FLANAGAN:

How are you doing? My name is Steve Flanagan from the Conservative Society for Action. I'm also rising in support of the sale of the nursing home, pretty much as an effort to balance the budget this year, but not only this year, but in future years. We know that that facility is a drain, basically, on our budget, and by selling that home, again, like the previous speaker said, there will be no compromise in services, there'll be no loss of jobs. We'll be able to maintain the services, but get that off the County payroll; it just seems like a logical thing to do. Now, I don't know how many Legislators made commitments not to sell the home, but I'd ask you to reconsider and do what's right for the County and for the taxpayer.

You know, it's kind of interesting. We were at the last Budget meeting and apparently a lot of things happened after I left. There was an omnibus budget that was passed. I don't know, was it recalled? What's the terminology? Another set of budgets came out after we had left. Is public notice important? I'm not sure. We weren't informed until after it happened, so we weren't able -- weren't even able to be here to comment on that as members of the public.

What I'm asking today is that we do the right thing for the long-term and for the taxpayers. We don't want people to lose their job. I've talked to people that are in this audience today that work at that home. They are concerned about losing their job, but I just don't think they're informed on exactly what deal is out there. There's a lot of mobility out there and a lot of people out there that will be able to take advantage over the next twelve months to decide whether to stay there, move into other jobs, I mean, that's what it's all about. Again, another previous speaker said there are not guaranteed jobs, but in this particular case there are. I think the County has stepped over -- stepped -- pretty much done a pretty good job guaranteeing that there would be minimal impact to something like this.

Additionally, we would also suggest that we sustain the logical vetoes that were submitted by the County Executive in order to work towards a balanced budget. What we're insisting on as an organization of 5,000 taxpayers is a balanced budget and a no-tax budget. There are ways to do that. We need the revenue. There's nothing wrong with selling a piece of property and maybe some additional properties that were suggested in a meeting a couple of weeks back. Maybe we need to look to privatization. Maybe it's something we need to do as a long-term goal. But I'm urging that we do that, that we sustain the prudent vetoes that the County Executive has put on the table.

Additionally, I understand that the County Executive is willing to compromise, to talk about some items that were in the omnibus budget that can be restored. There are a lot of people who were here last week that are asking for a couple of dollars here in order to sustain some of their operations. It seems to me that the selling of a piece of property that's going to generate about 65 million dollars in a five-year period would be a way to sit there and finance some of these services that are out there that people are asking for. They were pretty much small amounts of money that these people were asking for a couple of weeks ago and we're saying no. Well, maybe if we do this, that's a way to say yes.

So, again, I would like you people to please sustain those vetoes. We want to not close the nursing home. We want to save the nursing home by selling it into the private sector. We want a zero-tax budget. Again, we're expecting it as taxpayers. And, again, compromise is on the table so let's make this thing happen. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Suzanne Ruggels, followed by Antonio Arvizu.

MS. RUGGELS:

Thank you. My name is Suzanne Ruggels. I'm getting back to the pesticide issue. I'm the owner/operator of the Barefoot Gardener. I've been in business for 20 years. I'm on the Board of Directors for the Wildlife Rescue Center of the Hamptons. I'm an instructor and Nature Lyceum School for Organics, and I'm the winner of the Source Water Protection Award sponsored by the Pine Barrens Society, the Nature Conservancy, the Neighborhood Network, and the Suffolk County Water Authority.

In the 1940s, there were one-half million tons of industrial chemicals made in this country. Now we're making 200 million tons every year of chemicals that Planet Earth cannot deal with, and the extinctions that are taking place have not been equaled in 65 million years. We're changing the very chemistry of our planet, our Mother Earth. We're changing the biosystems on the scale of hundreds of millions of years of life development. The UN Commission report, called The Millennium Ecosystem Report, concluded that 60% of the life-supporting functions on earth are in decline, and pesticides are the only chemical intentionally added to our environment to kill living things. Every year more than 1.2 million pounds of pesticides are used in the U.S. That's four pounds for every man, woman and child in the country. Pesticides destroy species diversity and create monocultures, an environment where only one thing can survive at the expense of all others. This is counter to nature's intelligence, which provides a biodiverse system of checks and balances.

Humans -- the human impacts have been linked -- of pesticides have been linked to Parkinson's Disease, brain cancer, endocrine system and nerve system disruption, birth defects and childhood cancers. And children are very susceptible to pesticides because they play in the grass, they put their hands in their mouth, and when pesticides are tracked indoors, the sunlight doesn't break them down so they last a very long time. Furthermore, children's immune systems, kidneys and livers

aren't developed enough to process the pesticides. In homes where pesticides, fungicides and herbicides are applied, children are twice as likely to develop brain cancer.

Environmental impacts: Government data shows that pesticides jeopardize more than 375 already endangered species. The Audubon Society estimates conservatively that 67 million song birds are killed every year by pesticides. This is not only from direct spraying, but also from contamination of their food and water supplies. And birds are a bellwether of our environment. When the birds are in decline, the Earth is in decline. We are in trouble.

So why do we use pesticides, herbicides for weeds? What is a weed? A weed is a plant that's growing where you don't want it. And when you have a lawn, all you want is grass, so everything becomes a weed. When I give a lecture, I use three books. I have one called *Identifying and Harvesting Edible and Medicinal Plants*, and the other one is --

P.O. LINDSAY:

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

MS. RUGGELS:

Okay. Thank you. There are several books about how you can use plants to heal and eat, and then there are the books by the chemical companies which feature the same exact plants and tell you which chemical you can use to kill them. Funguses are saving the world. They're cleaning up Chernobyl. They're cleaning up the nerve gas that Saddam Hussein used to kill his people. They're cleaning up nuclear waste. Funguses are our friend. We should stop bringing non-species-specific fungicides. And the insects on Earth --

P.O. LINDSAY:

Suzanne, you have --

MS. RUGGELS:

Eighty-five percent of the insects on Earth are beneficial to humans.

P.O. LINDSAY:

You're way out of time Suzanne, way out.

MS. RUGGELS:

Let's restore our ecosystem instead of perpetuating the ego-system. Thank you.

(*Applause*)

P.O. LINDSAY:

Antonio, followed by Jessica Totino:

MR. ARVIZU:

Good morning, Ladies and Gentlemen. My name is Antonio Arvizu and I am a Case Manager for the Suffolk County -- for the Long Island Association of AIDS Care, LIAAC. I've been working in this field for the last 16 years. Through this line of work, I have seen how HIV/AIDS has affected so many people in our county. It's not been easy, because when we are dealing with life and death, we have to bring the best of ours in order to do this line of work. We are fortunate enough, I believe, to have agencies like LIAAC who has been a pivotal agency that has played a very important role to fight this situation.

As a Case Manager, one of my roles has been working with the Long Island community to raise consciousness about this disease. This not only means taking an aggressive imaginative role in

disease prevention, but also bringing quality and compassion to a disease that is widely misunderstood. Also, serving as a community catalyst in order to construct a response to HIV/AIDS with other agencies and institutions, recognizing that a single -- that no single agency is capable of doing this task alone. Providing direct services, referrals and educational programs to any Long Islander whose life has been touched by HIV/AIDS, or who request our services, regardless of age, income, religion, sex, race, national origin, sexual orientation or disability. Working to reduce the spread of HIV infection in our community through the dissemination of accurate information, the provisional case management and psycho-social support services. Also, one of my roles is helping people with HIV/AIDS and their loved one to secure all benefits to which they are entitled in order to have the best quality of life possible. And, finally, one of my main roles as a case manager is advocating for positive public HIV/AIDS policy. Through my experience, I have come to know all kinds of communities. My family itself has been affected by AIDS.

P.O. LINDSAY:

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

MR. ARVIZU:

Yes. I would only urge you, when it comes to consider financial cuts, they might affect negatively to any of these HIV programs that are essential for the people who have been infected or affected by HIV/AIDS. Thank you very much, Ladies and Gentlemen.

P.O. LINDSAY:

Jessica Totino, followed by Karen Ross.

MS. TOTINO:

Good morning. My name is Jessica Totino and I have lived in Suffolk County my whole life. I am the Associate Director of Program Services at the Long Island Association for AIDS Care, otherwise known as LIAAC, in Hauppauge. I have worked at LIAAC for five years. I have prepared a statement in response to the proposed budget cuts to our agency.

The Long Island Association for AIDS Care houses Suffolk County's only HIV information hotline, and without full funding from Suffolk County in 2011, we will be unable to continue to provide its residents with this service. The hotline serves as the entry point for all of LIAAC's direct services and prevention initiatives. In 2009, 113 individuals living in Suffolk County became new clients of LIAAC and were enrolled in our Case Management Program, a critical service that you have just heard my colleague, Antonio, speak about. Approximately 8,000 members of the Suffolk County community called our hotline last year to receive assistance with various psycho-social needs. These callers receive linkages to internal programs, such as HIV testing, education and nutritional services, as well as to external providers. Without full funding, the hotline would collapse and Suffolk residents would no longer have access to the aforementioned services. It is through our toll-free hotline that we are able to ensure that Suffolk County community members and clients alike are directly linked to a wide range of social, health and HIV related services.

LIAAC subscribes heavily to the "No Wrong Door" policy, and as such, our hotline maintains regularly updated lists of more than 150 memoranda of agreement and screened referral agreements with Suffolk County agencies and private practitioners. The "No Wrong Door" policy guarantees that each call that passes through our hotline is provided access to all services in which they are entitled to. LIAAC's hotline staff has in-depth knowledge of HIV-related housing, transportation, primary care, dental services, mental health, nutrition, legal and educational resources in Suffolk, and are responsible for knowing the intake procedure and contacts for these agencies so callers are easily referred to the most appropriate agency. Additionally, the hotline serves as a resource for the residents of Suffolk County when they are experiencing a crisis situation. Hotline staff is professionally trained to appropriately triage and diffuse crisis calls.

LIAAC's hotline truly serves as a safety net for Suffolk County residents, which becomes especially important during these uncertain times. As individuals struggle to regain their financial independence, LIAAC's hotline has seen an influx of calls from Suffolk residents requesting assistance with the most basic necessities, such as medical insurance, housing, and even food. Without the availability of our toll-free hotline, many of these callers would be forced to go without. They simply would have no place to turn. They would not be able to get the information of where these resources exist, nor would they receive the support and assistance that will empower them to overcome the barriers in which they are facing. It is essential that LIAAC's funding remain intact so that we can make certain that all of Suffolk is able to maintain the quality of life in which they are entitled to. Without full funding through Suffolk County, thousands of Suffolk residents would be denied the vital programs and services they were once able to be afforded. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Jessica. Karen Ross, followed by Harold Moskowitz.

MS. ROSS:

Hello. My name is Karen Ross. I'm a Suffolk County resident and the Vice President of Agency Programs at the Long Island Association for AIDS Care, known by most as LIAAC. I'm here today to ask you to restore LIAAC's funding for 2011.

The budget proposed for 2011 reduces LIAAC's funding by \$40,000. If this funding is not fully restored, we will not be able to provide vital HIV and AIDS related services to Suffolk County residents. The full restoration must happen.

The gateway to LIAAC's agency services is through our toll-free hotline by -- excuse me -- our toll-free bilingual HIV and AIDS hotline. This is the only HIV needs hotline in the region. Currently, funding from Nassau and Suffolk Counties is utilized to fund calls made by each County's respective residents. In 2009, we received approximately 8,000 calls to our HIV/AIDS hotline from Suffolk County residents alone. If our funding is not fully restored, there will not be an HIV and AIDS hotline for Suffolk County residents. There is nowhere else but Suffolk County to get funding for this vital service.

LIAAC also utilizes this funding for direct services for Suffolk County residents. Utilizing bilingual staff members, over 2,000 county residents are reached and provided with HIV and AIDS education, referrals, support and case management services through this grant. LIAAC Suffolk County funded staff members are able to provide varying levels of bilingual case management services for HIV positive individuals residing in Suffolk County, as well as Suffolk County residents who are at high risk for HIV. Our Suffolk County funded staff members conduct outreach at varying locations in order to initially engage these residents, including on street corners, bus stops, train stations, homeless shelters, soup kitchens, and other human service providers. We meet individuals on their own turf and in their own neighborhoods. We develop relationships with them there. When an individual is ready and willing to ask for help and support and access our full array of agency services, they are instructed to start the process by calling our toll-free hotline. As you see, the vital services provided by this grant rely on the other's existence in order to fulfill the HIV and AIDS related needs of Suffolk County residents. We cannot continue to provide these comprehensive services for Suffolk County residents without full funding in 2011. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Harold Moskowitz, followed by Ron Grant.

MR. MOSKOWITZ:

Good morning. Recently, I stood here to voice my opposition to a suggested action that would have disregarded the best interests of the taxpayers. At that time, several of you were willing to use a transfer from the General Fund in what appeared to be to many to be an indirect way of allowing the Foley Nursing Home to continue to operate, but at taxpayers expense. This burden, if continued, would extend into the distant future through the payment of defined benefit pensions to the current 200-plus employees. Defined benefit pensions are becoming unsustainable with each passing year at all levels of government.

I saw many people at the November 3rd meeting and they expressed their support of Executive Levy, who understands the big picture of protecting the finances of the County, he has vetoed measures which would have favored the interests of labor over those of the taxpayers. In doing so, he has endeavored to maintain the long-term financial solvency of this County. I ask you to sustain those vetoes. But, as a result of budget revisions occurring at the end of the November 3rd session, I am dismayed to find that some members of this Legislative body have learned little or nothing by watching the results of former, soon-to-be former House Speaker Nancy Pelosi's attempts to force the will of some determined members of the Legislature upon an informed, but unreceptive, electorate.

The perseverance of some Legislators in this room in taking steps to circumvent Executive Levy's fiscal measures seem counterproductive and out of step with the economic realities of our time. Executive Levy has acted in the long-term fiscal interests of all County residents, which also includes the families of workers at the nursing home. All of you have the power and, I might add, the responsibility to take the steps necessary to lighten the present and future tax burdens of those residents. Those of you who would seek ways to evade that responsibility serve neither the best interests of the County, which employs you, nor the taxpayers of your respective districts who elected you.

I urge all of you to rise to the occasion and to collectively demonstrate that the People's Legislative body that you represent will act to support, not to undermine, efforts aimed at reducing the economic burdens of government which are shouldered by the residents of this County. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Before we go to the next speaker, I need a motion to extend the public portion.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Absent: Leg. Cooper)

P.O. LINDSAY:

Thank you. Okay. Next we have Ron Grant, followed by Maureen Budington.

MR. GRANT:

Good morning. I'm Ron Grant. I'm a small business owner, a member of the Conservative Society for Action and the Suffolk 9-12. A few weeks ago, November 3rd, the case to sustain the veto of the 20 million dollar Tax Stabilization Fund was argued and sustained. What happened? Here we are again.

Next year the Legislators are up for re-election. You have to show responsible conduct. To be honest with you, until lately, a lot of us have not been paying attention, but now we are. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Maureen Budington, followed by Conrad Schabauer.

MS. BUDINGTON:

Hi. My name is Maureen Budington. I'm here to support Steve Levy's proposal to sell the nursing home, the Foley Nursing Home. We need to have, especially in this economic time, a very responsible economic process, and in order to balance the budget in Suffolk County, I support the selling of the -- and the privatizing of the nursing home, and I also support Steve Levy's vetoing of the other proposals. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Conrad Schabauer, followed by Susie Schlomann.

MR. SHABAUER:

Good morning. And I extend my greetings to this esteemed body, and thank you for this opportunity. My name is Conrad Schabauer. I am the co-founder of the Conservative Society for Action and the Chairman of the Political Action wing of this society. I am here as an advocate for fiscal sanity and fiscal responsibility. I, and we, represent -- we represent thousands of homeowners and taxpayers of this County, and they are under extreme duress and they are suffering greatly under this manmade economic disaster that's affected our country as a whole.

We strongly recommend that the Foley Nursing Home be sold, and we also strongly recommend that the County Executive's veto be sustained. I thank you for your time, and we'll be watching.

*(*Applause*)*

P.O. LINDSAY:

Susie Schlomann, followed by Nancy Gamby.

MS. SCHLOMANN:

Good morning. Thank you for the opportunity to speak before you today. I'd like to start out as a horse owner. I'd like to let you know that the suppression and elimination of West Nile carrying mosquitoes is a large concern to me and the other horse owners in Suffolk County.

Now, two weeks ago I asked the Legislature to get Suffolk County out of the nursing home business on the basis that it is not the job of government to run what should be a private business. I'm here again to ask you to sell the Foley Nursing Facility for the same reason, and, additionally, because the County has not done a good job running it. Based on reports using data from unannounced State inspections I discovered what I believe you officials already know. Foley ranks amongst worst

nursing homes in the State, sitting in the bottom third. The higher the score, the worse the facility. The average score for New York State was negative 17 in 2007; Foley's score that year was negative 36. In 2008, the State average was negative 15; Foley's score, negative 32. May of 2009 was a bad time at Foley. Further research will likely uncover a big embarrassing story for Suffolk County. At that time, the New York State average was negative 20 and the Foley Nursing Home score was negative 278. I hope you knew that.

Since inspections are nine to twelve months apart, I must conclude that the severity of the violations led the State to again inspect seven months later in December when Foley's facility score was down to negative 48. The degree of harm for the residents for most violations is minimal. However, Foley has to deal with administrative and patient care violations that have put patients in both immediate jeopardy and actual harm.

A reason given for the County to continue running this nursing home was that no one else takes the patients Foley does. In Foley literature and all descriptions of the facility that I can find, I see no difference between this and other Medicaid/Medicare-receiving facilities. If you actually have hard facts, please fill us in, but don't continue an emotional but empty appeal. It may be better to ask do families actually want their loved ones in Foley. Does this nursing home get patients with no family and no advocates?

July 2010, administrative and environmental deficiency complaints, which put residents in immediate jeopardy. Both were corrected by the end of that month.

Finally, based on the repeat nature of deficiencies, the ability of the nursing home to correct problems is considered a fairly dismal, somewhat likely. Is the Foley Skilled Nursing Facility the first choice for your family members in need of special care? If indeed, though, we faced a problem providing nursing home housing, we must address that issue.

P.O. LINDSAY:

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

MS. SCHLOMANN:

Yep. And not tired as a -- settles the question of the County continuing to run this home. The John J. Foley Skilled Nursing Facility is not the panacea you may have been led to believe it is. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Nancy Gamby, followed by Suzanne Arink.

AUDIENCE MEMBER:

She left.

MS. GAMBY:

Can you hear?

P.O. LINDSAY:

Yep.

MS. GAMBY:

Thank you. I'm just speaking from my heart, that's the only way I know. Thank you for letting me speak. I am a little distressed about the amount. This was not what I was going to speak about, but I feel that I don't -- I don't see that your attention has been given to every speaker that has

come before you and it's depressing to me. I know I have not done my job and I have not been here and now I am here. I would like you to cut the taxes on Long Island so I can stay. My family has been on Long Island since 1625. I am being forced to move to Pennsylvania and I am not happy about it. I want you to stop letting the labor unions and the other unions dictate what you are doing for supposedly our good. I have a mother who's barely getting by on Long Island.

Please, please, work through what cuts you can make for the benefit of all. You need to close this nursing home to put it into hands of the private sector. You could close the parks, put them in the private sector; they do well, they thrive in the private sector. Please, I am begging you, please, make it so that I don't have to leave Long Island and people I love do not have to leave Long Island. Thank you. Applause.

*(*Applause*)*

P.O. LINDSAY:

I called the name Suzie Arink, but I was told she left. She's not here, okay. Judith Pepenella, followed by John Riggio. Riggio.

MS. PEPENELLA:

Thank you for the opportunity to speak. I'm Judith Pepenella. I live in Silver Street, Patchogue, New York. Mr. Eddington, you are my representative. I'd like you to start representing our neighborhood, simple and direct.

There's a lot of stuff on your plate. You guys have a lot to worry about and figure out. My block, less than 20 houses, five of the homes are rentals; four of the people are about ready to be evicted. I'm one of them because I cannot afford to live on Long Island. There are two vacant homes, they can't sell them. They have foreclosed, they're vacant, beautiful homes. It's a gorgeous neighborhood, beautiful homes. Four up for sale, two that gave up and are still living there, barely surviving. One of them is almost into foreclosure. They're not in their, quote, foreclosure papers yet, but they're just about to receive them. Three others are in foreclosure; that leaves five homes that I'm not sure of, of less than 20 homes. That's one block in your district. We need representation, we need less taxes. It's a wake up. When we're all gone, where are you going to get the money?

John J. Foley Home, there are people that work there that do deserve a job, but so do I. Are you getting me a job in the private sector? No. Do I get an 8% pension, money, every year? I'm sorry, I'm a single mom, my bank is gone. My mother lives with me. She lost her home in Wantagh because she couldn't afford it. The point that I'm trying to make is we want to stay here. It's your responsibility to help us afford to.

In regards to the balanced budget, last week Mr. Lindsay -- I'm sorry, on the 2nd, you made a remark the Levy budget was not valid, it wasn't balanced. The omnibus budget also has 20,000 in -- I'm sorry, not 20,000, forgive me, 20 million for the sale of Foley, but Foley wasn't incorporated into it? How is your budget balanced? Where is that balanced and his isn't? I'm missing something in the translation.

Let's be real, let's be honest. Budgets need to be balanced. Isn't that the law in this County? You did say that the last time, Mr. Lindsay.

There was a lady here that made a remark regarding her job outside. I understand her concerns. I'm a 1099 salesperson; if I don't make a sale, guess what, I don't make money. And you know what, I've got no guarantee of making money. We, the people, are here, we're not leaving. We woke up a long time ago. I not only represent my home, the members of our group, people in New York State, but also on a national level. Let me assure you, we woke up. 2010 was a hell of a

wake-up -- forgive my French, I apologize -- for a lot of people. We recycled Congress. 2011, your seats are not permanent, they will be recycled if you don't stand up for the rights of the citizens and do the right thing. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

John Riggio and Kenneth Washington. I'm sorry. Is it Joan? I'm sorry, I couldn't read your writing.

MS. RIGGIO:

Last time I looked, I was a woman. It's JoAnn.

P.O. LINDSAY:

Yes, you are.

MS. RIGGIO:

Thank you for finally giving your attention, because for the two hours I've been sitting here, I've noticed the body language and most people weren't paying attention; hopefully, you will from this point on.

I'm here regarding the Foley Nursing Home. I urge you to do the right thing and vote for what is best for the good of all of the people of Suffolk County. For me, this would be to sell the nursing home and privatize it. Jobs will still be saved -- excuse me. The nursing home residents would still be taken care of, the tax burdens of Suffolk County would be decreased, and the budget would be balanced. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Kenneth Washington, followed by Jessica Nuzzo.

MR. WASHINGTON:

Good morning. My name is Ken Washington and I have been Project Director of the Youth Experiencing Art Project for fourteen years, and I am currently Artistic and Managing Director of the Smithtown Performing Arts Council since 2008.

In 2010, the Youth Experiencing Art Project was brought under the umbrella of the Smithtown Performing Arts Council, which is the operating entity of the Smithtown Center for the Performing Arts, the old Smithtown Movie Theater in Downtown Smithtown. This was a result of Legislator Kennedy and Legislator Nowick's efforts in the 2009 budget process to maintain the valuable investment that the County has made in this program since 1997. First, I would like to thank the Legislature for supporting the Youth Experiencing Art Project throughout the last 14 years and for giving me the opportunity to speak today.

I am here today to defend the program in the wake of the budget cuts and our current economic climate. The Youth Experiencing Art Project provides performing arts related activities to approximately 500 kids annually. These kids spend upwards of 200 hours on each of the five to seven projects they participate in. Now, in a time when kids are faced from countless challenges, from bullying, to drugs, to gangs, to increased demands in their school work, I would ask is it wise to reduce our investment in our youth? If we diminish the Youth Experiencing Art Project's ability to serve all the kids who are not able -- all those kids who are not able to serve, it will cost the County more money in the long run. One kid in the criminal justice system costs the County how much

more than it costs to maintain this program?

This program goal is to provide for kids to communicate better and feel better about themselves, to work together to achieve common goals, and to and to develop their character. Is lessening its ability to do that a wise decision?

The Performing Arts Center, which houses this particular program, provides this program and a variety of other professional entertainment offerings to the community. It is an economic engine in our downtowns -- in the downtown Smithtown area and for the entire North Shore of Long Island. Our focus, since we opened in 2002, is to provide our youth, their families, and the -- provide our services to the largest population area, keeping our prices down. We have over 40,000 patrons pass through our doors on an annual basis and these patrons come from Cutchogue to Huntington, from the Hamptons to Farmingdale, and they take advantage of an affordable quality entertainment that we offer. Decreasing funding to our programs or the investment -- I got to keep my finger on this. Decreasing the County's investment in our efforts will result in our ability to serve the wide array of people that take advantage of our offerings. Less people in the downtown area in Smithtown means less economic activity, less people visiting the restaurants, less people visiting all the infrastructure, decreasing and less value to our tax base, if you will.

So, I basically want to point out, as I finish up, that developing our youth and providing quality of life enhancement is very important, but this is a program that's an investment and it keeps our cost of government down, because it basically prevents the things that cost our government more money. Our kids -- keeping our kids out of those type of programs that cost the government so more are penny wise and pound foolish, if you will.

P.O. LINDSAY:

Thank you, Mr. Washington.

MR. WASHINGTON:

So, thank you very much for your time.

P.O. LINDSAY:

Jessica Nuzzo, followed by Nina Leonhardt.

MS. NUZZO:

Good afternoon. My name is Jessica Nuzzo, I'm a Smithtown resident. I'm speaking also on behalf of the Youth Experiencing Art Project that Mr. Washington just spoke about, but from a parent's perspective.

About four years ago, I was remarried and moved to Smithtown from Nassau County. I had an almost six-year-old who I was concerned about her making friends. Luckily, one of my quick trips to the store brought me upon an old friend coming out of the Walgreens next to the theater, and she was coming out of class with her daughter and explained to me what a great program was next door. My daughter got involved in that at six years old and now she is ten. She's a confident student, excellent student, top of her class, Student Council, Enrichment Program. She's even been asked to speak on behalf of her class, even on behalf of her school, because she's very comfortable with public speaking. Most recently she spoke at a dedication of their new playground over at Smithtown Elementary in front of a large crowd, and this would be the same playground that they found recreational drug needles on last year.

Is the Youth Experiencing Art Project responsible for what a great student she is? No, not completely, but the characteristics that she has, that I think they foster and develop there are the leadership. She's not afraid to stand up for herself, even for her friends, to bullies in the school, to

anything of that sort. And I hope, I pray some day she won't be afraid to stand up to drugs.

As this program faces cuts, Danielle's worried about her friends, her hobby, things she loves to do, but my concerns are more grave. I think about the little girl of my friend who came out of that class that day who she told me before she started there was too shy to make friends, too shy to raise her hand in class, and she was stressed out about the bullies that treated her bad. So it made me realize that some kids aren't involved in regular team sports that we love, you know, soccer, baseball, basketball that all our kids are involved in and they need a place to learn. They need a place to learn how to be on a team, to be responsible, to stretch their creativity, to be heard, to feel accomplished and proud with the shows they put on. The kids need these programs to keep them off the streets, to keep them out of trouble, and to keep them from dropping those needles in the playground. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Jessica, that was perfect timing. Nina Leonhardt, followed by Gregory Noone.

MS. LEONHARDT:

Good morning.

P.O. LINDSAY:

Bring down the mic. There you go.

MS. LEONHARDT:

Good morning. My name is Nina Leonhardt. I'm College Associate Dean for continuing education at Suffolk County Community College. The College has been the recipient of two grant funding streams, one from the New York State Department of Labor, and the other from the U.S. Department of Labor Community-Based Job Training Grant. Both of these address green energy training and training in energy efficiency.

I.R. 1834 is very, very important to both of these programs. We are training in energy auditing, and it's important that those people who are going through training will be viewed as professionals and will be desired amongst the workforce and amongst homeowners. By supporting 1834, we can ensure that homeowners are getting the services they need, and not only in terms of what is done in terms of process, but also in terms of personnel.

When we began with these programs, we weren't sure which -- whether BPI or RES would be supported. This particular resolution includes all of the certified trainings regarding home energy audits, and we're pleased to see that as well. The numbers that we're talking about so far for the New York State Department of Labor grant, we have already worked with 139 residents of the County who tend to be those who are unemployed or on public assistance, sixty of whom are completing their training in energy auditing. The Federal program hopes to train 250 people with 100 people trained in energy auditing. The Federal program not only targets the unemployed and those receiving assistance, but also incumbent workers and veterans. Thank you.

P.O. LINDSAY:

Thank you, Nina. Gregory Noone, followed by Janine Tinsley-Roe.

MR. NOONE:

Good morning, friends. My name is Gregory Noone. I'm the Program Manager of Thursday's Child of Long Island, an HIV/AIDS service and advocacy organization of which I am proud to have received the support of many around the horseshoe this morning. I think it's still this morning.

I am here today to urge and perhaps to beg, if I must, to override the County Executive's veto and pass the Legislators' omnibus budget. There are legitimate concerns on all sides about the process of creating the budget. However, I urge each of you to put the process aside and work on that on an ongoing basis and pass the Legislative budget this year. The program funding in it is too important. I urge you to not put the process on the backs of people living with HIV and AIDS in Suffolk County.

And from some of the tone of the comments in the -- in this room this morning, I feel like I must be a voice for the other voiceless in support of the Suffolk County worker. From your staffers to the men and women in the Suffolk County Department of Health Services and across the board, they're some of the finest and most dedicated people that I have come across and deserve great thanks and respect from all of us in this room and a little bit less derision. These are very good hardworking people who do things on our behalf that most will not do. There are some things that government does right and deserves to be involved in, that is what government does. I must speak in favor of the John J. Foley Nursing -- Skilled Nursing Facility. The good men and women there are have been dedicated to serving my population that I serve, people living with HIV and AIDS, for that they, too, deserve respect. We cannot turn the clock back 25 years ago when people with AIDS were being dumped on the streets and chained into hospitals. We cannot turn the block back. Please save John J. Foley. Please pass the Operating Budget from the Legislature. Thank you for your support, and thank you on behalf of the men and women who work for Suffolk County.

*(*Applause*)*

P.O. LINDSAY:

Janine Tinsley-Roe, followed by Rose Samuels.

MS. TINSLEY-ROE:

Good morning, Legislator -- let's see. I'm sorry. Presiding Officer and the Legislature of Suffolk County. My name is Janine Tinsley-Roe. I'm a member of the Shinnecock and Unkechaug Tribes of New York. I'm here this morning to speak about the resolution that is to promote Native American Heritage Month that was put forth by Legislator Jon Cooper.

I'm actually thrilled to be here again this morning. It's a long struggle to put forth native issues here. Listening this morning to the opening remarks and prayers, and to everyone who talks about "We the People," and including everyone, not one time do I hear Natives in this conversation. I would like to say about this conversation in everything I've heard this morning, Natives have quite a various amount of contributions to be offered to the issues that are concerning this County, and, in fact, this state and this country. I hope and look forward to be able to work with this Legislature and this state on promoting native issues, native education, native history, native rights and native policies and polity. There are many things that we could help serve this County in, and many of the complaints that the people have this morning really are self-motivated. I think we really need to look at each other and decide how we really do want to move forward and that we are an inclusive society.

I, too, have heard a lot of negativity this morning. I think you all work very hard to do the right thing, and I'm very grateful for the fact that you are choosing to recognize Native Americans. After 400 years of this government, we are finally getting in the forefront in some sort of recognition here in this County. I hope it continues to the State, as I'm working on policy and resolutions for that.

That being said, I was around when the late John J. Foley created and supported that nursing home and I feel it's important to say that we seem to be picking on the weak whenever we run into tight budget and tight issues in this country, and I think the sick are definitely the weak. I think you are

doing the best you can to balance your budget. I hope that you use Native People and Native resources to help you balance these things. I'm looking forward to that. I do think you do need to keep places open like John J. Foley, because I know for a fact, I've had family members in there, and we do not have a voice. Therefore, they need your government, which is why we're here, because without this passing of this resolution for Native American Month, we would not have a voice. We have no one in representation in government for us, we pay our taxes, and I'm here to thank you for that recognition. And keep John J. Foley open.

*(*Applause*)*

P.O. LINDSAY:

Rose Samuels, followed by Joe Montalbano.

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

MS. SAMUELS:

Good morning. I would like to extend my appreciation and my thanks and gratitude for being afforded the opportunity to speak to my Suffolk Legislators and all under the sound of my voice. I am feeling quite emotional this morning due to the fact that we are declaring this Native American Month. After having not been acknowledged and getting the deserved recognition of Native Americans, I am -- I'm just ecstatic today. Let me give you a little bit of history about who I am.

I am the great, great, great-granddaughter of Paul Kopy whose mural is in the auditorium of the County Office in Yaphank. We now have living on Long Island ten generations from Paul Kopy who was the very first Native American ordained into Christianity. I am also the granddaughter of the Purdue and Murray family who were born -- my grandmother was born in the 1863 on the Vanderbilt Estate in Oakdale. The house that they are now renovating is the house that she was born in. And when they have the dedication of the renovation, I feel very honored that they have asked me to be one of the speakers. Just give me a moment, please.

Native American Month is long overdue. As a Native American, we have missed many opportunities that all of you have been afforded. I'm here today because I would like to ask my County Legislators to afford me the opportunity to share some of my history. The best way and the way that I think would be beneficial to most schools, students, would be for me to be able to do presentations underneath that mural of my great, great grandfather. I don't think this is asking too much.

All of you that are present in this room today have homeland to go back to should you want to. I have no home land. My land was taken. However, along with my land and missed opportunities and everything else, my spirit has not and will not be broken. So I am asking you to please consider my request. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you very much, Ms. Samuels. Our next speaker is Joe Montalbano.

MR. MONTALBANO:

Presiding Officer, Legislature, thank you for this opportunity to speak before you today. I represent Greater New York Laborers, Employees, Cooperation Education Trust, and I would like to speak on two issues. One issue is we are for IR 2044, to adopt the final scoping report for the Yaphank EIS. This passed unanimously in committee and there's no reason why you can't move forward on this. Let this process move forward as to satisfy all environmental concerns with the project.

I would also like to speak on Resolution 1408 for Legislative oversight over Public Works RFP's and RFEI's. We feel at this time it's a bad idea, it's wrong right now, it's wrong for the building trades, and we feel that it would hurt us. And we're against it and we'd like to see it go away. Thank you.

P.O. LINDSAY:

Joe Cangeleri.

MR. CANGELERI:

Good morning. I have a question to this body, and maybe you can answer it. How much tax revenue would be generated for the Suffolk County taxpayers if the Foley Nursing Home is put in private hands and run as a private entity?

P.O. LINDSAY:

We can't answer questions here, just make a statement.

MR. CANGELERI:

Okay. As a long-time union member and Long Island resident, in the private sector real unemployment is about 30%, and some people have been out of work a year to two years; that's a long, long, long long time.

Talking -- the past two meetings, talking to some of the workers at the Foley Nursing Home, okay, I am absolutely amazed, okay, that taxpayer funded employees have a sense of entitlement that they think that they have to have a job for life and their benefit packages have to remain the same. This is not realistic in the private sector and this is coming from a long-time union member. Okay? We've had to give back voluntarily -- this is without renegotiating contracts, okay. We've had to implement three page -- three-tier pay scales, okay. We've had to do major work rule changes. We've had to have reduced benefit packages, including pensions. And a lot of this we've done without sitting down across from the negotiating table because we look at the market and say, "This is not sustainable." Okay? This is a matter of survival.

So again, I'm a little amazed but not surprised at the public sector sense of entitlement. It's not real, okay. You're being offered jobs, it may not be what you want. You may have to give some back, but so has everyone else in this economy and it doesn't look like things are going to turn around until after 2012. Okay.

So I would hope that this body would sustain the budget veto and renegotiate with the County Executive, okay, something that will work for everybody involved. And I personally am going to be watching how every one of you vote on this and I'm keeping tabs. And I'm an active, active voter, I'm not going to go away. Thank you.

Applause

P.O. LINDSAY:

John Guadagno followed by Nancy Dallaire.

MR. GUADAGNO:

Good morning, Presiding Officer Lindsay, Legislature. I'm here to speak on Resolution 2044, adoption of the scoping report. I know it came out of committee unanimous. I know the environmental impact study is a big concern, especially for the Yaphank residents, and we encourage you to continue with the process. Let it go forward, let's see what the environmental impact says at the end to see if this project is worth while doing or we have to adjust it. That's it on that subject.

I guess I have to make a comment about, I guess, the political views in the room lately and after on November 2nd. Like I said, this body, with the leadership of Bill Lindsay, has always looked after Suffolk County. I mean, Suffolk County has probably one of the highest rated bond ratings in the country. It's always looked after its members.

We don't always all agree with the resolutions that come down, but I am one person that's proud of this Legislature, the entire body, because I think they represent all of us in Suffolk County. And don't be discouraged with all this political nonsense right now. Thank you very much.

Applause

P.O. LINDSAY:

Nancy Dallaire followed by Linda Ogno.

MS. DALLAIRE:

Thank you for allowing me to speak here again today. I've come here since -- I've been coming here since 2007 to represents the residents of John J. Foley; I have been proud to serve them for four years now. But I was also disturbed by comments made at the November 3rd budget meeting stating that the State has already been notified about the closure of the John J. Foley Skilled Nursing Facility. Who has given this permission? Has the Suffolk County Department of Health given their consent? The New York State Department of Health approves these actions. I would like to see those documents.

The citizens of John J. Foley have paid their taxes. They have sacrificed their services to this County and now they require our services; services that have been available to all citizens of Suffolk County for over 100 years. This institution that has endured despite years of serious neglect and mismanagement, the same institution that's been receiving brand new furniture and equipment, making renovations just to close or be sold in April? They have installed brand new systems to operate the facility more efficiently, just to shut down or give it away? We've been improving and implementing cost-saving measures; all so we can abolish these service? Who has this authority?

The revenue we are willing to forfeit from a Foley-functioning day-care center that has been successfully sabotaged. We are not willing to explore the full operation of the occupational therapy and state-of-the-art rehabilitation center that exists there? Looking at the 2008 Budget Review Office evaluation of John J. Foley, I do not understand how, with all these improvements, this facility has not shown this Legislative body the potential that's just beginning to show. Why, since 2008, have we not restored the student nursing program which the Budget Review Office Report recommended? This one program that will benefit this County well into the future. And according to this 2000 report, the Skilled Nursing Facility has been decreasing their annual costs. It's moving in the right direction. And we've come this far, all without utilizing programs that really leave you with more cost to John J. Foley, if given the chance.

We deserve to see what else we can accomplish. It's worth looking into before losing our vital public services and losing revenue that Suffolk County can definitely use. With all these improvements since 2008, we are only now realizing their benefits. Allow these benefits to fully impact the operation before you make your decision. Imagine what can be done given a little effort. Please, think about this before making your vote. I ask for your collective support also.

Applause

P.O. LINDSAY:

Linda Ogno followed by Maria Prepscius.

MS. OGNO:

Hi. My name is Linda Ogno, I work for the John J. Foley Skilled Nursing Facility. A couple of things I'd like to address to our Conservative Society for Action.

I'm also a taxpayer. I'm not -- I have no entitlements. I've worked for the County for 22 years, I've worked hard for 22 years. Nobody has just handed me over a paycheck. I've given up many weekends and holidays with my family, but this is the profession that I chose, and I'm not asking for anything. I've lived here all my life.

It's nice how we're blaming the whole budget on John J. Foley. I have my tax bill here and I'd like for all of the society to look at it. You people have done a great job. My County tax is \$90, \$90, and I pay 9,000 a year. They're focused on the wrong things. It's not the County tax that's driving my family, all of our families off of Long Island. It's your school tax. That's what you have to look at. You guys are doing a great job if it's only \$90. I hope everybody can only charge me \$90 and gives me the services that Suffolk County has given me.

Applause

I spoke -- I heard one lady speaking outside about how John J. Foley is losing eight to \$10 million a year. If she knew the facts she would know that's not right, but I'm pretty sure she got those numbers from somebody else.

*(*Laughter*)*

MR. STRAUSS:

Who's listening in.

P.O. LINDSAY:

Who's always listening in. You know, I'm not saying to close John J. Foley or to sell it. I don't believe it's in the best interest of our residents to sell off any of our County assets; not the Foley home, not our County facilities, nothing. This is not the time to bail. We've worked hard to accumulate all these assets, and when things are bad this is not the time to bail out and sell them all. Thank you.

Applause

P.O. LINDSAY:

Thank you, Linda. Maria, I'm sure I messed up your last name. Maria? I'm sorry, here you come. Followed by Dom Ogno.

MS. PREPSCIUS:

It's okay, you got it close enough. Thank you for letting me speak. I just wanted to say we are not the enemy, we at John J. Foley, the residents and the employees. We are also taxpayers and we have the same concerns about the economy and the budget as everyone else does. But the budget is not going to be balanced on the backs of John J. Foley employees and on the sick and people who aren't able to speak for themselves who reside at John J. Foley. That's not how you're going to balance the budget.

We're not talking about cans of peas, we're talking about sick people of all ages. All politics are local; Mr. Rozenberg is not local. Do you really believe in your heart of hearts that he's going to give the same quality of care and concern that we are going to give him -- that we are going to give our people? When we were -- we also have given back a lot of concessions.

Let's see. As far as the violations, we do not hire the administrators. We've had some pretty poor administrators. I know that we can be a profit-making entity. We can provide -- we can get back into the black, but we need a good administration. That's not up to us. That's not up to the people that work there. We would welcome a good administration. We would welcome someone who would really be dedicated and want to whip things back into shape. You're throwing the baby away with the bath water. This -- John J. Foley has been there over -- it's been there almost over a hundred years. It was created for a purpose. Its purpose is to take these people in from Suffolk County. People who live in Suffolk County deserve to be cared for by people from Suffolk County. They don't -- they want to stay in Suffolk County, they don't want to be relocated a hundred years from now -- you know, a hundred miles or more from here.

There but for the grace of God go you and me and your mothers and fathers and your sisters or grandchildren. We don't know what's going to happen in the future, but I ask you to keep your commitment to John J. Foley. It's not -- it's not -- it's a needed entity, we need John J. Foley. We need these people to stay where they are. We are their family and -- I just get choked up about it. But please, please, you gave us a commitment at one time, please keep it. Thank you.

Applause

P.O. LINDSAY:

Thank you, Maria. Dom Ogno followed by Susan Warren.

MR. OGNO:

Hello. Thank you for letting me speak again today. My name is Dominick Ogno and I've been a County worker at John J. Foley for over four years and a volunteer for over 15. Selling John J. Foley, the Skilled Nursing Facility, is not only -- is a crime, or any asset which the County owns, but it is also stealing from the middle class.

If the building gets sold, do us, the taxpayers, get a check? No, we Don't. So in order to keep John J. Foley in the budget, it would only cost the taxpayers three to \$6. I don't know about any of you, but I know I can afford three to \$6. It doesn't even buy anything nowadays. Well, since being a taxpayer, it almost sounds like a no-brainer to keep the building County-ran. And as for Levy giving his pledge that no resident will be left out in the cold at John J. Foley? Well. Obviously none of you even remember what happened at Pilgrim State and where all the residents were released out into the public, and that's a true story.

So I'd like to leave you with a little words of wisdom like I like to do. The true measure of a man or a woman is how he'll treat somebody who will do them absolutely no good. Thank you.

Applause

P.O. LINDSAY:

Okay. Susan Warren followed by Andrew Balistreri.

MS. WARREN:

Yes, good morning to everyone.

MS. ORTIZ:

You have to hold the button the whole time.

MS. WARREN:

Oh, yes. Good morning to everyone. My name is Susan Warren, I'm with the Wyandanch Youth Services, I'm the Office Manager. We've been in existence for over 25 years.

In 2008 we received a \$15,000 cut which really hurt us. Now again this year you're asking for 2011 for a \$30,000 cut. We cannot afford that. The children of the Wyandanch community cannot afford that. As you know, Wyandanch is an economically disadvantaged community. Some families receive Public Assistance and are unable to pay for services that we offer. However, with the services that we offer, in other communities, in other areas it would be considered considerably cheap. We're asking that you please -- I realize this is hard times, but if you could decrease that amount of cut that you have allocated to us. We would appreciate it. We can't afford another cut and neither can the children in the Wyandanch community either. Thank you.

Applause

P.O. LINDSAY:

Okay. Andrew? Andrew Balistreri? Thank you, Andrew.

MR. BALISTRERI:

Good morning, Mr. Presiding Officer and Ladies and Gentlemen of the Legislature. I come before you to just comment on Resolution 1916 dealing with the safe use of air guns.

At a time in this County when we're dealing with a difficult budget process with the potential of people County-wide losing their jobs, their homes and other services, I cannot understand this fixation with the use of air guns. To the best of my knowledge, there's only been one complaint made which caused this resolution to be drawn up. I understand there are no Police reports of injuries or other violence being conducted by people using air soft guns, BB guns or paint ball guns. In fact, the paint ball community is doing well.

The property that's involved in this is operating within the Town of Brookhaven and it appears to be operating within the proper zoning of the Town of Brookhaven; if not, I believe the Town Attorney would be handling that. And last I knew, the zoning in the County of Suffolk is being under the legal jurisdiction of the respective township or the Incorporated Villages, not within the jurisdiction of the County Legislature. So while we're worried about people with paint ball guns and air soft guns, perhaps you should direct your little attention to Newsday or to News 12 with their features dealing with stabbings, shootings, whether it be South Huntington, North Bellport, Wyandanch, North Amityville, Central Islip, Brentwood, and this past weekend over in Commack. I think maybe we have a little misplaced priorities at this time.

I realize this bill does not put people in jobs or anything else, but rather than having the Police chase around parents or grandparents trying to teach some of the young people safe shooting sports, perhaps you should allow them to go after the criminals instead. Thank you.

Applause

P.O. LINDSAY:

Thank you very much. I don't have any other cards. Is there anyone else in the audience that would like to address us? Please come forward, Alex.

MR. STRAUSS:

Good morning, Presiding Officer Lindsay and Suffolk County Legislators. I guess I come here too often, because obviously the people in the audience tonight, I don't know if they're still here, the Conservative people here, but obviously they don't come to all the meetings, or they don't come to the meetings that make any sense.

We had the person here that was going to buy the John J. Foley Nursing Home. He got right up here, told everybody how good he was. How great he was, how he was going to do everything. And then probably one of the most conservative people on the board, Mr. Barraga, asked a question. He says to him, "Well, listen. If you buy this nursing home, will you be able to guarantee that these people will be there for at least a year?" He said, "Absolutely not. How could I possibly do that? I'm in this business to make money." That's all he's interested in is making money. He can care less if he had -- just as long as he has every bed filled, he doesn't care if the people sit there, roll over, keel over. Get him out, get the next one in. That's all he's interested in is money because that's his profit. The guy isn't doing this out of the goodness of his heart. He's not doing this to take care of the people. If it was up to him, he would get rid of everybody, bring in six people and have them just pushed around, drop out little things there and feed these people. There's no need to take care of them. It's illegal. There's a lot of things that are illegal.

Mr. Levy is the guy that put the people that administered the nursing home. He's the one that appointed those people there. The people that work there just do what they're told. They try to do the best thing that they can possibly do to help the people that are living there. Remember, these aren't the people that just stub their toe. These are people that are really, really hurting. And not only really, really hurting, they're the people that don't have anything, any place else to go.

As far as the taxes, is there anybody in this room that likes to pay taxes? Gee, that's amazing, I got a hundred percent. Nobody likes to pay taxes. But you know what? If you don't want to pay taxes, move out. That's the only way you get what you have. Everybody wants everything. They want every possible thing that they can possibly get and they don't want to pay for any of it. Everybody has to pitch in to take care of everybody. You can't just say, "I don't want his thing, I don't want that guy's thing. I don't want this guy's thing because it cost my taxes more." But then when they touch you it's; "Oh, wait a minute, don't touch my stuff. I worked all my life."

I just hope that you people realize that selling the John J. Foley nursing home isn't going to do anything. It's not going to take care of the people that are there. The person that is going to buy the place told you that he was going to sell, cut down the amount of people that were there. And my time is up, I don't want to take any more. Thank you.

Applause

P.O. LINDSAY:

Alex, would you fill out a card? Someone else wants to speak?
Please identify yourself for the record.

MR. SHEEHAN:

Michael Sheehan. Yeah, there's something that stinks here. I've been coming here over two years fighting for John J. Foley and I don't understand, all of a sudden there's a dozen people here talking about selling it. Where have these people been for the last two years if they're so worried about it? I think somebody's got their hand in to the people coming here, because I ain't seen none of them in two years fighting for this place and now all of a sudden they're against it? No, there's something fishy here. Thank you.

Applause

P.O. LINDSAY:

Is there anyone else in the audience that would like to address the Legislature? Come on up.

MR. CASTELLANE:

Good morning. Thank you for letting me address the Legislators. I, too, agree with --

MS. MAHONEY:

State your name, please.

MR. CASTELLANE:

Excuse me?

MS. MAHONEY:

State your name.

MR. CASTELLANE:

Oh, my name is Jim Castellane, I am the President of the Building and Construction Trade Council. I, too, agree with that young lady that was up here, you guys are doing a great job in Suffolk County. You're doing the best that you can. It's not easy.

When people see the bickering and the fighting that could be going on from one side to upstairs, in my particular situation it affects my members going to work. So that's why every project I'm going to support. I want to build every project we could possibly build, and that's what I get paid to do. And that's why I'm coming here today, to ask you to go with 2044. Let's move it along. I need to put my people to work. I know there's a lot of issues with it, we've discussed this before with both sides, but let's move on. Let's get it going so I could put some people to work and we can get Long Island back. But that young lady said it right, you's are doing a hell of a job out here with what you have to work with. So thank you, and I would appreciate it if you would push it ahead. Thank you.

Applause

P.O. LINDSAY:

Thank you, Jimmy. 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.

LEG. BARRAGA:

So moved.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Viloría-Fisher - Absent: Legislator Cooper).

P.O. LINDSAY:

Okay. We've got about a half an hour. I'm going to go to the agenda. We'll start on page five with the Consent Calendar. Do I have a motion?

LEG. MONTANO:

Motion.

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern seconded by Legislator Romaine.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislator Viloría-Fisher - Absent: Legislator Cooper).

P.O. LINDSAY:

Okay, the Consent Calendar is passed.

If yo go to page eight in the paper format, **Resolutions Tabled to November 16th:**

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

LEG. ROMAINE:

Motion to table.

P.O. LINDSAY:

Legislator Romaine makes a motion to table. I'll second that.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislator Viloría-Fisher - Absent: Legislator Cooper).

P.O. LINDSAY:

1559-10 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Police Department (Range Officer I)(County Executive). I'll make a motion to table.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Viloría-Fisher - Absent: Legislator Cooper).

P.O. LINDSAY:

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

LEG. KENNEDY:

Motion to table, Mr. Chair.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Viloría-Fisher - Absent: Legislator Cooper).

P.O. LINDSAY:

1606A is moot because of the tabling.

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). Legislator Montano.

LEG. MONTANO:

Yes, I'm going to ask -- make a motion to table because we're waiting for an inter-municipal agreement to be worked out between the town and the County.

P.O. LINDSAY:

Okay, thank you. Motion to table by Legislator Montano. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislator Vioria-Fisher - Absent: Legislator Cooper).

P.O. LINDSAY:

Page nine, **Budget & Finance:**

1922-10 - Amending the 2010 Operating Budget and transferring funds within the Police Department to fund additional surveillance cameras in the Town of Huntington (Cooper).

I believe Legislator Cooper wants it tabled, right? I'll make a motion to table.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Vioria-Fisher - Absent: Legislator Cooper).

P.O. LINDSAY:

2027-10 - Amending the 2010 Operating Budget and appropriating funds in connection with bonding a settlement for a General Liability Case (County Executive).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory. Do I have a second? I'll make a second. All in favor? Opposed? Abstentions?

LEG. MONTANO:

Abstention.

LEG. ROMAINE:

Abstain.

MR. LAUBE:

Fourteen (Abstentions: Legislators Romaine & Montano - Not Present: Legislator Vioria-Fisher - Absent: Legislator Cooper).

Economic Development, Higher Education & Energy:

P.O. LINDSAY:

1999-10 - Appropriating funds in connection with security notification - College wide (CP 2140) (County Executive).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Not Present: Legislator Vilorio-Fisher - Absent: Legislator Cooper).

P.O. LINDSAY:

On the accompanying Bond Resolution, 1998A, same motion same second. Roll call.

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

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Absent).

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Opposed: Legislator Barraga - Not Present: Legislator Viloría-Fisher - Absent: Legislator Cooper).

P.O. LINDSAY:

Okay, *IR 2000-10 - Appropriating funds in connection with infrastructure - College wide (CP 2149) (County Executive).*

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Not Present: Legislator Vilorio-Fisher - Absent: Legislator Cooper).

P.O. LINDSAY:

Same motion, same second. Roll call on the accompanying Bond, 2000A.

MR. LAUBE:

Can I get the motion and second again on that?

P.O. LINDSAY:

It was Horsley and Nowick.

MR. LAUBE:

Thank you.

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

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Absent).

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga- Not Present: Legislator Viloría-Fisher - Absent: Legislator Cooper). .

P.O. LINDSAY:

Okay, *2014-10 - Authorizing Phase II of energy assessment of the William H. Rogers Legislative Building (Presiding Officer Lindsay)*. I'll make a motion.

LEG. D'AMARO:

Second.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislator Viloría-Fisher - Absent: Legislator Cooper).

Environment, Planning & Agriculture:

P.O. LINDSAY:

1990-10 - Extend deadline for the Equestrian Task Force (Eddington).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen.

D.P.O. VILORIA-FISHER:

I'm right behind you.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Absent: Legislator Cooper).

P.O. LINDSAY:

2003-10 - Appropriating funds in connection with the Peconic Bay Estuary Program (CP 8235)(County Executive).

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. SCHNEIDERMAN:

Tim, cosponsor.

LEG. ROMAINE:

Cosponsor.

MR. LAUBE:

Fifteen (Opposed: Legislators Barraga & Kennedy - Absent: Legislator Cooper).

P.O. LINDSAY:

Okay. Same motion, same second. Roll call on 2003A, the Bond, the accompanying Bond Resolution.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Absent).

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislators Barraga & Kennedy - Absent: Legislator Cooper).

P.O. LINDSAY:

2004-10 - Appropriating funds for the study and monitoring of public health related harmful algal blooms (CP 8224) (County Executive).

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine. Seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Opposed.

MR. LAUBE:

Fifteen (Opposed: Legislators Barraga & Kennedy - Absent: Legislator Cooper).

LEG. ROMAINE:

Cosponsor, Tim.

LEG. SCHNEIDERMAN:

Cosponsor as well.

P.O. LINDSAY:

Okay. On the accompanying Bond Resolution, 2004A, same motion, same second. Roll call.

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

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Absent).

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislators Barraga & Kennedy - Absent: Legislator Cooper).

P.O. LINDSAY:

2005-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Brookhaven Trust Property - Pine Barrens Core - Town of Brookhaven - (SCTM No. 0200-465.00-04.00-002.000) (County Executive).

LEG. EDDINGTON:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Abstain.

LEG. ROMAINE:

Tim, please list me as a cosponsor.

MR. LAUBE:

Yes, sir. Fifteen (Opposed: Legislator Barraga - Abstention: Legislator Gregory - Absent: Legislator Cooper).

P.O. LINDSAY:

IR 2006-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the McGahey and Ledogar property - Sagaponack Woods - Town of Southampton - (SCTM Nos. 0900-056.00-01.00-001.002 and 0900-056.00-01.00-065.000) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

D.P.O. VILORIA-FISHER:

I'll second that.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Abstain.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Abstention: Legislator Gregory - Absent: Legislator Cooper).

LEG. SCHNEIDERMAN:

Tim, cosponsor.

P.O. LINDSAY:

2044-10 - Making a recommendation concerning adoption of the Final Scope for the draft Generic Environmental Impact Statement for the declaration as surplus and subsequent

sale of 255± acres of County owned land in Yaphank for mixed use development purposes, Town of Brookhaven (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. KENNEDY:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. BROWNING:

On the motion.

LEG. KENNEDY:

Mr. Chair, do we have anything as far as just a brief summary of what the scope is at this point; either Counsel or maybe somebody from the committee.

P.O. LINDSAY:

Who do we have?

D.P.O. VILORIA-FISHER:

Michael Mule is here, and so is Tom Isles.

P.O. LINDSAY:

Would that suffice, Legislator Kennedy, if we hear from the department?

LEG. KENNEDY:

Sure.

D.P.O. VILORIA-FISHER:

They can certainly be more thorough than I can on it.

DIRECTOR ISLES:

Thomas Isles. Yes, the scope is included with the package before you. It is about 30 pages, it describes the content of the Draft Environmental Impact Statement that would be prepared for this project. It was the result of a process that began in March with a public hearing, as well as an open public comment period enabling written comments. It was then reviewed by the Council on Environmental Quality at two meetings of the Council. The Council at this point has recommended, I believe by unanimous resolution, the adoption of this scope.

The purpose of this is to outline, here again, the content of what should be studied in the impact statement. It is not making any conclusions or determinations about the project.

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Tom. And I apologize, I was up until midnight trying to go through the budget amendments and the impacts and trying to sort that stuff out. I will say that I did not get to read the 30-page scope.

There is a ground water -- I'm sorry. There's a Carman's River Task Force, Watershed Task Force under way in the Town of Brookhaven. Does this scope make any reference to that work, or will there be any kind of consideration in our range of evaluation of the work that's going on with the Carman's River watershed work at Brookhaven Town level?

DIRECTOR ISLES:

There is no question that this study will take into consideration the impact, any impact that may occur to the Carman's River itself. So yes, that is being addressed in this study. And in fact, it's one of the principal environmental impacts that's been identified in the public scoping process.

With reference to the specific group that was announced by the Town of Brookhaven about a month ago, that is on track, as I understand it, to be completed by January 20th. So certainly any recommendations that come out of that could be considered in the draft impact statement process. So we began this much earlier than when they started their process. But in answer to your question, it is a key environmental concern that's been identified, it will be fully analyzed in this study. And certainly, the timing is such that we can take whatever comments they provide and share those during the Draft Environmental Impact Statement process as this proceeds into next year.

LEG. KENNEDY:

Legacy Village is very specific in the various phases. The County Executive has spoken about I think a thousand apartments, some kind of a sports stadium for an esteemed yet-to-be-named. But in scoping, do you look at other uses for that property or is the scope focused just on what's been proffered with Legacy Village?

DIRECTOR ISLES:

The scope does look at other uses for the property. There are a number of distinct alternatives that are being considered. Certainly the proposed Legacy Village development -- which, by the way, is primarily owner-occupied units, not rentals -- would be considered as part of this, certainly. But there are alternatives being considered such as if the County retains it for County use and develops it for additional institutional County-like facilities, that will be examined. If the County sells it based on the current zoning of the property, which is principally 75% industrial, 25% residential, that alternative will be evaluated as well. A new alternative was added by CEQ, which was the alternative of just keeping it as open space, that will be analyzed as well.

So there are three development alternatives being considered; Legacy Village, County use for institutional uses and current zoning for the town. This is being established as a key threshold and criteria meaning that if something less than that is eventually approved by the town, we're going to look at the maximum development under all those scenarios.

LEG. KENNEDY:

I appreciate this. There's -- I have a resolution, 1670, that would look at the industrial component only --

DIRECTOR ISLES:

Right.

LEG. KENNEDY:

-- and offer it as an alternative in simple, straight-forward auction and put it out there on the market for whatever the highest price would be that was realized. Twelve million is the monetary amount attached to -- I forget what that is, is that Parcel D, Parcel A? I forget what the industrial piece --

DIRECTOR ISLES:

It's identified as Area D.

LEG. KENNEDY:

Parcel D.

D.P.O. VILORIA-FISHER:

The word "area", not parcel.

DIRECTOR ISLES:

We identify them as areas.

LEG. KENNEDY:

I'm sorry. Okay, area. And by the way, that area is yet to actually be created. That's something that's been, I guess, looked at out of a greater 200 or 250-acre, larger component and it's been identified at 95, correct?

DIRECTOR ISLES:

That's correct.

LEG. KENNEDY:

Okay. Does the scoping look at the monetary aspects associated with the current contract? In other words, the 95 or 12 million is about \$126,000 an acre. When you scope and look at alternatives, will you look at what, in fact, might be the highest amount of money to be realized were it offered for straight-forward sale?

DIRECTOR ISLES:

No, that is not an environmental impact that is analyzed as part of this review. This is looking at the environmental impact of the different development or preservation scenarios.

LEG. KENNEDY:

Well, yes, but SEQRA does allow you to go ahead and look at economic and social impacts secondary to a primary environmental assessment, correct?

DIRECTOR ISLES:

That is correct. And we are doing that in the sense of looking at the full environmental impacts of this proposal which will include potential impacts, for example, to the school districts, to the other service districts and so forth, as well as the other side of the coin being job creation, economic development and growth and so forth. But in terms of your point of a specific real estate appraisal based on different scenarios, that is not being done as part of this and is not typically done as part of a document like this.

Let me just add one other point to that, if I could. And that is that this has been structured specifically to look at this in the entire four sections, A, B, C, D, but also to enable the Legislature ultimately to pick and choose. So if the Legislature chooses to look at the impact of just D or A or whatever it may be, those impacts will be identified separately and the choice will then be there for you and the County Executive to make your decision based on the full range of information.

LEG. KENNEDY:

What kind of timeframe do you look at at this point? Where are we at with scoping and when would you expect to have at least some preliminary batter for us or recommendations for us to look at?

DIRECTOR ISLES:

The key thing we need to do right now, we would respectfully request your consideration and approval of this scope, because that really is necessary for us to complete the preparation with our consultant of the Draft Environmental Impact Statement. So in terms of the timing, it's very dependent on the actions you take and, here again, the subsequent actions that we take.

If you see fit to approve this today, which we would request, we will then work with our consultant to finalize the information, the data, the research and so forth that's going to go into this environmental impact statement. In terms of the timing, it's very difficult to say but I'm estimating that if we were to get approval of this now, we could proceed in the early part of 2011, the first quarter, to have a document ready for review and go through a process that does require a public hearing, public comment period and so forth. But getting back to your question when would you have the opportunity as a Legislature to look at, I would see it as being the first quarter of 2011.

LEG. KENNEDY:

I'm a little concerned about the fact that we're not looking specifically at the maximum value to be realized for disposition of this land. So then I guess I would ask, can the scope be amended, or if we vote today, is that then the fineless scope? In other words, if I was to write to the Council to ask that the scope be amended, is there ability to take a look at that alternative, or is this straight up or down today?

DIRECTOR ISLES:

I'm not going to say whether this is straight up or down today. But I will say in my experience, the idea of looking at a real estate appraisal process as part of the EIS is not something that I've ever seen. So I respect your request and I think maybe that should be a separate consideration or process. It's not typically part in an environmental impact statement analysis, so it's not something I would recommend to you to take an action today.

LEG. KENNEDY:

But we're not in typical times. We've heard all morning long about how the bottom is falling out of the County and we've got to sell buildings and do all other kinds of things and dispossess funds.

P.O. LINDSAY:

John, if I could just interrupt. I have a list. I'd like to get through this resolution. I think Mr. Isles has answered twice --

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

-- that the value of the property is not something that EIS would do. It's something that we'd have to do in another venue.

LEG. KENNEDY:

Okay. All right, thank you. I appreciate it. Thank you, Mr. Chair.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I didn't support the EIS and I can't support the scoping document either. I look at 1,400 units of housing in one school district when there's another 800 units being proposed that is moving along and is currently supported by the Town of Brookhaven, by the community. You know, these people who were here today talking about tax increases and not wanting to pay taxes, think about the Longwood School District and the tax impact on them. And this is a plan by the County Executive, that he's going to increase the school taxes of every Longwood School District resident if this project was to move forward.

You know, we're spending a half of million dollars of your tax dollars for this EIS. I believe this project is going to die a very slow death. It is not supported by the community, it is not supported by the school district. It is going to have a very severe impact on the community. It is not well planned out. It's 1,400 units of housing in one school district; I think that's an absolute disgrace to even consider that.

Affordable housing? Absolutely not. I represent a community, and the lady from Patchogue talked about homes that are closing up on her block. I have many foreclosures in my community, everywhere from \$150,000 and up. We need to take care of that housing stock before we build 1,400 new homes. The developer himself told me that the average price of a home in Legacy Village Levy, Levy World, is about \$300,000; that's not affordable. I don't know about him, but I don't consider that to be affordable. So we're asking taxpayers to pay for this EIS. If we -- we have the 95-acres that there are many people who say would like to move that 95-acres ahead, we'd like to surplus that land, we'd like to sell it. If we didn't have the Legacy Village plan, we could be surplussing that 95-acres and selling it, and possibly down the road maybe surplus a little bit more land and sell it and then the EIS would not have been needed.

So we're spending a half of million dollars on a project and on a plan that is a bad plan and you, the taxpayers, are paying for it. So I cannot support spending your tax dollars on a wasted plan, on a very bad plan.

UNKNOWN AUDIENCE MEMBER:

Thank you.

Applause

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. My colleagues have made some very good points. I have some questions for Mr. Isles' regarding the EIS, or Mr. Kent.

Now, I've looked at the scoping documents, some of my comments are part of the scoping document. And there have been many changes in Suffolk County since the time that I served on the Affordable Housing Commission, and at this point in time, we're in a very different economic period in Suffolk County. And as we go forward, we seem to be moving toward the surplussing of

that 95-acre area, part of the plan.

As we move forward, if this Legislature were to make the policy decision to surplus other portions of this Legacy Village project, but without the design that had been in the original Legacy Village proposal, if we simply wanted to sell it at auction to the highest bidder, is that clearly -- is that in contradiction to any part of the alternatives that are in the EIS? To my eyes, it doesn't seem to be a contradiction, but I just wanted to have your answer to that on the record.

DIRECTOR ISLES:

I don't believe it would be a contradiction either because the EIS is specifically looking at a number of alternatives, a number of scenarios. So in terms of your statement, if the Legislature decided, you know, at the end of the day to make a policy decision to just sell the land as vacant land under the current zoning, let's say, this document will look at that alternative. So therefore, you would have satisfied SEQRA. You would have complied with the law at that point. So I think that's one of the benefits of this, is that it gives you that choice down the road to make that policy decision.

D.P.O. VILORIA-FISHER:

Okay. So then this doesn't tie us to any -- in any policy direction. We are the policy makers. We will look at the scoping, we will look at the final EIS and the determinations and the discoveries and make our own policy decision. This doesn't lead us in a policy direction.

DIRECTOR ISLES:

It does not. And you will then be required, as the lead agency, the Legislature, to adopt findings in terms of what did you determine in terms of the environmental impacts. And then, of course, you have the policy choice on the contract in terms of whether you choose to proceed or not proceed.

D.P.O. VILORIA-FISHER:

Okay. Now, if we were to sell portions of these properties, then it would be up to the Town of Brookhaven as lead agency to determine how the future owners of that property were to develop the land.

DIRECTOR ISLES:

Right. The Town of Brookhaven would control zoning for private development of the property. Obviously, the County is exempt from zoning at this point in time. So in answer to your question, if the County were to sell the property, then the property owners would have to comply with all zoning and land development requirements that would apply to the Legacy Village proposal and any other private development of that property.

D.P.O. VILORIA-FISHER:

Okay. And as far as -- Legislator Browning, I certainly agree with much of what you said, that we can't burden any one school district. And that it was -- the plan really favored one school district over another, one getting all of the benefits and the other one all of the burdens.

But I feel that the EIS is important because I want it to have all of the facts available to us regarding the properties, regarding the impact of that project so that we could say -- and I believe that the impact would be too great, on the communities and on our environment. And so we would have the facts on our side that we couldn't move on with this project, as well as all of the economic considerations to the taxpayers that you've set out so clearly.

LEG. BROWNING:

Bill?

D.P.O. VILORIA-FISHER:

I'm happy to hear and have it verified that this does not set us in a policy direction. We will make our judgment and the economic judgments, Legislator Kennedy, that you referred to. We have to look at the benefits to the people of Suffolk County, to the taxpayer. Our budgetary and our fiduciary responsibilities, that doesn't have to be stated for us in the EIS. The EIS gives us all of the environmental impacts, we will make the judgment on the economic impacts and proceed as the policy makers, proceed based on all of these different data sets that we'll be getting from different sources. We would need an appraisal to be done to see what we should ask for the property, because the \$12 million that's been thrown out there was part of a larger package. So we would have to look at different parcels on their own merits as we surplus portions of this larger project. So these are all different levels of information that we would have before us to make our decisions. So I know \$600,000 is a lot of money, but I think in the end it will give us a lot of information and help to inform the decisions we make. Thank you, Mr. Chair.

P.O. LINDSAY:

Legislator Browning, we've got about a minute.

LEG. BROWNING:

Yeah, Vivian, just real quick. I mean, I respect everything. I know when it comes to environmental issues, I always ask you the questions. However, Legacy Village is the reason why we have to do the EIS. If we did not have a Legacy Village plan and we decided to surplus 95-acres, say this year, and sell it, and maybe next year surplus some more land and sell it, would we have had to do this EIS?

D.P.O. VILORIA-FISHER:

Probably not.

LEG. BROWNING:

Probably not, okay. So that's why I'm saying, \$600,000 on something that is basically -- and the problem is the developer will pay the money back if he gets his project, and we know that's not going to happen. So it's going to be on the backs of our taxpayers.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I'll make it very quick. Longwood School District strongly opposes and has consistently opposed this, because they know they will build a new elementary school, add on to their middle school and add on to their high school and spike their taxes. I represent, along with Legislator Browning and Legislator Losquadro, Longwood School District, which is a property-poor school district -- property-wealth poor school district.

In one fell swoop this project will double, almost double the size of the housing stock in Yaphank. And we're told we need to build this because we don't have enough affordable housing. I'm sorry I missed that point, because when I open the newspapers, there's tons of housing for sale and tons of foreclosures. We have plenty of affordable housing.

The other thing that I think we should know is this land is not zoned for housing. And this town board, the last time I looked in Brookhaven, is not in favor of rezoning it. But there are 95 of these 255-acres that are zoned for industrial that everyone, or just about everyone in this Legislature is prepared to sell. We can raise money immediately. It doesn't need an EIS, we don't have to spend \$600,000 on an EIS. We're prepared to sell that land, it's properly zoned and we're ready for people to be put to work building an industrial park. That could be done now. This is the wrong

way to go. Thank you.

P.O. LINDSAY:

Do you's want to pick this up after lunch?

LEG. MONTANO:

No, let's vote.

LEG. EDDINGTON:

No.

P.O. LINDSAY:

Okay. Well, I still have Legislator Cilmi and Mr. Kent wants to comment. If you want to keep going, we'll keep going.

LEG. CILMI:

Just very briefly. Thank you, Mr. Chair. And thanks to the deference of my colleagues.

Just quickly. You know, this is just one -- as Legislator Fisher said, this is just one in many steps that the Legislature will have an opportunity to weigh in on this issue. The best way to create jobs in this County is to stop preventing them from being created. So let's get this one out of the way and let's move on to the next. Whether or not we approve this project can be determined in the following steps. Let's get this step out of the way and approve it. Thank you.

P.O. LINDSAY:

Mr. Kent, quickly.

MR. KENT:

Quickly. I just have heard a lot of what I think are factual errors or misstatements. The study is not to exceed 450,000, just to put that out there. I've heard 500, 600,000. The housing is 1,200 units of housing and over approximately 785 of those would be affordable.

Let me go into the segmentation issue. It's important to note, first of all, that a GEIS is a very broad and inclusive study. It's going to study all the significant impacts that could occur if the property is developed as proposed under the RFP. This becomes the basis for any future action that the County chooses to take on this property that it owns in Yaphank. Your decision making will be done in the future based on this study. It's already going forward. You approved the study, you've approved the funding of the study. The study is moving forward, this is the scope of issues which will include a study of the impact upon the school district. That's one of the issues to be studied, how significantly the impact will be upon the school district if the proposal goes forward. This becomes the basis for your decision making.

If at this point you go in a different direction, there is a potential for an argument to be made that you're segmenting other portions of a proposal that you will lose, or at least you'll be tied up in litigation for a long time. You should let the study go forward which becomes the broad statement of science, it becomes the facts upon which you can make all future decision making. It's scheduled to be in draft form in January, completed and presented to the CEQ in February and it could be back before this Legislature as soon as March. So I think you should let this go forward. It will become the basis for your decision making, your findings and your determinations on going forward with any project on this property. So I think you should go forward with this study, it becomes the basis for your decision making.

P.O. LINDSAY:

Okay, Mr. Kent. All right? Everybody okay? We've got a motion and a second. Roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:
(Absent).

P.O. LINDSAY:
Yes.

MR. LAUBE:
Thirteen.

P.O. LINDSAY:
Okay. We stand recessed until 2:30.

*(*The meeting was recessed at 12:35 P.M. *)*

*(*The meeting was reconvened at 2:34 P.M. *)*

P.O. LINDSAY:
Okay, welcome to the afternoon session of our Legislative meeting. We'll be going into public hearings. The first public hearing before us is IR 1408.

MR. LAUBE:
Legislator Lindsay, would you like a roll call?

P.O. LINDSAY:
Oh, yeah, please call the roll. Forgive me, Mr. Clerk.

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

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Present.

LEG. BROWNING:
Here.

LEG. MURATORE:
Here.

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. CILMI:
Present.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

(Not present).

LEG. D'AMARO:

(Not present).

LEG. COOPER:

(Absent).

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

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

P.O. LINDSAY:

Okay. As I said before, welcome to our afternoon session.

Before us is Public Hearings. First up is IR 1408-10 - Adopting Local Law No. -2010, A Charter Law to increase legislative oversight of RFP process (Romaine). Mr. Clerk, I don't have any cards yet. Could you have the folks bring them in?

MS. LOMORIELLO:

We don't have any cards yet.

P.O. LINDSAY:

We don't have any cards?

LEG. NOWICK:

No cards?

D.P.O. VILORIA-FISHER:

We don't have any for this one.

P.O. LINDSAY:

Okay, we don't have any cards for IR 1408, it's a Charter Law to increase legislative oversight of RFP process. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Stern & D'Amato - Absent: Legislator Cooper).

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). Again, I don't have any cards on this subject. Is there anyone in the audience that would like to speak on 1782? Seeing none, Legislator Browning?

LEG. BROWNING:

Motion to recess.

P.O. LINDSAY:

Motion to recess.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Stern & D'Amato - Absent: Legislator Cooper).

P.O. LINDSAY:

Okay. ***Public Hearing on IR 1834-10 - Adopting Local Law No. -2010, A Local Law to Standardize Home Energy Audits in Suffolk County (Horsley),*** and we do have few cards. First up is Kevin Rooney.

MR. ROONEY:

Good afternoon, Presiding Officer Lindsay, Members of the Legislature. For the record, my name is Kevin Rooney, I am the Chief Executive Officer of the Oil Heat Institute of Long Island.

LEG. HORSLEY:

Kevin, is your mike on?

MR. ROONEY:

I'm holding it down.

LEG. LOSQUADRO:

Just speak a little closer.

MR. ROONEY:

The little green light is on,

MS. LOMORIELLO:

Just pull the mike a little closer to you.

MR. ROONEY:

You know, we've got to come up with a better system than this. I rise to speak this afternoon in favor of IR 1834. This legislation intends, and in our opinion succeeds, in doing the following: One, it brings a greater degree of conformity and uniformity to the burgeoning home energy audit and energy efficiency upgrade markets. Two, it defines the qualifications, accreditations and certifications necessary to be considered a home energy auditor, which qualifications can be provided by a wide variety of recognizable accrediting entities. Three, it establishes clear, measurable, quantifiable criteria and requirements for the performance of a home energy audit. Four, it requires registration and an adostation and submittal of proof of qualifications with the Department of Consumer Affairs. Five, it exempts from the law those entities offering services to the consumer which by definition are not as comprehensive as an energy audit, such as home energy use assessments and surveys or energy conservation advice and assistance, thus avoiding the possibility, however remote, of this law being construed as violative of applicable anti-trust laws, as a restraint of trade. And finally, it stops those entities which do not provide a full measurement-based home energy audit from advertising that they, in fact, do. Thus, the consumer will know exactly what they are getting ahead of time and will only pay for actual services rendered. All in all, this is a good piece of legislation and I strongly urge your support for it. Thank you.

P.O. LINDSAY:

Thank you, Mr. Rooney. Next up is Andrew Manitt.

MR. MANITT:

Good afternoon, Mr. Presiding Officer, Members of the Legislature.

D.P.O. VILORIA-FISHER:

Are you pressing the button?

MR. MANITT:

Yes, I am. I have to get closer, do I? Okay. I'll hunch over a little bit. I am Andrew Manitt, Research Director of the Sustainability Institute at Malloy College and I am speaking in favor of this legislation.

Improving the efficiency of homes is vital to the environment and Long Island's economy. Thirty-nine percent of greenhouse gases generated on Long Island are from the residential sector. The average Long Island household can spend as much as \$5,000 a year on home energy costs. And in many cases, investment of no more than a few thousand dollars on home improvements can save homeowners more than a thousand dollars a year. This means that the best investment many people can make is to improve the energy performance of their homes. It pays back the initial investment quickly and provides significant savings for years.

According to the U.S. Department of Energy, each dollar spent on energy efficiency results in \$2.23 of activity in the local economy. In contrast, paying utility bills it's only about \$1.66 of economic activity. Simply put, money spent on fuel leaves Long Island, money spent to improve homes stays here and creates jobs. Because of this, a high percent -- because of the high percent of oil-heated homes ` here on Long Island, inefficient homes are directly linked to our dependence on foreign oil

and our economy's susceptibility to oil price shocks.

For all of these reasons, programs to encourage homeowners to improve their home's energy performance have been identified as important means to save energy, clean up the environment, create jobs and foster economic growth. And there's a multiplicity of programs from the utility level, LIPA and National Grid, local towns, the Town of Babylon, the State, their Weatherization Assistance Program, the new Green Jobs Green York Program and Home Star legislation being considered in the U.S. Congress that are designed to encourage people to improve the energy performance of their homes. Almost all of the programs that I've listed that target significant modifications to a home employ a home energy audit, a comprehensive diagnostic test of the home to determine how it uses energy and to identify the improvements that would make the most -- that would be most cost effective and it provides assurance of occupant safety.

A research report that we did and released back on June 18th found that unfortunately there's no current law that sets a standard in the marketplace for what can be advertised as a home energy audit, and this can lead to consumer confusion and people not getting what they pay for, and that's exactly what this law would do. It's a truth in advertising law. It ensures that homeowners who are interested in improving the energy efficiency of their homes and saving money on energy bills get what they pay for. It will also raise the professional standards and credibility of this burgeoning new green industry here on Long Island. And that is why I am encourage you all to vote in favor of this measure. Thank you.

P.O. LINDSAY:

Thank you, Mr. Manitt. Next is Michael Murtha.

MR. MURTHA:

Good afternoon, and thank you for allowing me to take a moment of your time. My name is Michael Murtha, I'm President of Murtha Construction and we are a home performance company.

Three weeks ago -- I want to tell you a little story. Three weeks ago we did a LIPA-sponsored energy audit at the home of Marlene Mason. As we went through the paces of the energy audit using standardized testing practices, soon our carbon monoxide detectors began ringing out indicating dangerously high levels of carbon monoxide. It's the silent killer. We immediately vacated the house and located the cause; it was a disconnected flue pipe from the gas-fired hot water heater was pumping CO into the house.

Now, mind you, this was early in the fall, only three weeks ago, and the house wasn't buttoned up for the cold winter months yet which would have exacerbated that condition. Had it been wintertime, I feel that the Mason -- Mrs. Mason and her family would have been subject of a much different kind of story. We are convinced at Murtha that we had saved a life that day.

After interviewing Mrs. Mason who lives with her mother, home-bound mother and handicapped daughter, we found out that she had been having headaches and was experiencing fatigue; undeniable signs of carbon monoxide poisoning. Had Marlene called for an unqualified energy auditor, not -- did not perform the correct testing that we are required to test, the story definitely would have been different.

It is for precisely this reason that we find ourselves gathered here today contemplating the regulation of the energy audit profession within Suffolk County. I respectfully urge the County Legislator -- Legislature to put forth a common sense law fundamentally purposed with protecting the inalienable rights of its citizens. This is a good law and thank you very much.

P.O. LINDSAY:

Thank you, Mr. Murtha. And congratulations on a job well done.

MR. MURTHA:

Thank you.

P.O. LINDSAY:

Marlene Mason.

MS. MASON:

How are you? My name is Marlene Mason and I'm the person that Mr. Murtha just stole all her thunder.

(*Laughter*).

He shared my whole testimony that I was going to say. But I do want to say in reference to as being a consumer, I'm grateful that they did come in and do a thorough check, because as he stated, I take care of my Mom who has Alzheimers, and I also have a grand-daughter that I take care of that has cerebral palsy, they're both wheelchair-bound. And based on them being able to come in and not just gloss over, but really brought in equipment, did a thorough check, it did, I believe, save our lives, because we had not shut down the windows and locked everything.

But I also want to say in reference to passing legislation, and not only my -- I can only speak from -- I live in North Amityville and a lot of -- I believe, this is my opinion -- minority neighborhoods don't tend to seek out a lot of programs that are available, for whatever reason. And I think by passing legislation, not only in my instance saving lives, I believe you can help a lot of other -- help avert a lot of other catastrophes in older homes. My home was built in '66, and who knows how long I would have gone without actually getting somebody reading the carbon monoxide. And I -- I do believe that there are other homes in the same state that are not as lucky as I have been to have somebody to alert me before a catastrophe happened. Thanks.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Ms. Mason, I'm glad you're with us for the other gentleman to steal your thunder.

(*Laughter*)

MS. MASON:

I am too.

UNKNOWN AUDIENCE MEMBER:

Good point.

P.O. LINDSAY:

Therese Kinsley.

MS. KINSLEY:

Hi. Good afternoon.

MR. LAUBE:

You have to hold it down.

MS. KINSLEY:

I've never done this before. Okay. Thank you, Legislator Horsley and the Suffolk County Legislature for the opportunity to appear on behalf of Supervisor Frank Petrone and the Huntington Town Board. I'm Therese Kinsley, Chief Sustainability Officer for the Town of Huntington which was the first town on Long Island to appoint a Chief Sustainability Officer. I'm also a professional engineer and a lead AP and Supervisor Petrone's appointee to the Suffolk County Home Energy Efficiency Task Force chaired by Legislature Viloría-Fisher.

Huntington was concerned about the potential conflict between the original bill as proposed in August and our Huntington Eco-Homes Program, or Energy Efficiency and Conservation Options Program.

Our program is an hour program modeled on DOE for home energy walk-through. Huntington's Tiered 1 Program focuses on energy education, featuring low cost, high ECM's or energy conservation measures. In addition, Eco-Homes is a feeder program for advanced or Tier 2 retrofits that require a home energy audit under a home performance with Energy Star and Green Jobs Green New York in which Huntington is participating.

The County can regulate the definition of a home energy audit using BPI standards but should be careful not to favor one approach to efficiency over another. The home energy efficiency industry is evolving and in development. We agree that the current comprehensive retrofit standard, our Tier 2 model, is home performance with Energy Star requiring a home energy audit that is a measurement-based diagnostic analysis using the BPI certified contractor. The industry is currently in flux on the Federal and State level and could change in the future. Therefore, Suffolk County's regulations will have to keep pace; no pun intended.

*(*Laughter*)*

Home energy audits alone may miss an important segment of the population that U.S. DOE has targeted, those whose finances limit the investment they can make but want to learn more about energy efficiency and may be in a position to make simple energy savings improvements. As amended, Introductory Resolution 1934 limits itself to a specific task of defining and regulating advertising and those permitted to conduct home energy audits. Huntington, therefore, withdraws its prior concern. We would like to thank Legislator Horsley for the courtesy of working with us and we would also like to thank Legislator Viloría-Fisher for stressing the need for home energy efficiency -- for the Home Energy Efficiency Task Force to continue to examine a multi-tiered approach to stimulate the home energy efficiency programs in Suffolk County. Thank you.

P.O. LINDSAY:

Ms. Kinsley, Legislator Viloría-Fisher has a question for you.

D.P.O. VILORIA-FISHER:

Actually, I wanted to thank you, Therese, for -- because the issues that Huntington had helped us to hone in on where we needed to make the adjustment, and you worked very hard on that. And I thank Legislator Horsley for hosting that meeting where all of the minds got together to do the amendments.

MS. KINSLEY:

It was a very constructive operation, the whole thing. So we thank you again for allowing us to participate in the whole development of this. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Therese.

P.O. LINDSAY:

Okay. Next up is Rosemary Olsen.

D.P.O. VILORIA-FISHER:

No, wait, there's still somebody else on this.

P.O. LINDSAY:

Yeah, this is it.

D.P.O. VILORIA-FISHER:

Oh, I thought she was on a different one. I'm sorry. I apologize.

MS. OLSEN:

Good afternoon. My name is Rosemarie Olsen, I'm the Director of Green Initiatives for Community Development Corporation of Long Island. CDC Long Island has been in the weatherization business for over 20 years, helping homeowners, particularly the low income homeowners on Long Island, become more energy efficient, and we do that through professional energy audits.

We support the registration of professional energy auditors because it's really critically important that homeowners know that when they're getting work done on their home it's being done right. And well trained professionals are very important in terms of not only as contractors working in your home, but as auditors as well, making the right types of recommendations for energy efficiency.

This, though, is only one step in the whole process of transforming the energy efficiency industry here on Long Island. CDC is part of the Long Island Green Homes and Buildings Consortium and will be rolling out, actually effective yesterday and over the course of the next few months, the Green Jobs Green New York Program for Long Island, working with seven towns on Long Island and the Sustainability Institute at Malloy College. So you'll be hearing more about that.

But the other thing that we've been working with, thanks to Legislator Vilorina-Fisher, is the Home Energy Task Force where we're looking at the critical issues that are out there, and there will be a series of public meetings held to start looking at some of the issues confronting us in the home energy field.

D.P.O. VILORIA-FISHER:

Thank you very much.

MS. OLSEN:

You're welcome.

P.O. LINDSAY:

Thank you, Ms. Olsen. Doreen Dale.

D.P.O. VILORIA-FISHER:

Dorian.

P.O. LINDSAY:

Dorian.

MR. DALE:

Good afternoon, gentlemen. Ladies and Gentlemen, I should say.

MR. STRAUSS:

Push the button.

MR. DALE:

I've got to push this down. How's that? I've got to hold this down?

MR. LAUBE:

Yes, you have to hold it down.

MR. DALE:

Okay. My name is Dorian Dale, I'm the Energy Director for the Town of Babylon as well as its Sustainability Officer. I am also on the planning committee for the Urban Sustainability Directors Network nationwide. And I would just like to echo the words of Kevin Rooney, Mike Murtha, Andrew Manitt and affirm the Town of Babylon's support for the legislation introduced by Legislature Horsley.

I'd also like to introduce the fact that Michael Deering, who's the Vice-President of LIPA for Environmental Affairs, has worked with the Horsley group on this bill and has given LIPA's approval to the final wording; he will submit that in writing before December 7th.

I'd also like to add one other very salient consideration relative to defining what, in fact, is an audit. It needs to be and has been consistent with most definitions of audits, energy audits as defined by NYSERTA and the U.S. Department of Energy and will be exceedingly important if and when there are rebates or various other kinds of tax credits that are assigned to the actual energy retrofits and measurements of the benefits that are accruing to those particular benefits. Thank you for your time and patience.

P.O. LINDSAY:

Thank you, Mr. Dale. That seems to be the last card I have on the subject. Is there anyone else in the audience that would like to comment on this proposed legislation? Seeing none, Legislator Horsley, what is your pleasure?

LEG. HORSLEY:

I'd like to close this. And I'd also just want to quickly mention that this morning Suffolk Community College came down and they were commenting on -- that they are going to teach to these standards that we are going to be putting forth in this bill, so Suffolk County has a large part of this whole pie. So I would make a motion to close.

P.O. LINDSAY:

Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

LEG. BROWNING:

I'm here.

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Okay, the bill is closed.

Next up is *Public Hearing on IR 1863-10 - Adopting Local Law No. -2010, A Local Law to reduce minors' access to spray paint (Browning)*. And I don't seem to have a card on this subject. Is there anyone in the audience that would like to speak on 1863? Seeing none, Legislator Browning, what is your pleasure?

LEG. BROWNING:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Next up is *Public Hearing on IR 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:

I have one card. Cesar Malaga.

MR. MALAGA:

Good afternoon, Presiding Officer. My name is Cesar Malaga. I'm the President of the Hispanic-American Association. I would like to say, you know, thank you for letting me speak here.

You know, we have been addressing the use of land in Yaphank since 2005 and we have come here many times after that. The 250-acres of land in Yaphank should not be sold for the such-called "mixed use". We're spending millions of years, dollars each year to acquire land to preserve open space here in Suffolk County. Now you plan to sell this land to develop open space.

We all -- the taxpayers own this land and we should preserve it as it is. There aren't many vacant open space in Suffolk County for any new company that wants to move to Suffolk County. There is no need to build additional office space. Many of the companies who occupied those buildings moved out of Suffolk County because of the high taxes and transportation problems. Let's use those vacant buildings for any company that wants to come to Suffolk County, or we can convert that area for affordable housing.

The County Executive previously wanted to build a sports complex in Yaphank. We do not need to build a sports complex in Yaphank. The town, County, State parks where a sports complex can be built. These parks have parking lots spaced to the highways, access to the highways. They also have swimming pools which can be used all year long, not only during the summer. We have suggested for years to the Town of Babylon to install a cover for its swimming pool so it can be used all year long, not just during the summer, at the cost of the user; Babylon Town Board ignored this suggestion. Let's use existing facilities that we have in Suffolk County for any new buildings. Let's not destroy open space.

Yes, we need affordable housing for our senior citizens and our young people. The developers who build housing for rent are draining the income of our young people who will never be able to realize the American dream to own a home. The developers are also taking all the savings of our senior citizens. We need affordable housing built by the town or the County. There are lots available without destroying the 400-acres in Yaphank. We need to work together and do smart building of affordable housing for those who need them. The areas where this work force affordable housing units can be built are the schools, transportation, shopping centers and all the facilities that residents need. You know, as I mentioned earlier, we pay millions of dollars to keep open space. Let's not destroy Yaphank.

When I was in Switzerland, I was able to see the areas around New York City and what the County can do is rent plots of 12 X 50 to residents of Suffolk County for free so they can build gardens to plant vegetables. They can have small chair to store garden tools. There's a place not far from the airport in the City of Zurich, Switzerland, where residents have gardens to plant vegetables. They use this land to plant and they consume the product of the land. So many of us are opposed to the sale of land at Yaphank, so I hope you consider our suggestion; do not sell open space in Yaphank. We do not need to sell. And affordable housing, the other, it can be built wherever, in the areas that in the hamlets we have. We do have the facilities there, it should be built there, affordable housing, not in Yaphank. Thank you very much.

Applause

P.O. LINDSAY:

Thank you. Is there -- I don't have any other cards on 1883. Is there anyone else in the audience that would like to speak on 1883? Seeing none --

LEG. BROWNING:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Browning. Do I have a second? Second by Legislator Romaine. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Next up is ***Public Hearing on IR 1916-10 - Adopting Local Law No. -2010, A Local Law to ensure the safe use of air guns in Suffolk County (Eddington)***. First up is Robert Bowman.

MR. BAUMANN:

Good afternoon, Ladies and Gentlemen. Thank you for the opportunity to be --

LEG. LOSQUADRO:

Turn the microphone on, sir.

MR. BAUMANN:

Hold while speaking and push; what am I pushing, the button that says push? I think I can handle that. Thank you. Is that better? How about this one?

D.P.O. VILORIA-FISHER:

Yes.'

MR. BAUMANN:

Okay. Let's start fresh. Good afternoon, Ladies and Gentlemen of the Legislature. Thank you very much for the opportunity to speak in relation to this. My name is Robert Baumann, I'm a crowding 30-year resident of Copiaigue, I've lived there since I retired. My friends call me Bob. Those who know me a little better call me old big mouth, and those who know me real well call me things that I'm not going to repeat here.

Okay. Apparently I am the President of SASI; SASI is the acronym, S-A-S-I, for the Suffolk Alliance of Sportsmen. Our purpose is and has long been to not only preserve the outdoor sporting opportunities -- i.e., hunting, fishing, trapping, water-fowling, etcetera -- but to enlarge those opportunities, and that involves two critical characteristics; one is making it recreational, and the second one is doing it in a safe manner.

The printed material that I read here makes -- raises some interesting questions, and if you don't mind I'll go into them. It mentions air or compressed gas on the first page; on the second page it mentions gas, compressed air or other gas. Now, what's the difference between compressed air and gas? There really isn't any. If you compress air and then release it suddenly, whatever is in its way is going to move. Compressed gas is the result of a firing pin on a cartridge or a shotgun shell, striking the primer, generating a spark and burning the powder that's in the cartridge casing which immediately causes it to change into a gas and it propels that projectile. It's rather loosely worded and it needs some clarification. We're not necessarily opposed to or in favor of any of these particular things.

Let's see now. "Legislature also finds and determines that thousands of people throughout Suffolk County, including many miners, own and use air guns." What are the statistics behind this so-called survey? I live in a residential area, I've got a lot of kids on my block, I've never seen one with an air gun and I've never heard one of them who speaks with me regularly, or their parents with whom I'm acquainted, say "Somebody knocked on my door today and asked me if my son or daughter or whoever has an air gun." I don't know where it's coming from. I think it might have come out of thin air.

And yes, "The Legislature further finds and determines that air guns are not classified by the State as weapons." Absolutely correct, I went over the Penal Law this morning for a couple of hours to make sure I had some idea of what I'm talking about. You're right in this instance, Mr. -- I know it's on here someplace.

UNKNOWN AUDIENCE MEMBER:

Pennington,.

MR. BAUMANN:

Pennington, thank you. Okay, "The Legislature finds that air guns vary widely in velocity and power with some air guns firing strongly enough to be used for hunting." Hunting what? There's hunting and there is hunting. You're not trying to say that we could knock over a deer with a BB gun, are you? No. It has to be more specific if you are going to word it so that we can discuss it

intelligently.

"The legislation determines that the improper reckless use of air guns can cause serious injury or even death." Yes, they do cause, from time to time, as we read in newspapers and hear on the television, some minor injuries, unfortunately, and occasionally a serious injury; rarely is there a death related to that. More young people die, by far, by automobile collisions and mishandling than by firearms, BB guns or pellet guns.

"The Legislature determines that Suffolk County should regulate the use of air guns in residential areas to ensure the safety of all County residents, especially the County's youth." Exclusive words, like "all", "every", "never", etcetera, should be very, very carefully used in this respect. "Therefore, the purpose of the law is to prevent the discharge of any air gun within 200 feet of any residents in Suffolk County." Does this mean that a farmer with 20-acres out east can take his son or grandson out into the field, walk a hundred feet from his residence, which it specifies, put a tin can out in the field which has been cleared by harvesting in the fall and train this young man how to safely handle a BB gun. Are you going to fine that farmer \$250? I don't think that will fly very well, and it doesn't sit very well with us either. "Therefore, as used in this law, the following terms shall be," and I'm cutting this short. "Air guns --

LEG. LOSQUADRO:

Your microphone, sir.

MR. BAUMANN:

Sorry. I can't wave my arms around and holler at the same time if I've got to hold this button down. "Air guns shall mean any," here we are again, an exclusionary word, "any", "never", "none", "all, etcetera -- "any rifle, pistol or shotgun which fires projectiles by means of compressed air or other gas." Well, guess what? Every firearm, and I'm confining that to firearms which use cartridges or shells, every one of those uses compressed gas, doesn't use air by the fact that, again, the firing pin strikes the primer, the prime makes a spark, the powder is immediately burned. The pressure from that has no place to go but down the muzzle and down the barrel, out the muzzle, and it does that because it has no other outlet; i.e., compressed gas. You have to be very, very careful when you use these terms.

P.O. LINDSAY:

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

MR. BAUMANN:

Thank you very much. I'm sorry I overran. And I'm in the book, anybody has any questions, I'd be -- or catch me in the lobby, I'd be happy to speak with them.

P.O. LINDSAY:

Thank you very much.

MR. BAUMANN:

Thank you.

P.O. LINDSAY:

Next up is Harold Moskowitz.

MR. MOSKOWITZ:

Good afternoon. I wish to comment upon IR 1916, titled a law -- a Local Law to ensure the safe use of air guns in Suffolk County. It could more aptly be called a Local Law to prevent the use of air guns in Suffolk County. I found no inclusion of positive steps to ensure the safe use of these devices, only a penalty for their use within 200 feet of a residence. If you eliminate residential

areas, parks, beaches and posted private land, unless you own a vast, baronial estate, you won't be able to use an air gun in the County; you will, in effect, be prohibited from its legal use. Has this resolution been motivated by a documented increase in irresponsible or reckless use of air guns?

LEG. LOSQUADRO:

Sir, could you pull the microphone down a little?

MR. MOSKOWITZ:

If so, I would like to know the source of those statistics. Is this resolution prompted by request by the residents of the County, or is it perhaps the word "gun" in the description "air gun" which makes it sound dangerous to some? Have we reached the point where the responsible use of a device to train or test skill in eye/hand coordination is to be nudged out of existence to be based upon the assumed premise that danger to the public will result from this availability to be used. Are backyard archery and the use of long distance golf drivers next? Both of these activities, if done irresponsibly, can cause harm or death.

Government does have a mandate to protect the public from gross harm, but at some point that mandate can go a bridge too far. Measures intended to achieve that goal can become unwarranted or intrusive. In Section 1 of the resolution, Item III, it recognizes that New York State doesn't classify air guns as weapons, yet New York State has some of the strictest anti-weapon laws in the nation. If the State Legislature sees no need to curtail ownership or operation of these devices, then why does the political subdivision of our state consider it necessary and proper for it to do so?

For all intents and purposes, this resolution amounts to a back-door method of prohibiting its use and creating de facto prohibition of ownership. For who would buy an item which, if used, would result in a \$250 penalty? Motor vehicles become multi-ton weapons which kill and maim when they're used irresponsibly by those who drive while impaired or by some youthful, inexperienced drivers under 25 years of age. Would anyone suggest that motor vehicle use should be discouraged in order to protect public safety from irresponsible drivers? No, we penalize drivers for irresponsible behavior, and penalties for irresponsible and reckless use of air guns would have been included in this resolution if its true intent was to promote the use, the safe use of air guns.

I found nothing positive in this resolution to accomplish its stated goal of making air gun use safer. It does not call for a safety class or for use with supervision by a responsible adult when used by a minor. It does not penalize irresponsible or reckless use of any air gun. It only prevents lawful, responsible use by setting a deliberately unrealistic minimum distance from residential structures in a County which is no longer sparsely populated and becomes more densely developed and populated with each passing year.

Legislators, I maintain that this issue involves more than air guns. It involves the examination of the extent to which government should intrude into the activities and lives of the people in the name of public safety. At the end of the day, it is the responsible use of any item, not government prohibition, which ensures the safety of the user of a device and his or her fellow residents. I respectfully urge this Legislature not to arbitrarily pass this resolution. It is based on the unwarranted premise that air guns are being used in an irresponsible and reckless manner, and that at its present time such use constitutes a gross threat to the public safety. In addition, its stated goals are incompatible with its full intent which is the de facto prohibition of these devices.

If this resolution is passed into law, there is a real possibility of resulting litigation supported by sportsman groups with its resulting expense to taxpayers. I urge you again to reject this misguided resolution. Thank you. And if there are any statistics that force Legislator Eddington to feel compelled to introduce this resolution, I would like to see those statistics and I would like to know the source of those statistics. Thank you.

P.O. LINDSAY:

Mr. Moskowitz, before you leave, Legislator Gregory has a question for you.

LEG. GREGORY:

Yes. Thank you, Mr. Chair. I have a -- Mr. Moskowitz, is that your name?

MR. MOSKOWITZ:

Yes.

LEG. GREGORY:

Okay. When you started speaking, I just Googled research by the official Journal of American Academy of Pediatrics; are you aware of a study that they did about air guns?

MR. MOSKOWITZ

No.

LEG. GREGORY:

In this study it says that 71% -- there were 100 kids, average age 10.9 years old, that they -- have they studied the use of air guns; 71% of them, the injuries were unintentional; some serious and even fatal injuries.

MR. MOSKOWITZ

Where is the location of this study, sir? Where was it done?

LEG. GREGORY:

I can provide it for you. I just looked at it as you walked up. And even their recommendation says, "Air guns are associated with serious and fatal injuries. Families should be counseled that air guns may cause serious injuries and even death. Furthermore, Pediatric Caregivers should advocate for increased regulation of air guns and expansion of safety standards." So you're not aware of this?

MR. MOSKOWITZ

I maintain my original premise which the resolution 1916 offers no positive ways to make air gun use safer in Suffolk County, it merely imposes a limit on distance from a residential structure. Realistically, there is no place in Suffolk County where you are going to be at least 200 feet away from either your house or the house of somebody else. And if you even wanted to go to a range, a range would be within 200 feet of a structure which could be deemed residential.

LEG. GREGORY:

Okay. And --

MR. MOSKOWITZ

But I'd still like to know if the statistics that you're quoting to me, is that applicable to Suffolk County or some other location in another part of the country where perhaps there is a more careless use. Because as the first speaker said, and in my neighborhood as well, I can't remember the last time I've ever seen one of the youngsters in my neighborhood with an air gun, let alone heard a discharge from an air gun, which I know very well what it sounds like.

LEG. GREGORY:

Okay. But you're willing to see that there may be issues with safety standards.

MR. MOSKOWITZ

There is issues with everything that will discharge a projectile, including the use of motor vehicles which doesn't fire projectile but becomes a dangerous thing. Knives are dangerous, axes can be dangerous. Any implement can be dangerous if not used responsibly, and if it's used by a minor, should be used with supervision. Most of the toys and other things which are sold in stores today have a warning based on age which says, "This should be used with adult supervision." There is nothing in this resolution which states that a minor should have adult responsible supervision in order to make sure that the youngster does not hurt himself or other people.

LEG. GREGORY:

Okay. So you're not advocating against the intention of this bill if it were to have some safety standards instituted in the language of the bill, or are you just against the bill altogether?

MR. MOSKOWITZ

I go back to my premise which is that if you set an unrealistic distance from a residential structure, you are doing the equivalent of de facto prohibiting possession of that object.

LEG. GREGORY:

Okay, but you didn't answer my question. The language says 200 feet or 100 feet. So say if it's 50 feet; would you be okay with that?

MR. MOSKOWITZ

I could be okay with 50 feet provided that the intent of the law was to actually make the use of this device safer; there's nothing in here that does that. So you're saying if he goes back and he revises it to make it so that it does positively try to make it safer, would I be able to support that.

LEG. GREGORY:

Right.

MR. MOSKOWITZ

The answer is yes, just as I would support when somebody has a 22-caliber rifle that they give to their son, that they make sure, number one, that the youngster gets at least a class in training so that he understands safe operation of the firearm, safeguard of its possession so that it does not fall into the hands of an unauthorized user who doesn't know how to use it, or might use it for the wrong purposes. And in addition to that, if the person is a minor, there should be a provision for use by at times when there is a responsible adult present who understands the operation of the device.

LEG. GREGORY:

Okay. And have you reached out to the sponsor of the bill to make any recommendations?

MR. MOSKOWITZ

I mentioned a few in there.

LEG. GREGORY:

Oh, okay. So you haven't, up until this point.

MR. MOSKOWITZ

I haven't, I did not.

LEG. GREGORY:

Okay, all right. Thank you.

P.O. LINDSAY:

Mr. Moskowitz, before you go, Legislator Eddington wanted to ask you a question, too.

LEG. EDDINGTON:

Yeah. You know, I basically had information to debate the bill when it came time to debating the bill, but since I haven't been able to get it out, I guess I have to discuss it now. My plan is to recess it because I am -- I have gotten -- unlike you, I have got people that criticized and also made some positive suggestions.

MR. MOSKOWITZ

I did make some positive suggestions.

LEG. EDDINGTON:

Excuse me, it's my turn now. And with Legislator Gregory, I think he made it clear that, you know, you're giving us what you don't like and you really -- you haven't done your research, because you can Google it and you'll find out sites that I've gone on where there's talk of over 7,000 kids nationwide are hurt and injured and require hospitalization every year. So but I didn't want to get into all of that at this point. But I will tell you that I think the idea of safe safeguards and maybe some mandated training somehow, I think would be a great idea.

MR. MOSKOWITZ

But that's not in here.

LEG. EDDINGTON:

But I don't know if you understand that right now -- and I would want the other Legislators to know. For example, one Legislator said that his children shoot a BB gun in their backyard, well, in the town of -- in the Town of Babylon it's against the law. You cannot fire any type of firearm and a BB gun and pellet rifle are listed in the Town of Babylon, Huntington, Smithtown, the Villages of Babylon, Patchogue and Port Jeff, no firearm can be fired. So I'm not trying to ban it, I'm trying to make safe use in Suffolk County, but there are areas that have already banned it.

So what I'm trying to look at is the safe discharge of this. But you keep saying safe -- it may be an adult who buys it, but it's the 12 year old when the parents are at work that's shooting it in the backyard and it's going over and through fences. And a lot of times the Police are called and it's just, "Put it away, kid." So that's what's been happening and I want to be proactive and prevent a serious injury in Suffolk County.

MR. MOSKOWITZ

But you didn't mention any of that in 1916. You just have the distance requirement. You did not indicate any of the things which you are mentioning now, which if they had been in here would have made it a more comprehensive and a much more viable type of idea for the promotion of safe use of the firearm.

LEG. EDDINGTON:

Well, when I put it in I'll be looking for your support.

MR. MOSKOWITZ

Okay. I also would like to add one other thing. We're talking about towns that are making such ordinances, but we're talking here about a law which applies to an entire County which would superimpose itself, I guess, upon whatever an individual town wished to do?

LEG. EDDINGTON:

Yes, and I don't like the piecemeal approach. This law was passed in Babylon in 1972. So I would rather look at it from a County perspective and have it done right rather than a little bit here and a little bit here. So that's the only reason I got involved, because it is already legislation in many of the towns and villages.

MR. MOSKOWITZ

But I would much rather see you take away the distance limitation and just put in the safety requirements, just as we have with regular firearms. And remember, the State does not categorize air guns as a firearm.

LEG. EDDINGTON:

This legislation -- actually, County I don't believe would supercede. I'm not sure if it would; if the village has its own ordinance, I think there's would probably supercede it.

MR. MOSKOWITZ

So if that -- what if Smithtown, for instance, wanted to approve or keep in motion the idea of using an air gun safely and you have this resolution which is enacted into law, what would that do regarding a person in Smithtown, let's say, wanting to be able to continue using their firearm, their air gun?

LEG. EDDINGTON:

That's a good question, and I know there's enough lawyers here that could probably answer that for you. My intention is to have some legislation for the areas that are not protected by the residents of that area.

P.O. LINDSAY:

Okay. Thank you, Mr. Moskowitz. James Kelly.

MR. KELLY:

Good afternoon, Ladies and Gentlemen. My name is James Kelly, I'm a Board Member of SAFE, the acronym is Sportsman's Association for Firearms Education and I'm a board member; I think I mentioned that.

All right. Why do I oppose this bill? Well, first of all, you already have enough laws on the books that deal with misuse of any dangerous instrument. You've got all kinds of other laws that deal with making yourself a public nuisance. These laws could be used right now. You don't need to have a special law to get this passed.

My problem is is that the woman who complained about these problems here with the range, she called the Police on at least five different occasions and the Police found no substance to her complaint, none whatsoever. All she presented for evidence of what she had was two pieces of broken glass. Now, I submit to you that if I -- the Police come on five different occasions and they all find no merit to your complaint, then hey, something's wrong here; something is not right.

My problem with the small piece of glass that's the evidence for misuse or a problem from this range reminds me of when we had the debate on the trap and skeet range and people said, "Hey. You know, we found a pellet in our pool." Well, the only problem was the pellet was where this young lady -- the pool and the pellet were in this direction and everybody fired in that direction. And as everybody knows, you can't fire a gun and have it go backwards, they don't exist. To me, this is nothing more than a disagreement between two parties. I don't know what motivated it, I don't know how it began, but the point is that the Legislature is not the place for a remedy for this kind of disagreement.

Also, I have a further concern. The Supreme Court has come down with some very positive decisions for gun owners and gun owners in general. These gentlemen, after they won their cases, they went back to where they lived, they tried to comply with the law, they put up too many restrictions and whatnot, and the upshot of that was that they're back now before the Supreme Court. And based upon what I read in all the Supreme Court cases so far, it sounds as if they're going to knock it out completely. If they do that, you will now have a law on the books that, you know, somebody can come in and sue you and you have to, you know, wipe it off or it will be made null and void by the courts.

And that basically is it and I don't want to take up too much of your time. If you have any questions, I'll be glad to answer them.

P.O. LINDSAY:

Thank you, Mr. Kelly. There are no questions. Thank you.

MR. KELLY:

Just one thing. I'd like to say a belated happy Veterans Day to Legislator Barraga and happy birthday.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY?

Alison Foltmann. Alison Foltmann?

MS. FOLTMANN:

I would like to defer to my husband, let him go first, if that's okay.

MR. LAUBE:

You have to hold the button down when you speak.

MS. FOLTMANN:

Hello? Hi. How is everybody doing tonight? I would like to just defer to my husband, let him speak first and I'll go after him, if that's okay?

P.O. LINDSAY:

That's fine.

MS. FOLTMANN:

All right, thanks.

P.O. LINDSAY:

David? Where's David?

MS. FOLTMANN:

He is the speaker in the family.

MR. FOLTMANN:

Hi. My name is David Foltmann, I'm the owner of Colber Outdoor Sports and I've been told many times that this law has a lot to do with me and my company.

P.O. LINDSAY:

David, I'm having trouble hearing you.

LEG. LOSQUADRO:

Speak closer to the microphone, sir.

MR. FOLTMANN:

I think you've got to fix this, that's what you've got to do.

All right, can you hear me now?

P.O. LINDSAY:

Yep.

MR. FOLTMANN:

Okay. My name is David Foltmann, I'm owner of Colber Outdoor Sports and I've been told many times that this law has a lot to do with my company. Colber Outdoor Sports has been on the web for ten years, and it is because of continued local requests to open a retail store, we did, in Ronkonkoma. The store faces a shopping center facing a brick wall and on the other side is a street corner and on the far side is Burger King. So the building is not in a residential area.

The day we moved in, our neighbor from the back of the building who is about 15 feet down a hill with a retaining wall, so when you look across the property, through the trees you can see a second story window. On that side where this house is, we have an eight-foot fence, then from the bottom of the fence is a 15-foot drop to her ground level. Well, this person wanted us to change the retaining wall after explaining that the past owner said he was going to change it, and when she seemed very upset, we told her that we would look into it. And engineer during purchasing said it was structurally sound and we had a company come in for a quote, the cost was too high but we told -- we were told again that the wall was structurally sound. Well, the neighbor was not happy with what we did, that we did not have the funds and called the town thinking that they could make us change it. The town came and said we have to make great amount of changes, but not the wall.

At this time we have done everything the town has asked us with great cost tied into architects, lawyers, permits and contract fees. Each town department said to us this neighbor calls them all day long and they want us to move us -- want to move us on to the next department.. so the calls -- so the calls could stop coming to them. And since we are coming -- since we were complying with everything the town has asked, I guess you are the next department.

During this time, this person has called the Police, they have been called at least 30 times, if not more. Each time they would come in, ask questions, write a report, leave with no summons or ticket given. Now they drive up, park in front, see and hear anything -- to see if they can hear anything that might be going on incorrect or wrong and then they would write the report and drive away, and this has been going on for five years from this one person.

Channel 12 News did a piece on this, of course siding with her, not knowing the facts -- without asking for the facts. They told us they wanted to show each side of the story; well, they gave her four minutes and Colber one second, hardly showing each side. She told the reporter that BB's are coming over her fence all the time. To prove it, she showed not 20, not 15, but one air soft BB, a blue one. All I can say is we've never sold blue airsoft BB's, we sold white, and stopped selling airsoft two years ago. We will sell -- we sell steel BB's, but you would think that if anything was going over the fence all that time, in five years there would be more than one that we don't even sell. They do sell them at Wal-Mart, Dick's Sporting Goods, and in fact, goods that -- but the fact remains that we do not. And in five years that Colber has been in Ronkonkoma, to my knowledge

not one person has been injured, nor have we heard of an injury from any of the neighbors or the customers in Ronkonkoma.

Well, now that we have gone through a little history of the neighbor, Colber has created an air gun club of about 30 members called Long Island Fuel Target Non-members -- over 30 members and non-members shooting, coming from all over to shoot in our competitions. We have three meets a month, including what's called silhouette where you shoot small steel cutouts. Not only is this retail store one of the only ones in the United States of its kind, Colber created an air gun only range open to the public in Brookhaven. It is the only one I am aware of that people of Suffolk can go and shoot air guns instead of firearms. Not only do we have people of Suffolk, but we have shooters from New Jersey, Connecticut, Pennsylvania, Massachusetts, Upstate New York also coming to Suffolk to shoot in our competitions. And one day soon we hope to host the Nationals.

Air guns are a very big, upcoming sport. A lot of people practice in their garage, basement and, yes, their backyard, for these competitions. This is --

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

P.O. LINDSAY:

Mr. Foltmann, you're out of time. Maybe you could wrap up, if you could.

MR. FOLTMANN:

I got a couple of more sentences.

MRS. FOLTMANN:

Could he take my time?

P.O. LINDSAY:

Go on.

MR. FOLTMANN:

Okay. This is a hobby that people enjoy with their sons, daughters, while teaching them gun safety. Cobra has not -- Cobra does not have an air gun range at 22 Foster Road and never did. We create an airgun range for enthusiasts out in Brookhaven. We are conscientious and require all purchasers' proof of age of 21, as well as the products that we ship require all adult signatures. This is not required by law, this is something that we do because we care doing the right thing.

We thank you for your consideration in this matter. I also have over 100 signatures of people that live in the general area where these complaints are being made, so --

MR. LAUBE:

You want me to submit this for the record?

MR. FOLTMANN:

Yes, that's for the record, and you can have this for the record also, in case I wasn't very verbally good.

P.O. LINDSAY:

Thank you, Mr. Foltmann. Mrs. Foltmann, do you want to say anything else?

MRS. FOLTMANN:

Yeah. I'm sorry. Just really quick, my son's 19 now. Him and his friends have been hanging out

in my backyard for all these years and played Airsoft and it kept them out of trouble. So, you know, this isn't something that needs to be passed. They never got hurt. As long as there's parental supervision, it's a very healthy thing for boys, girls, but mostly boys tend to do it, do, and it's safe. As long as they're wearing their goggles, it's safe.

P.O. LINDSAY:

Okay. Before you go, Legislator Barraga has a question.

LEG. BARRAGA:

The person in question present -- made a presentation before the Legislature, she presented her side of the story. And, obviously, I appreciate the fact that we're hearing your side. All right? Let me ask you a question. The fence in the back, to your knowledge, does a -- can a BB penetrate that fence? Is it a solid fence? I mean, you know, the --

MR. FOLTMANN:

Well, if you walk up to it and push the BB against the stockade fence and pulled the trigger, it will probably go through it. But, I mean, a ricochet would not go through it or penetrate it, no. I mean, nobody shoots at the fence. The fence is on this side, there's a box on this side (indicating), and only my employees shoot into that box, the sight in scopes, so it's not -- there's no range there, there's no yahooing, there's not a bunch of people shooting airguns. It's a small lot of property, you know.

LEG. BARRAGA:

Well, how is -- how are the BBs penetrating into her yard, then, or are they?

MR. FOLTMANN:

They're not. It's all about the retaining wall. We didn't repair the retaining wall, so she says, "I'm going to get you." And she went to the Town and the Town -- you can look up Town records. The Town's been at our buildings hundreds of times.

LEG. BARRAGA:

The retaining is height --

MR. FOLTMANN:

Is on our property on the lower side where it drops down like 15 feet; there's a retaining wall. That retaining wall she says is not structurally sound and her kids are in danger. We've had an engineer when we brought the property say it was structurally sound. We had a company come in to replace and give us an estimate so it was structurally sound. And then she came over with a "honey to do" list for me to cut down ivy, poison ivy, and tree branches overlapping her yard, and then it just continued.

MRS. FOLTMANN:

She didn't get what she wanted.

MR. FOLTMANN:

Since I didn't do that, she just -- then she went to the Town to see if she can get the Town to make us change the retaining wall.

LEG. BARRAGA:

Okay. Thank you very much.

MR. FOLTMANN:

Oh, I just wanted to add one thing, that the firing, misfiring or misuse of an airgun 200 feet off a

property line would not change that whatsoever, because a misuse is a misuse.

P.O. LINDSAY:

Before you go, Legislator Muratore has a question for you.

LEG. MURATORE:

Mr. Foltmann, you're in my -- right here. This way, right here. You're actually in my district and I know of the location, but I've never really visited the site. Would you be opposed to allowing me to come on the property and actually see what goes on and how you -- I mean, I --

MR. FOLTMANN:

No, not at all, not at all.

LEG. MURATORE:

You know, my pedigree is I did teach firearms for nine years as a police officer, so I'm a little familiar with firearm safety. And if I could just come by and, you know, take a look at it and see exactly what you do and how you do it and what the problems are.

MR. FOLTMANN:

No, I wouldn't mind at all, because, really, there's only one problem and that's my neighbor, you know.

*(*Laughter*)*

LEG. MURATORE:

It's usually what the problem is. I mean, let me ask you a very candid question. If this resolution was to pass, would that put you out of business? That wouldn't put you out of business.

MR. FOLTMANN:

We've been on the website for over ten years, we've been web.

LEG. MURATORE:

Okay. Well, I'm concerned of you staying in business also, and if we can --

MR. FOLTMANN:

Well, I mean, the only thing that -- it might hamper business, but it wouldn't change business all that drastically. I mean, business is very low now.

LEG. MURATORE:

So you could stop the practice of firing outdoors and continue to do you business?

MR. FOLTMANN:

Well, we don't fire outdoors. We don't fire outdoors.

LEG. MURATORE:

Okay. Well, what do you say I'll come by and look at the operation, if you have no problem with that?

MR. FOLTMANN:

Yeah, no.

LEG. MURATORE:

I'll have my Aide call you.

MR. FOLTMANN:

We shoot actually indoors into a box just outside the door, so it's not even --

LEG. MURATORE:

Well, let's see what the sponsor wants to do with it and we can go from there. Thank you.

P.O. LINDSAY:

Thank you.

MRS. FOLTMANN:

I do think it would impede on our business, though. I disagree with him there because 60% of our sales come from New York. And I don't know locally, but quite a bit of that is local, so.

LEG. GREGORY:

Bill.

P.O. LINDSAY:

Wait. Wait a minute. If you could come back for a minute, there's another question. Legislator Gregory. Go ahead Legislator Gregory.

LEG. GREGORY:

Okay. I just had a -- I just wanted to clarify. Now, you had mentioned Airsoft soft guns, but Airsoft is different than airguns, am I correct or --

MR. FOLTMANN:

No. They're both projected by air.

LEG. GREGORY:

Yeah, but the pellets of the --

MR. FOLTMANN:

They're both small caliber and considered under the law that you're trying to pass.

LEG. GREGORY:

But the BBs or the pellets are very different. One, airguns shoot metal pellets, Airsoft --

MR. FOLTMANN:

No. You got that right, yes. No, that is correct. What I'm saying is that there is not mention of steel versus plastic.

LEG. LOSQUADRO:

Use the microphone.

MR. FOLTMANN:

No, he can hear me.

LEG. GREGORY:

I hear you. She has to hear you, though.

MR. FOLTMANN:

There's no difference between steel or BBs in this 1916. There's actually nothing in there that

would make the public any safer it's just the shooting of 200 feet. And the people that do not do it safely are not going to do it within 200 feet either.

LEG. GREGORY:

But I guess my -- and I'll leave it at this. My question is, from my understanding, there's a difference between an Airsoft gun and an air gun, like there's a difference between a 45 revolver and a shotgun.

MR. FOLTMANN:

Yes, you're correct, but it's not distinguished in this -- in the bill, it's --

LEG. GREGORY:

This is seeking to regulate air guns.

MR. FOLTMANN:

Right, which is Airsoft is projected by air.

LEG. GREGORY:

Okay. All right.

MRS. FOLTMANN:

So it's the same thing as far as the bill.

LEG. GREGORY:

Okay. Thank you.

P.O. LINDSAY:

Thank you. James Dowling.

MR. DOWLING:

I am hear today to oppose I.R. 1916. It's the legislation to ban air guns on properties that are less than 200 feet away from private residences.

Mr. Eddington, you are effectively banning an activity that does not hurt anybody besides people on the lower end of the evolutionary ladder. By that, I mean people that like to play around with toy guns. You may try to refute this by telling me that you are not, but the average slice of land on -- in Suffolk County is anywhere from a quarter acre to a full acre, which is not a particularly small slice of land, would be banned from engaging in the shooting of BB guns, paintball or Airsoft guns on their own property. Let's keep that in mind as we go under -- go around this under threat of government force. This law violates every precept but us people, that want a government that is too big for its own breeches to keep out of our lives, believe in. You're telling us what we can and cannot do in our own properties. Why is that wrong? The taxpayers of Suffolk County work their tail ends off to own their property and would like to do what they will on it unless it hurts another human being.

You, Mr. Eddington, are setting yourself up as the ruler of us, dictating to us what we can and cannot do, what we can and cannot enjoy. For years petty liberals like yourself have set yourselves up as surrogate mothers.

P.O. LINDSAY:

Mr. Dowling, could you refrain about the bill, not about the sponsor, okay?

MR. DOWLING:

Whatever you say. I believe that it would -- I believe it is more important for us to think about economic matters and not make this County go financially insolvent beyond what people do in their own properties with compressed airguns. That's just my opinion, I don't know about anyone else here.

I close this today urging all of you sitting here in the horseshoe to strike down this piece of legislation. People don't want bureaucratic nannies, they want leaders to make sure that this county is not economically ran into the ground. Please make sure to keep this County solvent and leave the choice, if you want to shoot BB guns on our own properties, to us. To make it simpler, hands off my BB gun. Thank you.

P.O. LINDSAY:

Mr. Dowling. Mr. Dowling, Mr. Eddington wants to ask you a question.

LEG. EDDINGTON:

I just wanted to respond and tell you that you obviously don't know me, because you would know that no one's ever called me a liberal.

*(*Laughter*)*

The other thing is --

D.P.O. VILORIA-FISHER:

Wear it proudly.

LEG. EDDINGTON:

-- I'd like to know exactly where you are on the evolutionary level?

MR. DOWLING:

Where am I? I consider myself pretty -- I consider myself pretty high. And I think that someone of your stature making a comment like that is pretty inappropriate, so if you'd take it back. And two, I would consider you a liberal --

LEG. EDDINGTON:

Wait a minute. Whoa, whoa, whoa. What do you mean making a -- I'm asking you what you just said.

MR. DOWLING:

-- considering that you perpetuate the nanny statement, Mr. Eddington.

LEG. EDDINGTON:

You brought up the topic of people on an evolutionary level and I don't know where that is, so I just needed to ask where you were so I could go from there. And the deal is that this is legislation to -- for people that are not responsible, maybe like you are. And that's why I have said over I'm going to recess it and take some of the recommendations. But if you come up here and think you're just going to yell and call names, baby, you've got the wrong person here. I'm not going to sit here and listen to it.

P.O. LINDSAY:

Okay. I'm going to cut this off now. All right? Thank you very much, Mr. Dowling. Okay. William Raab.

MR. RAAB:

No names.

LEG. HORSLEY:

Press the button.

MR. RAAB:

My name is William Raab.

P.O. LINDSAY:

Hold the button.

MR. RAAB:

All right. Hold the button. No problem. How's that? Very good. All right. Good afternoon, everyone. I'm just passing out -- I had made good on my offer to visit 22 Foster and take a look after the last meeting of the Legislature and what I found is pretty objective, what I put in there. I have my own opinions, which will come here.

I'd like just to talk about this reporting a little bit; is I visited it and the owner of Cobra Outdoor did cover a lot of the stuff that's in here. And there are some pictures. Maybe Mr. Muratore will be able to ascertain what the information he needs from the pictures I put in here, and there's a sketch of the property and what goes on there, so you can take a look at that.

Again, this bill does not really reference safety, it doesn't really do anything for safety as far as I can see. And in my earlier meeting at the Legislature, I said something about baseball being more injurious, and if you really wanted to do something to stop injuries, you should ban baseballs, but you'd all be looking for work, so that really wouldn't be a good idea. So, please, I saw -- I heard the study from -- Mr. Gregory brought up. If you'd look at injuries from other sporting activities, you will find that no matter how you slice it, this is still the safest activity, period, shooting sports as a whole.

I don't have a problem with training, I don't have a problem with safety, it's part of what I do, I volunteer to do this stuff, but I don't see the need for this legislation. I see it being intrusive, not to anyone's scale of evolution or anything like that, but I just see it as being really unnecessary, and I don't see a point in this actually doing any good in the way it's written. So I won't waste anymore of your time. Thank you. Questions, I'm right here.

P.O. LINDSAY:

Thank you, Mr. Raab, for your very sensible comments.

MR. RAAB:

Okay, good.

LEG. ROMAINE:

Bill.

MR. RAAB:

Yes.

LEG. ROMAINE:

Just saying hello.

MR. RAAB:

Oh, hi. And, Tom, happy birthday.

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 Eddington, what is your pleasure with this bill?

LEG. EDDINGTON:

I'd like to recess it.

P.O. LINDSAY:

Okay. Thank you very much. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. D'Amaro and Cooper)

P.O. LINDSAY:

Next up is *1947, a Local Law to sunset living wage subsidies (Cilmi)*. And I have one card, Elizabeth Geary.

MS. GEARY:

Good afternoon, members of the Legislature and colleagues. My name is Elizabeth Geary and I am Director of Community Program Center of Long Island, a not-for-profit agency that provides intergenerational day care and educational services for young children and frail older adults. Once again, I appreciate the opportunity to reappear in front of the Legislature to further discuss the impact of removing the living wage hardship assistance. It is so important to our agency and to the children and families that we serve.

As I highlighted in prior testimony, our child care program benefitted greatly from the Living Wage Law. We now have a much more stable workforce, providing better quality care and better outcomes. Our child care staff now have more incentives to further their education.

We continue to contract with DSS in order to serve low income working families. In fact, our Ronkonkoma center serves more DSS children than most other center-based programs in the County. When the Living Wage Law was passed, we testified before the Legislature to underline the fact that we supported higher compensation for teachers, but that we couldn't afford to do it without further county support. During the intervening years, I've testified here to both the benefit of the living wage and the necessity of the hardship assistance.

During the past eight years we have seen child care providers and elder care providers close centers and go out of business. CPC, my agency, has never operated with a profit, and without hardship assistance, the demands of the law would have crippled us. Today, Tuesday, November 16th, our agency serves more than 500 children and frail elders. Today, more than 110 staff come to work to ensure their safety, education and care. Immediate elimination of hardship assistance would place our agency and all of our programs in jeopardy.

On first glance, it might seem we could reduce agency costs or increase revenue, but the gap is still too great to bridge. Personnel is our highest agency expense and the area where we have the least flexibility due to mandated State ratios of teacher-to-child ratios. On the revenue side, our tuition is comparable to other child care providers. To fill the gap, if we didn't receive hardship assistance would mean increasing tuition by more than 10%. In this economy, that simply does not seem to be an option. It would place an undue burden on working families and price our services out of the market.

DSS reimbursement, the other primary source of funding for our programs, is fixed and non-negotiable. This past year we also saw a reduction in other sources of support, including State grants, foundation support and private giving. As a multi-service agency, our child care programs benefit the most from our shared-site programming. Although we cannot allocate Federal Head Start funds to cover non-Head Start services, Federal dollars support facility improvements that benefit all families that we serve. Our Head Start Program serves many families who otherwise would be eligible for DSS. This, therefore, results in less burden to the County.

While the living wage hardship assistance benefits only the child care program, withdrawing it would have ripple effects across all of our programs, as our agency would not be able to fill the funding gap. We continue to need hardship assistance and the immediate cessation of this support would have devastating consequences for all of our programs.

Thank you so much for considering not sunseting this support at this critical time in history. Thank you.

P.O. LINDSAY:

Thank you, Elizabeth. You were very close to right on time. Wait.

MS. GEARY:

It may be a first.

P.O. LINDSAY:

Legislator Gregory has a question for you.

LEG. GREGORY:

Hello.

MS. GEARY:

Hi.

LEG. GREGORY:

Hi. Good to see.

MS. GEARY:

Good to see you.

LEG. GREGORY:

I just have a quick question for you. In your -- in your opinion, sunseting this law, could there possibly set up a situation where child care would be certainly at a reduced level, or would it be -- I guess I should say, would it be difficult for organizations such as yours to provide child care for those in need or even the middle class and low income families.

MS. GEARY:

It would be extremely difficult. Right now, the living wage assistance that we get as an agency is a \$133,000, which goes directly to paying the staff salaries. If we didn't get that assistance and it was cut off automatically, it would really throw us into a tailspin that I don't know how we would recover from, and I do believe it would have a direct impact on the services that we provide.

LEG. GREGORY:

So it would be difficult to accept those DSS-referred --

MS. GEARY:

Yes.

LEG. GREGORY:

Right.

MS. GEARY:

The reason why the living wage is required of us is because we wanted to do the right things by our employees. And so when it was proposed by the Legislature to implement it, we said yes to it, because it was the right thing to do. However, our choice would have been to not accept children who are funded through DSS and not have a County contract and just go about our business and be a business without those children being served. We don't want to do that. We serve a lot of children under our DSS contract. It's about 27% of all of the children that we serve at CPC. We don't want to go there, and I don't know what I would do, faced with that choice.

LEG. GREGORY:

Thank you.

P.O. LINDSAY:

Elizabeth, hold on. Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

Hi, Elizabeth.

MS. GEARY:

Yes.

D.P.O. VILORIA-FISHER:

And thank you for your --

MS. GEARY:

Hi.

D.P.O. VILORIA-FISHER:

-- the very good work that you do and that your center provides.

MS. GEARY:

Thank you.

D.P.O. VILORIA-FISHER:

As you and I both know, a number of years ago, I had introduced legislation where we set aside money to provide incentives to workers to continue their education and to retain, retain workers.

MS. GEARY:

Right.

D.P.O. VILORIA-FISHER:

The funding was eventually out of the budget, we weren't able to do that. However, that was -- I didn't continue to try to put that funding in because of the living wage. What has been the impact regarding retention that had been provided by the living wage bill, and how does that impact your students and the relationship?

MS. GEARY:

It's huge. I can't tell you how important it is to have consistency of care when you're providing services to infants, toddlers and youngsters in preschool. The face that they see every day is critically important to them, and as a result of the living wage legislation, which raised the level of salary that we're able to offer, we have seen much more consistency, much more retention among our employees, and, paired with that, an incentive to go on and stay in the field. They didn't go to McDonald's to get a higher wage. We were able to pay them more. They stayed in child care, they saw that they were good at it and they decided to make a commitment to it and go on to school. One of the things our agency does is at night, after work hours, offer classes to get a Child Development Associate credential. We are seeing our assistant teachers staying after work on their own time taking that class in order to better prepare themselves for the work that they're doing. It makes a huge difference, and I believe that it is really linked directly to the opportunity to earn a wage, which, through the County's generosity and the hardship assistance, we have been able to pay them.

D.P.O. VILORIA-FISHER:

Thank you.

MS. GEARY:

Thank you.

P.O. LINDSAY:

Thank you very much, Elizabeth. Thank you for coming down.

LEG. CILMI:

I have a question.

P.O. LINDSAY:

Oh, wait. I'm sorry. Legislator Cilmi has a question for you.

MS. GEARY:

Hi.

LEG. CILMI:

Hello. How are you again?

MS. GEARY:

Good. Okay, thanks.

LEG. CILMI:

Good. Just if you could refresh our memory, what is your overall program budget again, your annual budget for the year?

MS. GEARY:

Our annual budget is over like 4,600,000 in '09, the last time we requested aid. One of the things I wanted to say to you last time in relation to that is that a very big chunk of that budget, okay, not quite half, is the Head Start Program. It's a federally funded program, which we have no flexibility in how we spend those dollars. It's not like we could somehow take from that pot to help to support the child care staff in their day-to-day work. So while it's -- you know, it's money that's available to us. The fact is that the child care program in our agency does typically run at a deficit, it's not able to pay all of its own expenses, and it's only because we have several programs operating in the same buildings that we're able to sustain ourselves. And we have been fortunate over the years to

get access to other grants and subsidies from State and other foundations, and that's gotten harder and harder to get to put into the mix to keep it all going. So that's why I'm here today, to ask you to please not do that right now.

LEG. CILMI:

Could you just -- how many children do you serve?

MS. GEARY:

Over --

LEG. CILMI:

-- in a year, annually?

MS. GEARY:

Annually, about 500.

LEG. CILMI:

About 500.

MS. GEARY:

Yeah.

LEG. CILMI:

Okay. I don't want to question and I wouldn't --

MS. GEARY:

It's two buildings, it's not just in one location.

LEG. CILMI:

Okay, that's fine. I'm not going to question the effectiveness or even the need of your -- of the services that you provide, but there comes a point in time where you have to figure out how to pay for it. And, you know, the taxpayers in this County and throughout the state and country don't have anymore money to pay. We have -- in our budget, we pay something more than 100 million dollars in contract -- to contract agencies in this county. If you add up the salaries that exceed \$100,000 for employees of contract agencies, of not-for-profit contract agencies that we contribute any funding to in Suffolk County, they add up to more than 30 million dollars. Just the salaries that exceed \$100,000 of not-for-profits add up to more than 30 million dollars annually. So we have a tremendous problem, and we have to start chipping away at this, otherwise we're going to be sunk.

MS. GEARY:

I --

LEG. CILMI:

Now --

MS. GEARY:

I'm sorry.

LEG. CILMI:

Let me just finish.

MS. GEARY:

Excuse me.

LEG. CILMI:

Having heard your concerns and the concerns of the one or two other agencies that have called me about this bill, I have agreed, and we've just amended today as a matter of fact, to have the funds sunset after this coming year, so it will sunset at the end of 2011 so that we don't pull the rug right out from under you. But, should the bill pass, and I hope that it does, it will sunset after 2011 and we're going to have to figure something else out. In deference to the other agencies that contacted me, and in deference to my colleagues who haven't had a chance to look at the bill yet in its new form, I will offer -- I will recess, make a motion to recess this Public Hearing today so that we can look at it for another month, come back again next month, and if there are any further comments that are done, they can be made. So thank you, Elizabeth.

MS. GEARY:

Thank you.

P.O. LINDSAY:

Thank you very much, Ms. Geary.

LEG. CILMI:

Motion to recess.

P.O. LINDSAY:

Motion to recess.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legs. Muratore, Kennedy and Cooper)

P.O. LINDSAY:

It stands recessed. Next up is ***1950 - A Local Law strengthening the Social Host Law to deter the consumption of alcohol by minors within the Suffolk County Parks System (Co. Exec)***. And 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. MONTANO:

I'll make a motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

1952 - A Local Law --

MR. LAUBE:

Check that, 16. (Not Present: Legs. Kennedy and Cooper)

P.O. LINDSAY:

-- *to protect animals in Suffolk County from abuse (Cooper)*. 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 --

LEG. GREGORY:

Mr. Chair, on behalf of the sponsor, I'd like to make a motion to recess.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Legislator Gregory makes a motion to recess it, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Kennedy and Cooper)

P.O. LINDSAY:

Okay. Next is *1976 - A Local Law to broaden eligibility for senior citizen tax exemption (Stern)*. And first up is John Kreutz.

MR. KREUTZ:

Good afternoon. I'm John Kreutz, Deputy Receiver of Taxes for the Town of Brookhaven. I'm here on behalf of Louis Marcoccia in support of this legislation.

We have spent sometime in the office since Mr. Marcoccia was first elected in 2007 lobbying both locally and in Albany for legislation such as this, because, more often than not, what we find is that senior citizens that are seeking relief are left sort of at the doorstep because of the differences in income and whatnot down here in the southern tier versus the rest of the state. But, as well, is that other sources of income, such as the reverse mortgage that you're seeing in this legislation, puts people over the -- just over the income edge and they lose out on some very, very valuable exemptions.

So this is particularly of significance, given the economic climate that we're in. And as we're just about to start printing the tax bills, once we receive the warrant from this body, it's particularly a timely matter that it is addressed today and, hopefully, passed. So we're very much grateful for the sponsors of this legislation and support it wholeheartedly.

And just on a parting note, I just want to mention how grateful we are to the Suffolk County Office for the Aging in how they interface with the Town of Brookhaven Senior Citizen Division, which we worked very closely with, in reaching out to seniors to make sure that they receive all of the exemptions that they're entitled to, because you'd be surprised when people come into my office in the middle of tax time, very distraught over the cost of their tax bill, how many of them are still on Star Basic, or even haven't received Star Basic. It's a staggering amount of people. So what I would ask is that if you are inclined to enact this law, that you please let us know, because we will

reach out to the Receivers in Suffolk County and make sure that they're aware of it and work that seniors understand how this provision is now in effect law and how it will help them to reduce their taxes, which is the bottom line what we're trying to do in Mr. Marcoccia's office. So thank you very much for your time.

P.O. LINDSAY:

Thank you very much, John, for your comments. Okay. Next up is Cesar Malaga.

MR. MALAGA:

Good afternoon again. My name is Cesar Malaga. I'm the President of the Hispanic American Association. You know, many people, many elected officials, everything, forget about our senior citizens and our veterans. I am a senior citizen, I'm also a veteran. I think you know, those are the people who built this country. Our veterans went out, you know, to fight, even though they didn't have to go, but they went out to -- for our liberty, to keep us safe, but we all forget about that.

Now, about the Star Program, you know, I'm glad that I live in, you know, Babylon, Town of Babylon. You know, and Star, I get, say Enhanced Star, I get about, you know, 500 or 600, you know, dollars a year. But my friends in, you know, Southampton, they get \$150, \$200, and not because you live in Southampton on the East End, you are all rich, many of them, they live on basic Social Security and perhaps some investments, and many of them, they lost their money, because of the crooks on Wall Street. So these people need help, yes.

You know, we should provide tax exemptions to our senior citizens. It should be not discriminated, shall we say, because you live in the East End, you get less, how you live in the West End. All our senior citizens, they deserve to be taken care of. We should not be just forget about them and tell them, "Hey, go on, your time has come, die, leave the place."

Now, in Southampton, probably all of you are familiar, they assess the homes. Some house that was \$350,000, they're assessed to 2 million dollars. And the first time they got their tax receipt to pay taxes, many of those senior citizens, they collapsed, they got a heart attack. And what are we doing, then? Who is responsible?

Now taxes, what creates taxes? Well, taxes increase because of expenses, expenses that are generated by public officials. They increase, you know, to spend to do this or that, and how do they meet those expenses? Taxes, more increases. And similar to that school board, in the last two days or three days, you saw in the papers how the superintendents make between 240,000 to \$627,000 a year. That's ridiculous. And my school district, one time I had -- I attended a meeting and there was a meeting for a teacher, the salary was \$25,000. But the superintendent -- they didn't have the \$25,000, but the superintendent was getting \$25,000 increase that year. I asked, how is it possible he's going to get \$25,000 and we cannot afford to get a new teacher that costs \$25,000? He doesn't need \$25,000, he makes over 300,000. Well, the answer from the school, you know, board president was, "We negotiated this increase last year." I mean, they negotiate, you know, ridiculous things like, you know, the unions, all those are actually killing all the people. You read about regular workers, basic salary, \$70,000; retirement pay, \$250,000 plus. I mean where are we going? It's greed is killing our country, and greed -- I'll continue again. We are on a downfall.

The second election of President Bush, I wrote an article in my local newspaper, The Beacon, and the headline was "Re-Election of Bush, President Bush, is the downfall of America, of the U.S.A.", and believe me, it did happen, it did happen. We are in a downfall. Every civilization goes up to the peak and we come down, come down. And we are in a downfall, but we have to do something. Greed, greed is killing this country. So thank you for listening.

(*Applause*)

D.P.O. VILORIA-FISHER:

Thank you, Mr. Malaga. I believe that was the last card on 1976. Is there anyone else who wishes to speak on I.R. -- Local Law 1976? Okay. Who's the sponsor of this?

LEG. STERN:

Me.

D.P.O. VILORIA-FISHER:

Okay. Legislator Stern?

LEG. STERN:

Motion to close.

D.P.O. VILORIA-FISHER:

Motion to close by Legislator Stern. Is there a second?

LEG. ROMAINE:

Second.

D.P.O. VILORIA-FISHER:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Kennedy and Cooper.

D.P.O. VILORIA-FISHER:

How many? Sixteen, okay. All right. Bill, you're back.

P.O. LINDSAY:

Okay. 1976 is closed. ***2010 - A Local Law to strengthen Social Host Law in Suffolk County (Cilmi)***. It seems -- a popular subject. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator 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? 2013 --

MR. LAUBE:

Fourteen. (Not Present: Legs. Browning Kennedy, Stern and Cooper)

P.O. LINDSAY:

Okay. I'm sorry. *2013 - A Local Law to establish minimum standards for breath alcohol ignition interlock devices (D'Amaro)*. I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator D'Amaro?

LEG. D'AMARO:

Yes, thank you. Motion to close, please.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen. (Not Present: Legs. Browning, Kennedy, Stern and Cooper)

P.O. LINDSAY:

2018 - A Local Law to promote the preservation and integrity of the Pine Barrens Core Area by prohibiting the redemption of or conveyance of vacant or improved -- or unimproved Pine Barrens Core parcels acquired by the Suffolk County by tax deed (Co. Exec.). And I have one card, Cesar Malaga again.

MR. MALAGA:

Thank you for letting me speak. You know, many of us, you know, we come to Suffolk County because of the open space. I don't know how many of you have, you know, traveled the Sunrise Highway. And there are many parcels that developers are building, destroying, you know, pine barrens. You know, we -- you know, when Suffolk County was selling parcels of land due to tax -- property that people couldn't pay, at that time, you know, I suggest that rather than selling those lots to developers, the town, that you give -- give it to the town so they can build affordable housing for all those senior citizens and those young people who need them there. Well, I think they changed the law. But what's being proposed here, I think that we should always preserve our open space.

Our open space is necessary. Probably many of you heard what's happening in the Amazons. Amazons, the Chinese, all of the people are cutting all the trees and that's destroying our environment. And if you start developing in our Pine Barrens, we will destroy the beauty of Long Island. So let's keep it the way it is and let's not start selling parcels of land, you know, to developers. Right now, you can see right along Sunrise Highway, they're building homes on the north side of Sunrise Highway. Let's not give away our land, let's preserve it. Let's have open space the way it should be. That's what Suffolk County is. Beauty of Long Island is Suffolk County with open space. Let's keep that that way. Thank you.

*(*Applause*)*

P.O. LINDSAY:

I don't have any other cards on 2018. Is there anyone in the audience who would like to speak on 2018? Seeing none --

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Thirteen. (Not Present: Legs. Browning, Kennedy, Stern and Cooper)

P.O. LINDSAY:

Okay. *I.R. 2034 - A Local Law establishing a Food Policy Council for Suffolk County (Viloria-Fisher).* First card is Erin Thoresen.

MS. THORESEN:

Can you all hear me?

P.O. LINDSAY:

Yep.

MS. THORESEN:

Okay, very good. Thank you. Good afternoon to the Legislature and for this opportunity to speak today about the proposed Local Law establishing a Food Policy Council in Suffolk County. My name is Erin Thoresen. I am a community planner at Sustainable Long Island, a regional not-for-profit organization whose mission is to promote community and economic development --

LEG. MONTANO:

Could you speak into the mic?

MS. THORESEN:

-- environmental health -- is that better?

LEG. MONTANO:

Yes, much better.

MS. THORESEN:

Sustainable Long Island is a regional nonprofit organization whose mission is to promote economic and community development, environmental health and social equity for Long Islanders now and for generations to come. We work in communities across the Island and recognize that food equity is an important issue for many, particularly those communities that lack access to fresh nutritious affordable food.

There's a lot of enthusiasm and interest in the food movement, from the New York Times columnist, Mark Bittman, to Michael Pollan, to Slow Food USA. What's missing in the local conversation that Sustainable Long Island brings to the dialogue is equity, making sure that there's emphasis on local fresh healthy food and eating includes everyone, even low income communities.

Sustainable Long Island recognizes the efforts of Legislator Viloria-Fisher and the Victory Garden Force and appreciates their commitment to food systems issues. The Legislator and the Task Force have worked very hard, as has sustainable Long Island, to address these critical issues. While Sustainable Long Island applauds the initiative to create a Food Policy Council, we are concerned that the proposed Food Policy Council was not established through a bottom-up community-driven process, and does not include a sufficiently broad spectrum of participants to affect food equity issues across Long Island and throughout the region in a sustainable manner.

The proposed council is heavily weighted with individuals who will be appointed by the Legislature. Very few of the members represent the grassroots level of food system work taking place on Long Island, and there are no provisions to ensure equitable representation of minority groups, per se.

A county-specific food policy council like the one proposed in this legislation is insufficient to address

the critical food equity needs of Long Island which are not confined to municipal boundaries and require broad collaboration. In light of this, Sustainable Long Island puts forth several recommendations for your consideration. The first is to build a broad Island-wide bottom-up Food Policy Council in its membership. That includes elected or nominated members from across the Island who express interest and would demonstrate commitment to the council, in addition to or instead of designated or appointed members to ensure equitable participation. The chair of the council could be elected by the council itself, rather than appointed by government officials.

A primary role of any Food Policy Council is to give voice to the concerns of communities. Engaging community organizations ensures that food policies and projects reflect the diverse needs and perspectives of the region and its food system. A Food Policy Council's members must be able to work with various governmental departments that affect food systems, including Departments of Transportation, school districts, economic development and health agencies. It's essential that Food Policy Councils include representatives of community organizations, particularly established ones in underserved communities that lack access to fresh healthy food, to ensure that the council is addressing those communities that need its attention most.

The most effective Food Policy Councils around the country are those with diverse political and internal leadership and those that hold interest of members by engaging committed, interested individuals who have meaningful opportunities to participate. Appointing representatives may shift with political elections, and it's important that a council is able to continue working, despite election cycles, to sustain its work over time and address the critical needs that do not come and go with terms of office.

Second, a Food Policy Council should be Island-wide and broadly focused on the entire Long Island food system. The goals of an Island-wide council would be to address the food system as a whole, working across all sectors in a democratic manner that reflects the diversity of the population it serves. The council should aim to bridge divisions in public policy-making at the regional level, perhaps by engaging state and local officials, as well as community members, and raising awareness about the effects of policies and actions on health, nutrition and the environment.

The proposed council would make recommendations to the Legislature and County Executive about actions the County may take to meet the goals and purposes stated above, but food system issues do not conform to political and municipal boundaries and cannot be addressed by -- county by county. A broader regional approach and wider collaboration are required to adequately address food equity.

In conclusion, a council -- a Food Policy Council ought to be a bottom-up process and including participation from members of the very communities that it aims to affect. Sustainable Long Island appreciates the dedication of Legislator Fisher and the Legislature to address food system issues. We welcome the opportunity to work with this or any food policy council, but further maintain that the community must have a seat at the table and the regional approach is necessary for long-term success. Thank you very much.

P.O. LINDSAY:

All right.

D.P.O. VILORIA-FISHER:

Erin, I just want to ask a couple of questions.

P.O. LINDSAY:

Yeah, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Yeah, because some of us heard you differently. As you know, when we set up any kind of council or task force, the appointments are made by the Legislature or by the County Executive. Now, were you saying that the leadership of the council should be appointed from within the council, is that --

MS. THORESEN:

Yes, that was correct.

D.P.O. VILORIA-FISHER:

Okay. But I -- well, we'll talk about that as far as the language in the bill. As far as community members, I believe that there are positions on the council for community advocates. So, specifically, what were you looking for when you said "community members"?

MS. THORESEN:

I think that the bottom line was to -- I'm sorry. Can you hear me?

D.P.O. VILORIA-FISHER:

Yeah.

MS. THORESEN:

The bottom line was to ensure that the community representatives have a say in who else can represent and participate in the council; that it's important that there are -- you know, there is work going on currently and that those groups that are doing that work should have a seat at the table, and perhaps that the balance is more in favor of other appointed members and -- that only -- I think it was just two members of community groups, or something like that, but that it should -- they should have a greater role, essentially, in the council.

D.P.O. VILORIA-FISHER:

Okay. Well, I'll be happy to sit down. And, as always, I have been working with Sustainable on this. And there are some restrictions that I think we have to clarify for you as well, because I cannot set up a council that would include something outside of the county. I think Michael White might speak to that, because we are looking to do it regionally, but we need a partner in Nassau County to work with us so that we can make it a regional council.

MS. THORESEN:

Absolutely, and we would welcome those discussions and certainly would love to sit down with you and have those discussions. And I know that the organization supports regional efforts that could perhaps --

D.P.O. VILORIA-FISHER:

Right.

MS. THORESEN:

-- bridge those gaps from county to county.

D.P.O. VILORIA-FISHER:

And I think I've asked Sarah Lansdale, and also, when I went to the Long Island Regional Planning Council, I asked for recommendations as to which Legislator in Nassau County would want to partner on this.

MS. THORESEN:

Okay.

D.P.O. VILORIA-FISHER:

Okay. Thank you for coming down, Erin.

MS. THORESEN:

Thank you very much.

P.O. LINDSAY:

Okay. Michael white. How are you doing, Michael? Boy, you're persistent, you're hanging in.

MR. WHITE:

I'm hanging in. I'm glad to be here. Thank you for this opportunity. My name is Michael White. I'm the Executive Director of the Long Island Regional Planning Council, and I'm here to speak in support of I.R. 2034, to establish a Food Policy Council. I want to thank Legislator Vivian Viloría-Fisher for coming to our last meeting of the Regional Planning Council to advise the Council of this initiative and provide an opportunity to be a part of it. In fact, we welcome the opportunity to participate. We recognize that healthy food, food access, food distribution is an important element of our sustainability here on Long Island, and our locally grown products are a tremendous piece of our economy here on Long Island, and we recognize that there are many community groups involved in this issue. This Food Policy Council really, to us, provides an opportunity to bring these groups together to make such a Food Policy Council work for Long Island.

We also actually have provided a letter of support for some Federal funding to the Health and Welfare Council of Long Island, but know there are other groups such as the Farm Bureau, Sustainable Long Island, Long Island Harvest, Long Island Cares who also play very important roles in this issue on Long Island. And as the Long Island Regional Planning Council is a regional entity, working in both Nassau and Suffolk County, we have begun discussions with the Nassau County Health Commissioner, Maria Carney, who was very much involved in healthy food issues, and I think will be very supportive of this initiative. We will be advancing some conversations with County Legislators, Rose Walker and Denise Ford in the Nassau County Legislature, as well as through the County Executive's Office, with -- we believe is a great opportunity to make this Food Policy Council cover both Nassau and Suffolk County. So we look forward to an opportunity to working with you further on this and making it happen.

D.P.O. VILORIA-FISHER:

Thank you.

MR. WHITE:

Thank you.

P.O. LINDSAY:

Thank you, Michael. Okay. I don't have any other cards on 2034. Is there anyone else in the audience that would like to speak on 2034? Seeing none, Legislator Viloría-Fisher, what's your pleasure?

D.P.O. VILORIA-FISHER:

I'd like to make a motion to recess.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to recess, second by Legislator Romaine. All in favor? Opposed? Abstentions?

LEG. BROWNING:

Tim.

P.O. LINDSAY:

Next up is 20 --

MR. LAUBE:

Fourteen. (Not Present: Legs. Losquadro, Nowick, Stern and Cooper)

P.O. LINDSAY:

Okay. I'm sorry. Next up is ***2037 - A Local Law to expand the scope of the County's Social Host Law (Montano)***. That sounds familiar. I don't have any cards on this. Is there anybody who wants to speak on this one? Seeing none, Legislator Montano?

LEG. MONTANO:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen. (Not Present: Legs. Losquadro, Nowick, Stern and Cooper)

P.O. LINDSAY:

Okay. And that brings us to ***2054 - A Local Law authorizing the County Executive to execute agreements for a sale of the John J. Foley Skilled Nursing Facility***. And I have a couple of cards. George D. Barnes is first up.

MR. BARNES:

Good afternoon, Ladies and Gentlemen. Thank you for the opportunity to speak. My name is George Barnes. I am a disabled Vietnam Veteran and a lifelong resident of Mastic Beach. I have a son, Christopher Barnes, U.S. citizen, born in Saint Charles Hospital, married in New York City, currently 37 years old, who has a seven-year-old son. Chris, I am pleased to announce, as of October the 26th, is currently a resident at J.J. Foley Nursing Home in Yaphank. I am here in support of J.J. Foley. I am here opposed to the sale or closing of J.J. Foley Nursing Home.

Chris, following a five-and-a-half year confinement in London, England, was finally moved out of London, England and brought home to us in the U.S. on April 25th 2005, Chris, while jogging in Holland Park in London, suffered cardiac arrest. As a result of his cardiac arrest, Chris sustained a severe anoxic brain injury. He has tetraplegia, with cortical blindness, and severe cognitive and communicative disabilities. He is doubly incontinent and fully dependent on his carers for his care and all his needs. Chris is mobile, using a specially adapted wheelchair. Coincidentally, this entire tragedy occurred when his stepmom and I were flying over to London to spend vacation with him and his family, his son at that time a year-and-a-half old. It was almost simultaneous as our aircraft touched down at Heathrow Airport that he collapsed from running. We never got to see him. He was scheduled to pick us up; he never showed up. We were transported to Charing Cross Hospital in London, where he was in an induced coma. That was now six years ago, because he's been in a neurological center for five-and-a-half years. He is now, I am proud to say, at J.J. Foley in Yaphank.

Previous to this tragedy, Chris was a male model, working in Europe with Ford Agency. He graduated Scholar Athlete from SUNY Albany, and was in Men's Health Magazine three months before this tragedy. No cause was ever determined for why this occurred.

I am not here today to talk about Chris. I am here to take -- talk about J.J. Foley and how J.J. Foley works, and how it has worked for us, and, indeed, how it has worked, and he's only been there three weeks. Chris was turned down at no less than four facilities before J.J. Foley accepted him. I should say he was welcomed, because he really was welcomed. Why was he turned down? A combination of factors, I suspect, probably the biggest one was money. Everything in the world is about money, it's always money. I mean, today we build drug stores 30 feet apart. It's all money, everything is money, but the bottom line was money. They were polite rejections, they didn't say, "No, he can't come here because you don't have the money to pay for private health care," but I guess, coupled with Chris' age, he's 37 now, the magnitude of his injury, the amount of time had lapsed since his injury, five-and-a-half years had passed. The heavy maintenance required to maintain his care, other nursing homes simply not being skilled as J.J. Foley is, their not being able to manage his needs passed possibly at other nursing homes, possibly all of those things could have contributed, but the bottom line is money. In my opinion, everything is money.

How does Foley work? Well, in the three weeks since Chris has been there and has been a resident there, I have probably been privileged to meet everybody there, all of the staff, from housekeeping all the way up to his doctors, directors, and everybody there; not only meet them, but, I mean, actually sit down with them and get acquainted with them. I mean, they took the time to do this, they spent the time to do this. Where do you find that today, I mean, where do you find that? His doctor, his assigned doctor -- I needed to go through this quickly -- I mean, he called me at home, not to ask me -- not to ask me to please see him, or, "Can you make an appointment to talk to me," or -- no. He called me at home and left me a five-minute message on my answering machine about he modified Chris' meds, he changed this dosage, he modified this, he increased his OT. He went on with all sorts of things that he did. What doctor does this? What doctor does this today without charging you a thousand dollars or something? I mean, I had to play the message ten times over to figure out what he was telling me to get it all put down. His nurse called me at home at 10 o'clock at night, because he had a bad hair day and he was in a lot of pain, to tell me what they did to relax him, to get him comfortable and get him back in bed. I mean, where do you find this today? This was done at J.J. Foley, you know.

P.O. LINDSAY:

Mr. Barnes, you're ought of time, but I do have a question for you, if you would just stay where you are.

MR. BARNES:

You're not going to take it off my time, are you?

P.O. LINDSAY:

No. Your time's up. Your time is up.

MR. BARNES:

Already?

P.O. LINDSAY:

Yeah. Five minutes goes fast.

LEG. BROWNING:

We're giving you more.

P.O. LINDSAY:

All right. You're obviously pleased in the short time that your son's been in Foley with the care there; is that correct?

MR. BARNES:

Yes, sir.

P.O. LINDSAY:

Okay. He was sick for five years before you finally got him back here. When did you first start trying to find a facility?

MR. BARNES:

It was very complicated to bring him home from England.

P.O. LINDSAY:

Okay. So it took a long time to get it straightened out. Were the other rejections of the other homes homes on Long Island?

MR. BARNES:

Four.

P.O. LINDSAY:

Four of them, they were all on Long Island?

MR. BARNES:

From Queens out.

P.O. LINDSAY:

Okay. That's all the questions I have. Does anybody else have any other questions of Mr. Barnes?

LEG. BROWNING:

Well, I just -- can I add --

P.O. LINDSAY:

Yes, Legislator Browning.

LEG. BROWNING:

George, I think -- was it about two years ago you came to me about getting your son back home?

MR. BARNES:

Yes.

LEG. BROWNING:

And about two years ago we had discussed the nursing home and, you know, trying to get your son back and getting him into the nursing home. So I think the Presiding Officer, to answer his question, I think it was about two years that we've been working to get a nursing home. And you said Queens was the most -- the furthest west, and Montauk, I think you said at the committee meeting?

MR. BARNES:

I think we went as far east as the Hamptons, I believe, and we started out west in Queens. I just want -- I just wanted to close. I'd like everybody to just take -- everybody here, take a deep look into your hearts, because this is the only public facility that we have. And, you know, the impact of

a sale or a potential closing would be catastrophic. In my opinion, you know, I just don't think this is a recipe for prosperity in Suffolk County. Thank you very much for the opportunity.

*(*Applause*)*

LEG. BROWNING:

Bill, one more --

P.O. LINDSAY:

Oh, wait a minute, Mr. Barnes. Legislator Cilmi has a question.

LEG. BROWNING:

Oh.

MR. BARNES:

I'm sorry.

LEG. CILMI:

Hi, sir. How are you? First -- over here.

MR. BARNES:

Okay.

LEG. CILMI:

First of all, God bless you, and thank you for your service to the country.

MR. BARNES:

Thank you.

LEG. CILMI:

And prayers with your son, with you and your family. Please don't take this as leading in any way, but you said that your son was rejected for -- at four other nursing homes prior to his acceptance at Foley.

MR. BARNES:

Yes, sir.

LEG. CILMI:

Why was Foley your fifth choice, just out of curiosity?

MR. BARNES:

I'm not really sure. A lot of people had mentioned nursing homes to me that were specifically neurological and Chris had a neurological injury. So, initially, when we started on this conquest and it was on this journey, it was probably even more than two, three years ago. I was looking at neurological rehabilitation centers and I probably started in that industry before I moved to local areas. I was trying to look for specific rehabilitation in that category. And, you know, it wasn't like we were blatantly told no, we were kind of like discouraged. And bottom line, it was really -- I'm sorry. It was really getting into a monetary -- getting into a monetary category. I'm sorry.

LEG. CILMI:

Okay. Thank you.

P.O. LINDSAY:

Mr. Barnes, Legislator Browning, I cut her off early, she had one other question.

LEG. BROWNING:

No, no. I believe Legislator Cilmi said it. So, basically, being 37 and Medicaid were not attractive to the private nursing homes.

MR. BARNES:

Essentially, I believe that's correct.

LEG. BROWNING:

Okay. Thank you.

P.O. LINDSAY:

Thank you, Mr. Barnes. Next up is Cesar Malaga.

MR. MALAGA:

I hope you're not tired of listening to my voice, so this is the last one here.

Now, the previous speaker mentioned money, money, money. That is the problem we have in this country nowadays. The County Executive wants to sell Foley to, you know, to close his gap, budget gap. He say he was going to fund the Police Department with that money. Like 1883, you, Suffolk County Legislature, want to sell -- you know, taking land in Yaphank, because you're going to use the money for something. We should not spend money that we don't have. If we are short of money, we should cut expenses. Let me tell you, in Suffolk County, even these Legislators, we can cut lots of money.

Yes, I'm -- you know, I'm frustrated in a way, because I was away, that I missed, you know, the budget hearing, but I was at one of the hearings where Legislator Gregory was there and mentioned about the amount of money that you are spending in Suffolk County is nothing compared to what Westchester and Nassau spends, you know, so we have to look.

Now, about nursing -- about John Foley Nursing -- Skilled Nursing Facility, there was a reason why the County built that nursing facility; it was not to make money, it was to care for the people. The Hispanic American Association is opposed to the sale or closing of the facility. We have said in previous hearings that we had here, you should not close this facility, nor Suffolk County Executive to sell it.

You know, I was surprised that, you know, in the beginning that you guys said that, you know, Suffolk County said it was too expensive to care for this facility. Let me tell you that, you know, we, many of us, many of us here in this country took care of many things. I arrived in this country about 53 years ago. I'm from Peru. We had an earthquake about two years ago. You know, we were able to take care of it. We, the people, got together, not only Peruvians, but Americans. We had festivities. We collect the money. We went out there with -- we bought all the supplies that people need and took to the area where the people need. The area, the school was completely destroyed. We built the school for the children with a new facility, and we provide everything, desks, books, everything. Now, I'm really surprised that here in Suffolk County that no one has asked, you know, those millionaires, or something, to provide or give us some gifts to keep the nursing facility going. Many students who are now, you know, millionaires which came from Suffolk County, they could afford well to give some money to -- you know, to this keep this place going.

You should not sell this facility. Just remember, you know, why you build it, it was to care for the people of Suffolk County, because other facilities, they were just to make money, money, money.

Just think, as the previous speaker said, of the people. Just think why you built this facility. Do not sell, do not close this facility. Improve the facility and get all the people here in Suffolk County --

*(*Applause*)*

Get all the people in Suffolk County to have a fair. Legislator Montano and Legislator Fisher attended one of our, you know, galas that we had here in Suffolk County, because we cared to help others who cannot help themselves. Likewise, you can have gallon galas like that. Now, you know, the Democratic Party or the Republican Party, they have fund-raising things, you know, for their political, you know, candidates. Hey, why can't we have one for John J. Foley Skilled Nursing Facility. Why can't we have? I'm sure we can get all the money that we need to care for this facility and all the citizens of Suffolk County, all the residents of the County will be proud that they all have John J. Foley Skilled Nursing Facility. So let's work all together. Let's not forget the people who use -- our people who in Suffolk County that need us. They need us to help them, and do not sell, do not close. Thank you very much. Applause.

*(*Applause*)*

D.P.O. VILORIA-FISHER:
Perfect timing. Linda Ogno.

*(*Timer Sounded*)*

MS. OGNO:
My time's up already.

*(*Laughter*)*

D.P.O. VILORIA-FISHER:
You've got to be quick here.

MS. OGNO:
Hi. I was going to come up here and speak against the 2054. I don't know what's wrong with me. All our budget woes would go away if we sell John J. Foley. That's how it seems to me that I've been sitting here. For the couple of dollars that it's going to cost us a year -- I've been out there speaking to senior groups and stuff like that. Not one person is ever in favor of closing this, until we've gotten some of these conservative people here today. I just hope you do the right thing. We've been in this business for a long time. We are long employees; that makes us the difference than in the private sector. We have long-term employees there, that's why we're more like a family than a facility. You've heard all we've had to say. I just hope that you can vote with your conscience. Thank you.

D.P.O. VILORIA-FISHER:
Thank you for your brevity. Is there a question?

LEG. MONTANO:
Do we have a lot of cards in there?

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

LEG. MONTANO:

Thank you.

D.P.O. VILORIA-FISHER:

Calvin Barnes.

MR. CALVIN BARNES:

Good afternoon, Ladies and Gentlemen. Can you hear me?

D.P.O. VILORIA-FISHER:

Hold that closer to your mouth, okay, Mr. Barnes?

MR. CALVIN BARNES:

Good afternoon, Ladies and Gentlemen, and thank you for your time. My name is Calvin Barnes and I'm here in support of John J. Foley. John J. Foley has been with the County for over 75 years. It's only -- the only County nursing home we have. And, as the prior speaker said, I know for a fact that the people that work there care for the people that are there and they would not get that same care if they were in an outside nursing home. I think it would be an absolute tragedy for us to sell or close John J. Foley after we made such a tremendous facility from the old infirmary, as most of you probably remember, which was built during WPA days. But it would be an absolute tragedy if you were to sell or close John J. Foley. It is the only County nursing home and each one of the people that are there care for the people like it's their own family. That care is not going to happen on the outside. Basically, that's all I have to say.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Barnes.

*(*Applause*)*

Pat Rowlings.

MS. ROWLINGS:

Good evening. Pat Rowlings. I've been here many times before, and I'm really running out of things to say. I've told you about our residents, I've told you about how we had Doc with us for many years. His entire family left, they moved to Pennsylvania, he refused to go, we were his family. When Doc died on Christmas Day, we went down to see him. We held his hand and we stroked him and told him how much he was loved. So it is a very unique place, I don't care what anybody says. There is not another facility like this on the Island, and I've worked in other facilities. In other facilities, it's just a job. You go in, you do your grind, you do what you have to do and you get out. Here, you take your work home with you. You think about, "How can I help this one do that?" What is -- "Oh, this one, if I get this for that one, that will help her grab her spoon better." This is how we work there. It's a community, it truly is a community and we're a fine community. And the rest of Suffolk County should really take a good look at us, because this is what community is about. We all should take care of one another.

There's a reason that this place has been going for so long. There's a reason that you have so many people standing up for us, because we truly are different. And once we're gone, that's it, we're gone, you can't get us back. I look at it as an investment of the County. Millions of dollars have been spent on this building. Millions of dollars have been spent to update it, to give us a better day care, to give us a better PT; it's an investment. So stocks are low. Do you sell your stocks when they're low or do you ride out the storm? Ride out the storm, please. Please find a way to fund us. Please keep us in the budget. Please keep us in our jobs and please keep our residents in their home. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Pat. David Bond.

LEG. BROWNING:

He was the one with the little boy. It was Chris' brother, but he had to leave.

D.P.O. VILORIA-FISHER:

Okay. Thank you. Nanci Dallaire.

MS. DALLAIRE:

Thank you for hearing me once again. It has been reported that the sale of the John J. Foley Skilled Nursing Facility will reduce the deficit in Suffolk County by 20 million dollars, but Mr. Levy himself has predicted a budget deficit for 2010/2011 that could surpass 150 million dollars. So, if I understand this, the plan is to abolish these essential services, sacrifice the lives of a few for 20 million dollars. So, now I will be another unemployed Suffolk County resident. The County will still struggle with 130 million dollar deficit and there will be no John J. Foley to blame. There will still be the needs of our citizens to be met, though. It has been asked, "How will we handle the cost?" I ask, how will we handle the need?

We are not here to compete with private facilities. This nonprofit institution delivers services to our community for the security of all our citizens. Where will our security be placed now, with Mr. Rozenberg? Accidents will happen to the rich and the poor. Unforeseen circumstances occur whether we are prepared or not. Disabilities strike whether we are insured or uninsured. John J. Foley exists for those who may not be as fortunate as some. You have the task of discerning all of the facts and fiction regarding this facility. This is not an easy task, but I ask you to, please, remember this one fact, some of us need this facility. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Miss Dallaire. Christopher Ogno.

MR. OGNO:

Our Father, who art in heaven, hallowed be thy name. Thy kingdom come, thy will be done, on earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil.

AUDIENCE MEMBER:

Amen.

MR. OGNO:

God bless you, John J. Foley. Five minutes I got here, huh? You know, I read an editorial about John J. Foley and it talked a lot about his career and teaching, and his most distinguished thing was the John J. Foley Skilled Nursing Facility and his understanding of what public care really meant. Our facility is very unique, and contrary to what many people think, we do take in people of last resort. We do not compete with the private sector whatsoever, we take in people that have been denied from other places. Why? Because they were denied because they are not profitable. So now we have to draw a line here. Are we going to sell John J. Foley and make a one-shot deal just for a few bucks? If we were making the taxpayer two dollars, would it matter? But since we're costing the taxpayers two dollars, it matters a lot.

I really hope that every single person, not just up on this horseshoe, but in this room, takes home with them the thought of what it really means to take care of an individual. We get up in the morning, we shower, comb our hair, brush our teeth, these people cannot and we have to do it for them. It's a luxury that we all take for granted. So you, the elected leaders, have to make that difficult decision. You have to make the difficult decision of what's right, and I believe the right decision would be to keep the John J. Foley Skilled Nursing Facility in the County hands and let's make it run efficiently as best as we can. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Chris. I know someone said he left, but I just need to try one more time before we move forward. David Bond? Okay. Not James. Okay. Is there anyone else in the auditorium who wishes to speak on this issue?

MR. MOSKOWITZ:

I do.

D.P.O. VILORIA-FISHER:

Mr. Moskowitz, come on up. Please identify yourself again for the record.

MR. MOSKOWITZ:

My name is Harold Moskowitz. I've been a resident of -- oh, I'm sorry. My name is Harold Moskowitz, I've been a resident of Suffolk County for 30 years. I've attended several of these hearings. I've seen the same people give testimony. Those who are working for the Foley Home are mostly giving emotional testimony based on their personal future and based upon their personal well-being. I would like to cover a few things based on what some of the people have said in the last few moments.

Number one, although the origin of the Foley home goes back pretty far, when it started as the County poor house, it served a very valuable need. People who did not have family to take them in needed a place to go. There were no nursing homes as we know them today. I don't think there were any nursing homes at all. People mostly took care of relatives as long they could in their own homes, or given some sort of assistance by a local church. However, the Foley Home is in competition with private nursing homes today, the difference being that private nursing homes have to look at a bottom line and a tax-supported publicly-funded one does not. We are not saying that if the Foley home is sold, not closed, but sold, that it will solve the fiscal problems of Suffolk County. What we are trying to say is that we would like to start divesting the taxpayers of this County of expenses that they don't need to have to shoulder. There are private nursing homes and every nursing home in the State of New York has to meet basic standards.

I'm well aware of the compassion and the dedication of the workers in the Foley Nursing Home. However, wherever you happen to be, you are stuck with whatever the level of compassion is of the people who work with you. You have compassionate people in private facilities as well. So, I appreciate their dedication, but that doesn't mean that the taxpayers have to be burdened with what amounts to a loss of over eight million dollars a year and pension benefits which will have to be paid well off into the future. What I'm saying here today is that Suffolk County has to make a start, it has to make a start in getting its expenses under control. We're starting first with this opportunity where we can sell the facility, we can get money from a sale of the land, we can have that nursing home operational. Everybody here is saying it's going to be closed. It's not going to be closed, it's going to be changing ownership. The public is going to get rid of a burden and a private developer is going to inherit a burden. He has to make it work. You have to have some sort of an

arrangement with him whereby he gives adequate care to the people he's taking over. We have the ability to give the people that are working there now a chance to either stay or to start looking for another location to work. We don't have to have everybody working in that location, and the patients who are there are not going to be thrown out into the street. We do not do that in the United States. Nobody gets thrown out into the street, whether it's an AIDS patient or somebody who is handicapped. There are provisions for taking care of all people. It's a question of what location the person is going to be taken care of at.

So, in closing, I would like to say that although I've heard some very nice reasons for why you should keep it open from an emotional point of view, from a fiscal conservative point of view, we have to start looking forward to the idea that people can afford to stay in Suffolk County, pay their taxes, stay in their home, and have a decent middle class life-style. The only way to do that is to start getting expenses under control and you have to start someplace. We are starting with this opportunity.

Executive Levy is trying very hard to put us on a proper fiscally sound financial course for the future. There are many people trying to undermine him, circumvent his efforts. The taxpayers demand that steps be taken to take care of the tax burden that is becoming excessive by the year. And I think it's time we stop kicking this can down the road and start showing backbone and taking a stand to prove to the taxpayers that you deserve to be reelected by looking out for the best interests of the taxpayers. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Oh, wait a minute. Mr. Barnes, if you could come back.

D.P.O. VILORIA-FISHER:

Mr. Moskowitz.

P.O. LINDSAY:

Mr. Moskowitz, I'm sorry. Legislator Browning has a question.

MR. MOSKOWITZ:

Yeah, where.

LEG. BROWNING:

Yeah, Mr. Moskowitz, I'd like to ask, have you ever been to John J. Foley, have you ever visited?

MR. MOSKOWITZ:

I have not been inside, I've past it many times, but I've been in other nursing facilities. My mom was in one for a decent amount of time, my grandmother was in for thirteen years. She was a stroke victim, paralyzed on the whole left side, couldn't do anything for herself.

LEG. BROWNING:

Okay. I'd like to correct the information. I know the Presiding Officer put together an oversight committee, and at one time, yes it was eight to ten million dollars, it's currently down to four. Do you know what that burden is to you per year?

MR. MOSKOWITZ:

It is not relevant how much the burden comes out to each taxpayer. If we divest ourselves of whatever economic burden it is, and that burden will go up as expenses go up for supplies, for labor costs, for all of the things that are associated with running any facility and any institution. And I

always refer back to the future pension costs of defined benefit pension plans, which you will have as long as these employees are paid for by public funds.

LEG. BROWNING:

Okay. I'm not talking about the employees, I'm talking about the operation for -- and for the residents. I will tell you what the burden to you is, is thirty-one cents a year per household, that's your burden.

MR. MOSKOWITZ:

That's to me.

LEG. BROWNING:

Let me ask you another question. I think you heard Mr. Barnes here tonight talking about his son, trying to put him into a nursing home, and the only place that would take his son was John J. Foley. Now, I don't know if you were here when Mr. Rozenberg sat here and spoke with us about John J. Foley. We asked -- I believe Legislator Barraga asked him would he guarantee employment to the workers and he would not. Were you here when we spoke with him?

*(The following was taken by Alison Mahoney
& transcribed by Donna Catalano - Court Reporters)*

MR. MOSKOWITZ:

I was not.

LEG. BROWNING:

Okay. He said he would not guarantee the jobs to the employees. He also said that he would not guarantee that every resident would keep their bed; that if there was a circumstance that he was not able to accommodate, he would -- they would have to be relocated. So there was no guarantees to keep the employees, there was no guarantees to keep the people in the beds. Mr. Barnes has clearly explained that his son was not accepted because he's 37 and on Medicaid. Where would you propose Mr. Barnes send his son if we sell it and Mr. Rosenberg decides that his son is costing him too much money, it's not feasible and he can't accommodate him? Where would you suppose he would send his son?

MR. MOSKOWITZ:

At some point in time, he would be placed on Medicaid, and Medicaid would assign him to a facility.

LEG. BROWNING:

He's on Medicaid.

MR. MOSKOWITZ:

He would be assigned to a facility. He would not be placed on a street corner.

LEG. BROWNING:

He just said he tried from Queens to Southampton to get his son --

MR. MOSKOWITZ:

He was looking for a neurological place at that point in time. And he never told us how many scores of places he had investigated. He mentioned that Foley was the fifth place and that they took them at Foley.

LEG. BROWNING:

That can accommodate his son's needs.

MR. MOSKOWITZ:

There are many more nursing homes between Queens County and Suffolk County than the number that the gentleman mentioned. And although you are putting me under cross-examination as if I'm an expert, I'm not an expert on this, I am a taxpayer. What I'm representing here are the solid majority of taxpayers of Suffolk County. And as long as Foley represents an economic burden, whether it's \$4 million or \$8 million or 12 million in the future.

LEG. BROWNING:

Thirty-one cents a year to you.

MR. MOSKOWITZ:

You are averaging it out. But I'm talking about a burden that the taxpayers can divest themselves of by privatizing. You can do the same thing for parks. You can prioritize parks, you can privatize golf courses. There is no need for government to be in the business that can be adequately farmed out to concessionaires or to other ways that you can get it off the burden of the taxpayer. We want to stay here in Suffolk County. We want to enjoy a decent standard of living. And what we have here is a situation where each year that goes by it's harder for old people, it's harder for young people and it's harder for families that have children to be able to stay here, let alone expect that their children will be able to stay here after they get through the school system and move on to working careers.

So I say again, this is the beginning of a first step to trying to get our finances under control. Yes, some people are going to be displaced in the process, some people are going to be very inconvenienced in the process, some people are going to be at a loss for what to do immediately. But in the long run, it is in the best interest of everybody who lives in the County for us to get our finances under control. And to just look at the emotional side of this and say, "What happens to this person that nobody else took in?" He is not going out on the street corner.

But the rest of us have to look at the big picture. The big picture is how does Suffolk County survive and not have to become like a California? How do we survive and have people live here with a decent life-style? And if you don't look at it that way and you just look at emotional, the emotional humane, quote, humane look at it, then what you end up with, you can't cut any of the agencies that the people came here at the last few sessions pleading for money, please don't cut us, please don't do this, please put us back in the budget.

If you say yes to people -- and if you say yes to this group, you really need to say yes to that group. At what point do we say our budget is not going to sustain this now and certainly will not sustain this in the future as people move away because they cannot continue to pay the taxes here? So I say you have to look at the taxpayer first and not the individual. The greater good is more important at this point in time than the small number of individuals who are going to be affected by the transfer of ownership to the Foley Nursing Home.

LEG. BROWNING:

Well, I hear what you are saying. However, I will say that I feel that it is a real shame that these people who live there -- and many of them, and I can't name names, many of them that I know, because I've been there a lot and were taxpayers, some of them were veterans.

MR. MOSKOWITZ:

But they will be taken care of.

LEG. BROWNING:

And in my opinion, these people, they're human beings, are not a burden.

Applause

UNKNOWN AUDIENCE MEMBER:

Thank you.

D.P.O. VILORIA-FISHER:

I'm sorry, I had a question?

P.O. LINDSAY:

Legislator Viloría-Fisher would like to ask Mr. Moskowitz another question.

MR. MOSKOWITZ:

Yes, please cross-examine me.

P.O. LINDSAY:

Mr. Moskowitz, wait a minute. You get up here, you are accusatory to everybody. If a Legislator has a question, "you're being cross-examined." You're not being cross-examined.

MR. MOSKOWITZ:

You are.

P.O. LINDSAY:

If you make a statement, then we have a right to ask you about that statement.

MR. MOSKOWITZ:

Yes, but you're treating me as an expert, I'm not. I'm a taxpayer.

P.O. LINDSAY:

I know that you are. And I think your point is well taken, it's just misdirected. You should be going to your school board. This County hasn't raised your taxes in eight years.

Applause

Come on.

D.P.O. VILORIA-FISHER:

Actually that was the question I was going to ask you.

(Laughter)

Have you looked at your tax statement to see whether or not the County has provided financial stability over the past decade? And if you look at your tax bill -- and I assume you might be an expert in your own tax bill -- that you can tell us how much instability and how much increase has there been on your tax bill.

MR. MOSKOWITZ:

Offhand, I don't know.

D.P.O. VILORIA-FISHER:

My suggestion to you, sir, before you stand before us and tell us that we are not looking at the greater good that you look at your tax bill and compare it; compare the General Fund of the County of Suffolk on your tax bill and look at where it has been for the past decade. It is actually less than it was 15 years ago. It's a smaller number.

The second part of my question is when you talk about the greater good. I see the greater good as being part of the mission of government to provide for the health and welfare of the people who live here.

Applause

That's the greater good. And I don't understand you're saying that the greater good is only expressed in monetary terms. I see it as a much -- you say it's only human. I think humanity is a very important piece of the greater good.

UNKNOWN AUDIENCE MEMBER:

Amen.

Applause

MR. MOSKOWITZ:

One more statement. I agree that government is supposed to look at after the common good. However, government should not have to be involved in the common good where other methods can be used for accomplishing the same purpose. If you are talking about protection of the public, there's a definite mandate to protect the public. We set up government originally in order to not live in a state of nature where you have to protect yourself and if you couldn't, that might take away from the small, might makes right. We have moved away from that, and government does provide protection.

But where there is the ability of private enterprise to take on that function that government was providing, it is no longer necessary for the taxpayer to be able to fund a service that can just as easily be done by another source. I agree that we have to take care of people but if they can be taken care of, then why do we have to have the taxpayer pay for it can be done else ways?

D.P.O. VILORIA-FISHER:

My contention is and we disagree --

MR. MOSKOWITZ:

We do.

D.P.O. VILORIA-FISHER:

My contention and the contention of many people who sit at this horseshoe is that there is a population that would not be served if we were to close this facility. And we feel that that is the responsibility of government; when there is a population who may not be what you are calling the silent majority and people who are out there actually not being very silent, but who can't speak for themselves, we feel it's our responsibility to represent them.

MR. MOSKOWITZ:

Okay.

Applause

MS. SCHLOMANN:

I'm Susie -- is that working? I'm Susie Schlomann, hi. I'm not here because of finances, the economy or anything like that. I'm here because we, as a County, are running a nursing home and we're not doing a good job. The facts speak for themselves. The nursing home is in the bottom

third of all nursing homes in New York State. It is considered in the category of worst. I hate to say that, but that's the way it is.

We have had serious deficiencies, violations. Serious so that imminent jeopardy is the condition that the patients are in. Imminent jeopardy and others were in actual harm. There has been abuse -- I mean, it's in the area of patient care. And that's what is considered the most damaging, dangerous for the residents, and that's the area where the deficiencies are the most in administration and in patient care. We're not doing a good job. Why in the world do we want to continue?

You are the ultimate administrators as far as I can see for this nursing home. What are you doing about it? What have you done? I think the people that I have met here in the last couple of weeks who work at the facility are pretty cool, they're kind, they're caring, they enjoy their jobs, which is a big thing today, but they're working at a facility that is considered subpar in our state. What are you doing about it? Continuing to run the facility, fine. But you certainly can't run it the way you have been running it. Why not sell it to somebody who is a professional? I don't understand that. Somebody who will raise the level of care for all the residents. That's it. Any questions?

P.O. LINDSAY:

Yeah. Legislator Kennedy.

(Laughter)

Nowick. Romaine.

MS. SCHLOMANN:

Go ahead. Line up.

LEG. KENNEDY:

Hello, Ms. Schломann. First of all, I have a lot of respect for what you have to say. You and I have had many conversations about not just this issue, but many financial issues. But I can tell you firsthand having been out there in the facility and seeing directly the care that's given and having looked at the New York State nursing home survey regarding this facility and all other facilities, it is not substandard care. I will also say to you that the prospective purchase of Mr. Rosenberg as a matter of fact has a history of immediate jeopardies and substandard care throughout all of his facilities that he operates.

MS. SCHLOMANN:

Well, we're batting a thousand also.

LEG. KENNEDY:

Hold on, hold on, I did listen. What I will say to you is it is inherent in the nature of the operation of nursing home facilities that on occasion there may be an incident where a resident falls or becomes injured, but the care and the follow-up that they get is what counts. And in the case of John J. Foley, it's outstanding as a matter of fact --

Applause

LEG. KENNEDY:

No, no, please, please don't applaud. I want to make sure -- one of the things that's very important in all of this as we talk about it is that we get any element of fact. The concerns that you express

are very valid and legitimate, but I will go back to one of your colleague's statements --

MS. SCHLOMANN:

No. No. I can't answer for anybody -- anyone but me.

LEG. KENNEDY:

No, no. All I will say is that if there is this notion that somehow to take a facility that is a state-of-the-art facility that by Mr. Rosenberg's own admission has a replacement cost of at a minimum \$60 million and to give it to him for \$36 million, net of about 22 million that has to be paid off on the note and the buy out and the purchases and then the unemployment on top of it, I would be going to jail, because I would be making a gift of a municipal asset that the County Executive seems hell bent on forcing through.

What I think needs to be done, and I have quietly and consistently attempted to do this is to, A, look at a promotion of a public benefit corporation to allow for the operation by health care providers that are not germane to a 9:00 to 5:00 Monday to Friday life. I know it, I've lived it. They're willing to make some concessions. We are in some respects -- and Ric and I talked about this -- impeded by some people who don't want to let them go down that road. We may get there.

But I have to tell you, to go ahead and to say that somehow the care for the residents there is substandard or chronically deficient, it diminishes all the people here who work there on a regular basis and the fact. Don't just prove it, Susie.

MS. SCHLOMANN:

Well, Mr. Kennedy, I love you, but we do disagree on this. It's not an emotional thing, it's not because of visits or knowing people who work there, but looking at the State's facts.

LEG. KENNEDY:

Right.

MS. SCHLOMANN:

The violations and the corrections of them. And they do seem to be corrected fairly quickly. And as I said earlier today, last year there was a big blip to the point where I think there must have been some kind of scandal going on in the May 2009 report that was corrected, obviously by December, because the number went -- the facility score went way down. I'm not -- it's not my guess it's -- it is the facts, and that's what I have to stand on, just the facts.

LEG. KENNEDY:

You and I need to sit and go ahead and look at it together.

MS. SCHLOMANN:

Absolutely.

LEG. KENNEDY:

Because what I have seen both by the reports and what I have observed when I have been out there unannounced -- and people in this building will tell you they have seen me in there in the day, in the evening, on Monday, on a Sunday.

MS. SCHLOMANN:

I know that's what you do. And whether it's water or flooding or whatever, I know you are there and you are checking it out. But this is -- this is a report from the State. And they do unannounced time visits and they do follow-up on complaints. And I have learned a lot actually, and I am rather impressed that the State is so on top of these nursing homes. But I'm only -- I

only know what I know, State facts.

LEG. KENNEDY:

Which is -- and I'm glad that you are bringing them forward. But what I will also say to you is as we talk about a place that provides care, as I just said to you, when you look at -- and it's very hard to do this because we're talking about people's lives, but we're charged with having to do the tough things. If there were big pens being manufactured there, to go ahead and take a municipal asset that not only the people of this County have invested in, but actually all of the people of the State of New York have invested in --

MS. SCHLOMANN:

Well, it's not my area of expertise, but let me try. I don't know about the assessments and all, but if I do work on my house and I put a gym in the basement, it costs \$5,000, when I sell my house, I won't get that back. I know that if I repair the kitchen and bathrooms, I will get more dollar-for-dollar back. So I'm assuming that something like that on a larger scale with a commercial property too. That's all I can figure out. I'm not professional in the real estate field or anything.

LEG. KENNEDY:

And nor would I expect you to be. As I said, the concerns that you bring forward here are more than valued. And I know firsthand what my constituents are experiencing here in Smithtown. As I have shared with you, I do the mortgage workouts with people, I know exactly where they're at. But let me yield and turn back.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Thank you for coming. I might just as well weigh in. And first let me say to the staff and the people that come here from John Foley, I appreciate so much your dedication, your profession and the love of what you do. It's written all over you, you do it for real. But I do want to say one other thing. And I know you do it well and I would put my loved ones in your hands after listening to you, just so you know. But it's been my experience that profession itself, the nursing profession, the nursing home profession, these are very, very dedicated loving, most of them, wonderful, wonderful people. And so I think it's part of the profession. And congratulations to you. But having said that, and I need to say that, Susan, you have one report that you told us about from New York State.

MS. SCHLOMANN:

Yeah -- and a compilation from about 2007 on showing the violations, the corrections and so on and the score, because the score is given to rate nursing homes across the State.

LEG. NOWICK:

I'm just a little confused. And I know a little bit about nursing homes, and I know a little bit about the State coming unannounced, and I know that any good nursing administrator knows exactly around when the State is coming, and I also know the State does penalize you for what we would consider very small things. But having said that --

MS. SCHLOMANN:

Right. And they're considered minimal, and I tried not to focus on that.

LEG. NOWICK:

Right. But you have one report, and Legislator Kennedy says something else. So my question is, is there a way as Legislators, because the time is going to come where we have to deliberate this

and we have to decide on this bill, and I don't know who has the answer, but is there a way that -- if you say one thing and Legislator Kennedy says a different thing, is there a way we can actually get that report and take a look?

MS. SCHLOMANN:

Ms. Nowick, I'm a little surprised that you all don't know the information. I don't know how you can make decisions on the Foley Nursing Home without knowing what kind of job you are doing, what needs to be corrected. And as one of the staff members commented on earlier, she agreed with me that the administration has a problem.

LEG. NOWICK:

How are there two different reports?

MS. SCHLOMANN:

I don't think there are. I think all the information has to come from the State that does the inspections. And they do make -- they seem to be actually very good on following up, even on complaints -- some of the complaints generate violations, which they then check on to see if they're corrected. I think the data is just the data.

LEG. NOWICK:

And your data is for when, two thousand and?

MS. SCHLOMANN:

I started about 2007 through 2009, and then I have a little information for 2010.

LEG. NOWICK:

If I may, Legislator Kennedy you also -- and I know how vigilant you are and -- the information that you have seems to be different. Would you mind, through the Chair?

LEG. KENNEDY:

Sure. Certainly. The surveys are done -- routinely, they're done once every year, sometimes more frequently, maybe once every six months. There have been times where there have been some incidents that have been noted and there may be things as simple as patient weights, things along those lines. And as a matter of fact, you will note that we have a lesser incident of below weight residents than the average Statewide.

MS. SCHLOMANN:

Right.

LEG. KENNEDY:

So the nutrition that we're having there and the majority of the care that we're having there is quite well. You also have to look at the percentage of difficult cases that we have there, which is what many of us around the horseshoe have said --

MS. SCHLOMANN:

That is an interesting issue, because we do have a high percentage of people who are in a bed or chair all day long and also a higher percentage of patients who are in restraints, and that could be because of the nature of the individual problems, but it also could be an administration decision.

LEG. KENNEDY:

Again, we need to have this conversation offline, Susie. And I don't want to keep my colleagues at great length.

P.O. LINDSAY:

Thank you.

LEG. KENNEDY:

One of the only other points that I will share with you is that it is our job as the fiduciaries for the operation of all County facilities, the Presiding Officer --

LEG. NOWICK:

Well, I'm done.

(Laughter)

LEG. KENNEDY:

-- the Presiding Officer convened an oversight committee. We have, as Legislators, met diligently with and given a ton of input to, but do not have the ability to select or appoint an administrator. And four administrators in 12 months is unconscionable. And that's not our fault. That comes from the other side. So what I would say to you --

MS. SCHLOMANN:

If we are running it though, we're running it. The buck has to somewhere.

LEG. KENNEDY:

We'll talk about it offline.

D.P.O. VILORIA-FISHER:

Thank you.

MS. SCHLOMANN:

Thank you.

P.O. LINDSAY:

All right, is there any other people that want to speak on 2054? Please come up and identify yourself.

MS. GAMBY:

Sorry. Nancy Gamby. I just want to say that I am very touched by the love that they have for their residents. And I think it's very important that we take care of these people. And I am -- if you do not close or sell the nursing home, then you need to cut the budget elsewhere. There are programs that aren't as important as this. There are things that we could do without in order to balance our budget. There are -- we should actually be -- have a below budget so we can work on a deficit that we have so high.

You have to look into your heart, find what is really important, categorize them, and we all have to have pain somewhere. We are in the place in this country where we all have to take pain somewhere to get where we are all fiscally responsible. And if you guys choose to keep the nursing home open, which I am not necessarily so against, you need to cut elsewhere. We have to do this. That's it.

P.O. LINDSAY:

Ms. Gamby, what makes you think that we haven't cut? You know, we just went through a process for six weeks, we probably cut, what, a million dollars. We went along with a million dollars in cuts in our health centers, we eliminated the County Executive's personal photographer, we eliminated a PR person in the Police Department, which we don't think we need. We eliminated Assistant Labor

Department Commissioner at about a \$150,000. I mean, we made -- probably a lot of the people you heard come up earlier today was complaining because their budgets were cut.

You know, domestic violence agency, youth agencies, mental illness agencies that provide a lot of services for our citizens that we don't provide directly, we farm them out to these not-for-profits. So the assumption that we haven't cut is wrong. And we don't have a deficit, we can't have a deficit.

MS. GAMBY:

Don't we have a \$150 million dollars deficit?

P.O. LINDSAY:

No.

MS. GAMBY:

Okay. That's what I just heard before.

P.O. LINDSAY:

Remember who you are hearing it from, all right?

MS. GAMBY:

Okay. That's fine. Just please, you still have to balance this budget.

D.P.O. VILORIA-FISHER:

It is balanced.

MS. GAMBY:

I know the budget include the sale of this nursing home. So it's going to have to -- if we keep the nursing home, then we have to make cuts somewhere else.

P.O. LINDSAY:

And we'll do that.

MS. GAMBY:

Thank you.

P.O. LINDSAY:

Ma'am, is there anyone else? Please come forward and identify yourself.

MS. SESSA:

Hi. My name is Charlene Sessa. I am an employee at John J. Foley.

I would just like to say a couple of things. I think over -- what did you say, 31 cents a year? You know, people back here are saying how they're going to have to lose their houses and move off of Long Island. I don't think I would have to move off of Long Island for 31 cents a year for my house. I am also a taxpayer, and I have to pay the taxes just like everybody else. People are saying they have to lose money and losing their house because of the sale of John J. Foley if we don't sell it. I think people can understand 31 cents is not going to make you lose your home, not make you pay any of your bills, it's 31 cents.

And to clarify what other people say about John J Foley about restraints and things that we get in trouble for, we are a restraint-free facility. And I feel -- I think we're the only ones on Long Island that are restraint-free. We don't restrain anybody, whether they're up and running and doing, we sit there and make sure they're taken care of. We do not restrain anybody. We have never been

in trouble for restraining anybody. And people making accusations against us for, you know, restraining people and failing, you know, State exams, it's not true.

We all take care of our people, and we don't have abuse cases. You know, you see on the news all the time all these facilities that they have their aides and nurses being taken out in handcuffs for abuse. We have never once been on the news for abuse. So I take it to heart someone saying that we get in trouble for abuse issues that happen at Foley. We don't have abuse issues. There are all these private nursing homes from Long Island all the way into Queens where people are taken out in handcuffs for abusing patients. We don't have these issues that privates have. Thank you.

Applause

P.O. LINDSAY:

Thank you very much. Is there anybody else that would like to speak?

MR. NOONE:

May I?

P.O. LINDSAY:

Yes. Mr. Noone, come forward.

MR. NOONE:

Thank you, again, friends. Greg Noone from Thursday's Child. This is just an extraordinary conversation. It seems to be turning into what we believe government should and shouldn't be doing. And listening to you guys around the horseshoe restores my faith once again of your integrity and intelligence.

John, yes, you are right, if this does -- this will be fraud at a give away of this beautiful center in Yaphank. And, Vivian, yes, this is what government is supposed to do. Private industry is private industry. And to the other folks in this room, yes, that's their job is to finance their bottom lines. New York State mandated in an agreement with the Suffolk County Department of Health Services that people with AIDS must be given beds in the Foley facility. There is no other nursing facility in the County that will take people with AIDS regardless of their insurance or ability to pay. These are things that cannot be done by private companies. You cannot mandate these things to private companies. And I believe most people in here know that this is what good government is all about, taking care of the least of our citizens. Thank you all and good night.

Applause

P.O. LINDSAY:

Okay. Anyone else? Please come forward and identify yourself.

MS. FREDETTE:

Hi. Good afternoon. I'm a nurse. My name is Mary. I work at John J. Foley. A lot of you are familiar with me. Mary Fredette.

One thing I wanted to say that, you know, even the President has a struggling -- is struggling with prioritizing -- I can't even talk, I'm a little nervous. We need to prioritize, you know, what's important and what's not important at this time when we're in such a great recession. And a basic important thing is health care and just basic care for the needs of humanity.

And why can't -- you know this facility, for 37 cents it's the best insurance policy for any taxpayer on

Long Island and in the country. You get awesome care, people work really hard. I don't see abuse to any residents. The only -- the caregivers endure a lot. That's what I have to say. As far as giving care, some of the residents can be resistant at times, but it's not abuse at all. I see more health care givers being, you know, hit by residents than -- I've never seen any resident, you know, get abuse by any health caregiver.

But I just really want to stress that we need to prioritize. And we need to really -- this is basic necessity. Health care is the basic necessity for humanity. And we really need to -- you know, maybe some of these superintendents that are getting 600,000 and some of these administrative people, maybe they can cut -- you know, cut a little fat off their salaries and their pensions, instead and taking it from the poor and helpless and the middle class, you know, and the young people.

We have a young -- this young man is 37 years old and he's on Medicaid. And a lot of these other facilities, these private facilities will not take these people. They won't take them on Medicaid. A lot of these people, they're very -- the care is not cost effective. The amount of care, the amount of hours, the amount of time is not cost effective. We really need to look at -- you know, it's basic health care that we need here. That's all I have to say.

Applause

P.O. LINDSAY:

Thank you. Anybody else? Please come forward, identify yourself,

MR. BURKE:

My name is Richard Burke, I'm a retired New York City Firefighter. Ironically, Foley was almost my new home four years ago. I just wanted to make the point through the math that Legislator Browning mentioned earlier about the 31 cents a year for a family. I speak as a middle class taxpayer, a lot of other people have mentioned that phrase. As a middle class taxpayer, everybody can afford 31 cents a year. Thirty-one cents, you would say, "Well, I will pay that for a family member or a friend, God forbid something happens to them and they need to stay at Foley." I will go one step further and say, "I will pay a thousand times that for a total stranger to have a home at Foley if that's what it takes to keep somebody from the grief that it takes to try get into a private nursing home," because if you do the multiplication, 31 cent a day comes out to about 11,400 a month, \$137,000 a year. As a middle class taxpayer, I can go for 31 cents a year and a lot more than that. As a middle class taxpayer, I couldn't do anything like a \$137,000 dollars a year. Thank you for your time.

P.O. LINDSAY:

Okay. Someone else? Please come forward and identify yourself.

MS. OZDEMIR:

High. I'm Arlene Ozdemir, I'm a CNA at John J. Foley. I've been coming there since 13 years old, I started as a volunteer. And I still do volunteer at times. And there are so many incidences that people don't realize how desperately this place is needed regardless if the workers -- all the people there, their family are taxpayers too. I pay 14,000 just out of my paycheck in taxes. I have no children. They take a lot from me. I would rather give, that's how I am.

And also these things that they want to give and just sell the place, we've had incidences where resident -- we had one residence that I can remember from years ago -- I have been there 30 years altogether with my volunteer time -- was left in the dead of cold, the dead of winter by her lovely nephew. But the State went in, took her out, brought her to our facility, and we loved her just like she was our own. They don't understand these type of things. You know, maybe the facility has its little things, but if we were perfect, we wouldn't be here. I appreciate every one of you

Legislators for supporting us and thank you very much.

Applause

P.O. LINDSAY:

Anybody else?

MS. REEVES:

Hi. Good afternoon. My name is Kathy Reeves. I'm a nurse -- I'm pressing.

P.O. LINDSAY:

Pull it closer.

MS. REEVES:

I'm a nurse at John J. Foley Skilled Nursing Facility. And, no, we're not perfect, there's room for improvement, but I don't know any place that can't say that there isn't room for improvement. And if they are, they're lying.

We take care of our residents, and I'm not talking about from an emotional standpoint. We're there because we want to be. We've had residents that we have gotten from the street, because no place else would take them. We have residents there from Adult Protective Services. They don't go to private facilities, they come to us. Without that facility, these people would have no place to go. And I will tell you if the place is sold and it goes to a private entity, I don't care what they say, the way they work it is they will put these residents in the hospital and not take them back. And the hospital, as they said this morning, can discharge to the street. We can't. We can only make a safe discharge.

As far as getting some of the residents into group homes, there aren't enough group homes to go around for any -- it doesn't matter what the resident is, there are not enough group homes to go around. And, like, in the case of Chris Barnes, no, the private facilities won't take him because he has Medicaid. Medicaid doesn't pay a whole lot of money. And Chris is very nurse-time intense. And when it comes to that, time is money, and this is all the private facilities care about.

I'm not saying we -- you know we need to run red in the millions of dollars. We can run in the black or at least break even. But we need an administrator who gives a damn. For eight years we had an administrator who we never even saw. In 1999, John J. Foley had zero deficit. And it can do that again, but we need somebody in there who gives a damn and knows how to run a place and that isn't going to take the garbage that, you know, someone that's not there. And absentee landlord, you can get away with anything.

Some of the State inspections haven't been great. Our last one was fantastic. We got very minor deficiencies, and we only got four. And they came in unannounced one morning. Thank God they came in before they started the 3.0, because it's a 30 page piece of paper that we have to fill out to get paid, and it's what I do, I work all day filling out these papers for Medicare and Medicaid reimbursement. And like I said, we're not perfect. We've got a lot of room for improvement, every nursing home on Long Island does, every nursing home in the State does. But we can't do it without getting an administrator in there that actually gives a damn, not one that -- who's going to show up maybe once a month when he can get his picture in the paper or he can get his picture taken with somebody of importance. We need somebody who cares, because the place needs to be run properly. Thank you for your time.

Applause

P.O. LINDSAY:

Okay.

MR. STRAUSS:

I'm back again. My daughter is a nurse. She works in a hospital. And when they have -- she's had patients there that are in comas that can't do anything. And they are only allowed to stay in the hospital for so long and then they have to be shipped out. Any time one of these patients get shipped out, they go to private nursing homes. And any time this happens, my daughter comes home all upset because she knows that within three months that person is going to be dead, because that's what happens to them when they go to these private nursing homes. Everybody can say how much greater service they get there and all this other stuff. I'm just telling you what my daughter tells me.

Another thing, you know for three years we have been listening about this whole thing, and there's been many people who come up here and talk. And you know, they tell you -- you have the patients that come here and actually give testimony on how well they're being taken and care of. If we have such deficiencies at the nursing home -- at the nursing home, how come we never had one person, not one person ever come before you and tell you how screwed up they are, how it's terrible, my mother died there, my mother was treated terribly there, my sister was this, my son? It never had anybody come here for the last year three years I've been sitting here. Not one person has ever come up here and said they had terrible care. It's amazing.

I'm emotional. I'm sorry, and I just don't -- hope that you don't sell the nursing home. I hope you get somebody in there that can run the damn thing right, because obviously, we had four of them in a year, they're not doing a good job. Thank you very much for your time. Sorry.

Applause

P.O. LINDSAY:

Okay. Is that it? No. Got one more. Come on.

MS. PEPENELLA:

There's no need to groan. Judy Pepenella, Patchogue, New York. This is something that I've been listening to what everyone is saying. The individuals that are working at this nursing home, God bless them, they're doing a very good job. For one reason I say that, my uncle right now is in a nursing home, my -- I call him my second mom, everyone has at least one second mom and one second day -- was taken care of at another nursing home. He was completely numb down one side, major stroke, couldn't speak, everything. I don't know all the proper terms, I'm sorry, but couldn't, you know, get up, go to the bathroom, had to use the bag and whatnot. So it was a pretty difficult thing, had to be bathed and everything. Very difficult task.

So I respect what these people are doing. They're dedicated at what they're doing. They've also been saying they need an administrator. Well, I'm not going to go in to who assigns an administrator to whom, but they're reaching out and asking for help. They are providing a very good service, they're trying to.

Mr. Lindsay, you did make a remark about farming out to certain services to certain groups. We do need to make sure that programs for children, the before and aftercare programs, the child care programs, the abuse issues and abuse programs, these people get help, but you farmed them out to other groups to handle it, whether they were 501 C 4, 3,2,7, whatever the numbers are, please forgive me for not having all those logistics. They were farmed out because they could do a better

job. If that's the case, maybe Foley would be better served that way. Now, the remark 31 cents per -- for Foley, does that include salaries and pension or just the care of the patients?

UNKNOWN AUDIENCE MEMBER:

Everything.

LEG. BROWNING:

Operation of John J. Foley is 31 cents.

MS. PEPENELLA:

For pension and for salaries? I just want that clarified. I'm asking for just a yes or no.

P.O. LINDSAY:

About 80% of the patient's stay is paid for by either Medicaid, Medicare or private insurers.

MS. PEPENELLA:

Okay.

P.O. LINDSAY:

The remainder, at the end of this equation, it probably costs 36 million dollars to run the place, and we probably recoup maybe 32 million, \$31 million worth of revenue. There's a shortfall that has been coming down. It was larger a few years ago. We just had a very good manager there for about two years who made a lot of very important improvements that reduced the deficit dramatically. But the deficit there now is probably four and a half, five million dollars, that's this year. All right? And that's what the figure that Legislator Browning is talking about to makeup that deficit is about 31 cents. That's the difference between the revenue we bring in and the expenses we have to run the place.

MS. PEPENELLA:

Thank you. I just wanted that clarified. Then there was another remark made regarding school board and school taxes. We all know they're horrible. That's a ladylike way of putting it, and I will just leave it at the word horrible. They're over the edge; administrators, positions being funded to do things besides just sitting there doing nothing. But from what I have heard from some of the individuals -- sorry -- some of the individuals that are working over at Foley, they have that same issue with administrators doing nothing except sit there and, as politely put, coming in for a photo-op. Maybe that would help to reduce some of the funding for Foley and assist them.

P.O. LINDSAY:

What we have had for about the last two-and-a-half years, and it was legislation that I sponsored, that there be a Legislative Oversight Committee. We meet monthly with the administrators of the facility, with the worker's representatives and legislative analysts from our Budget Review Office to go over finances, to come up with suggestions on how to save money, to find out what's going on. One of the biggest ways that the deficit was brought down is for the last couple of years now we have had almost full occupy there. For awhile before that we were operating with 20-30 empty beds. Your fixed costs to operate a facility doesn't change.

MS. PEPENELLA:

No.

P.O. LINDSAY:

If the beds aren't full, you are losing money, so.

MS. PEPENELLA:

That I realize. All right. Well, it still comes down to dollar and cents. I am not saying throw people out on the street. From what I've understood and had confirmed, these individuals would have a one year guarantee, and I'm talking about the employees, to either stay at the location or to come back to the County.

P.O. LINDSAY:

It isn't true. There isn't any guarantee. What Legislator Browning talked about before is we had Mr. Rosenberg in before us to testify about his proposed sale. And he would not give us that commitment that he would guarantee everybody's employment for a year.

MS. PEPENELLA:

I don't mean to be rude, but I don't know many people in the private sector that get guaranteed jobs, even with a great review. I know people that have been laid off and fired.

P.O. LINDSAY:

You just said the employees were guaranteed a year's employment. That isn't true.

MS. PEPENELLA:

That is because this is what I was informed and this is a piece that I had read, so that's what I'm going on.

P.O. LINDSAY:

But you were informed wrong.

MS. PEPENELLA:

There always seems to be a lot of questions of who's been informed what, I'm listening to people say one thing, one say another, and there's black and white differences.

P.O. LINDSAY:

Mr. Rosenberg sat right there in front of me and would not guarantee that he wouldn't let some of the employees go.

MS. PEPENELLA:

Is there a way to FOIL the tapes of that to be able to see?

P.O. LINDSAY:

You can get the transcript from the Clerk.

MS. PEPENELLA:

That's what I was asking.

P.O. LINDSAY:

Ask the Clerk for the transcript.

MR. LAUBE:

It's all available online.

MS. PEPENELLA:

Thank you. That was what I was asking. Thank you. Well, it still comes down to -- and I'm going to say the same thing -- I don't envy any of your jobs. Respectfully, I'm grateful to not be in your jobs, because you have to make some very difficult, but it can't be a decision for just today. Every

decision we make today has ramifications for tomorrow, the next day and on. We're not talking about something for today, we're talking about continued future.

If there's a way to make it work and make it work within a responsible method, then do it. But if it's not and you are going to cut everything else you've got to be -- you can't get -- you know, \$10 -- you can only have \$10, you need \$20, you've got to figure out a way to make it work. It's a budget issue that we all deal with in the private sector. So that's my point. I recollect.

P.O. LINDSAY:

Thank you very much. Is there anybody else that would like to speak? Seeing none -- oh, you want to come forward, sir? Please identify yourself. Come on. It's getting late. We have a big agenda in front of us.

MR. MASTANDO:

Good evening. Peter Mastando. I work at John J. Foley Nursing Home. I would like to say we all pay taxes. I haven't heard anyone here talk about this new prison for such wonderful prisoners we're going to have here living at this facility.

(Laughter)

I'd rather pay for the nursing home taxes, but unfortunately, I have no choice. I will have to pay taxes for this prison also. Well, I also feel bad that people come here to scrutinize John J. Foley, because they have accusations that are not true. And they insist you are not doing your job. But you's are all doing a wonderful job as far as John J. Foley Nursing Home facility thinks. We know you are working very hard at that.

Applause

You have been there, you visited, you made your opinions, and we think you are wonderful. We do have one person, unfortunately, that wants to shut it down. And it bring up a movie, The Wizard of Oz. Every time I think of this person, the tin man who needs a heart, the lion who needs courage, the straw man that needs a brain. We have Mr. Levy who needs a conscience, because he doesn't have one. So every time I think of Mr. Levy, I think of him as no conscience. The people that are living here.

This is a house of God. This is not a hospital. People come here sick on a deathbed prior to getting there. And we nurture them and we feed them. All these people here take their time. This place comes before their families. I know, because I do it. It comes before my family too. We have love in our hearts. I don't think Mr. Levy has that. But you on the panel have a heart, because you are always coming up with some sort of an idea for us to try to survive, and we appreciate that. And thank you very much.

Applause

P.O. LINDSAY:

Thank you. I hope that's the end.

(Laughter)

Okay. Seeing no more speakers, I'm going to make a motion to close this hearing.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Seconded by Legislator Nowick. Anyone want to comment on the motion? No. Okay. I think it's very important that we make a decision on this facility up or down for fairness to the employees, fairness to the patients. This went on for way, way too long. And we have to bring it to some kind of conclusion. From here, if you still go along with closing the hearing, it will go to committee, and from there, we'll see what the committee does with it. So I have a motion to close.

LEG. LOSQUADRO:

Second. I'll make a motion.

P.O. LINDSAY:

I have a second to close already. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Mr. Clerk, list me as recusal.

MR. LAUBE:

Gotcha. Fifteen.

P.O. LINDSAY:

The hearing stands closed.

The last hearing of the day is *2055-10 - Adopting Local Law No. -2010, A Charter Law to require the appropriate use of taxpayer monies for funded positions (Viloria-Fisher)*, and I have one card. Mr. Zwirn.

MR. ZWIRN:

May I sit here?

P.O. LINDSAY:

You can sit anywhere you like, Mr. Zwirn.

MR. ZWIRN:

I think some Legislators prefer I sit out in the lobby. But thank you very much.

P.O. LINDSAY:

We love you, Mr. Zwirn.

MR. ZWIRN:

I appreciate you entertaining my comments today with respect to IR 2055. It has been a long day and an emotional day and there's still a lot of things yet to go.

I just want to represent on behalf of the County Executive that he is vehemently opposed to this Local Law, and he's concerned because it clearly diminishes the powers of the County Executive. The County Executive is the Chief Budget Officer for Suffolk County. And if you remove his ability to manage the payroll, even of other elected County wide officials, then you have clearly diminished his role as the Chief Budget Officer.

When you budget revenue in a budget that you anticipate coming in, there is no guarantee that that revenue will materialize. And in the last couple of years we've even seen that with respect to real

property taxes, that people have not paid their taxes because they couldn't. And on a couple of occasions, the County has had to bail out towns because under the Suffolk County Tax Act, they have to make good. In two east end towns, the County had to come in and make up the difference because people there couldn't pay their taxes.

In 1969 there was a voter referendum that emphasized the separation of powers between the County Executive and the Legislature, and the referendum amended the Charter in a comprehensive fashion regarding the County Executive's role and the Legislature's role in the separation of their powers. This IR would undermine the separation of powers that was clearly established by the voters in 1969, and we believe that the only way that that can be done is through another mandatory referendum. Let the voters have a second chance. If you believe that the County Executive's power should be diminished with regard to controlling positions, then you ought to let the taxpayers have the opportunity to weigh in on it.

When the County Executive proposed legislation in the past to diminish the role of the Treasurer and merge the Office of the Treasurer and the Comptroller, in our legislation we asked -- we said it needed a mandatory referendum because we were diminishing the powers of the Treasurer's Office at that particular time. So to be consistent, we would ask that this legislation, if it's going to go forward, do the exact same thing.

And the County Executive has had vacancy rates of 20 to 30% over the last couple of years. And until recently with the early retirements, his vacancy rates were in line with the Comptroller's and Treasurer's office. It's not that he is singling them out. When we have done hiring in the past, generally it is done to fill vacancies, it's done at the end of the fiscal year, because we have a better handle on where the revenues are going to go and will there be money in the budget to pay for vacancies that we would like to fund. When you take away this power from the County Executive, you're going to get a situation like you've had in New York State where the Chief Executive can't control his own payroll, which is an enormous part of the expenses in the County.

The bottom line is, and I respectfully submit this to the Legislature, either the County Executive is the Chief Budget Officer or he's not. And because the County Executive, whether you are a fan of his or not, one of the main reasons that this County is in such good fiscal shape compared to all its neighboring counties and the State of New York, is because he has had a firm control over filling positions. And I know sometimes it's not popular, but he's been able to take the heat and the criticism without a problem because that's what his job is, Chief Fiscal Officer, Chief Budget Officer of Suffolk County. This bill changes that. And if you're going to change it, we would suggest let the voters have an opportunity to vote on it at the next election and put it on the ballot like they did back in 1969. That's all I have to say.

P.O. LINDSAY:

Thank you, Mr. Zwirn. Yes, Legislator Romaine.

LEG. ROMAINE:

Yes. Some of the County-wide elected officials just asked me to notify my colleagues that they had sent over a letter concerning their positions on this, signed by District Attorney Thomas Spota, Comptroller Joseph Sawicki, Treasurer Angie Carpenter, County Clerk Judith Pascale and Sheriff Vincent DeMarco. So that's in the pile that explains their position. I certainly, once this comes before us in the debate, will have something to say about this at the time, but I'll just point that fact out. Thank you.

P.O. LINDSAY:

Okay. Legislator Vilorina-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Ben, you know how strongly I believe in the separation of the -- of the powers of the branches of government, having fought very hard to maintain the powers of the Legislature during the past seven years.

I introduced this piece of legislation not to usurp the powers of the County Executive, but rather to provide the autonomy that other elected officials need to run their departments efficiently and well. And my contention is that this does not usurp the powers of the County Executive because these are not positions that are being created by those officials, but simply an ability to fill funded positions.

We in the Legislature, when we vote on a budget, are voting on a policy -- by making a policy decision. We do that in partnership with the County Executive. He presents us with a recommended budget, we make amendments, we vote on that budget, he has the opportunity to veto, we have the opportunity to override or sustain his veto. And so that's done with a clear division of powers and no one usurping the other.

But the public officials, such as the Treasurer, who have mandates to fulfill, or the Comptroller who has a mandate to fill or the DA or the Sheriff who are independently elected officials, have a mandate to fill. And sometimes, because of the inability to have SCINS signed by the County Executive, find themselves constrained from the fulfillment of their duties. And therefore, that's an affront to the people of Suffolk County who have voted them into these positions and this is why I introduced this. And again I refer you to the letter that was written to this Legislature by those elected officials.

So I believe that in having funded positions, we have provided and respected the powers of the County Executive as the Chief Fiscal Officer of the County.

MR. ZWIRN:

If I might weigh in. With all due respect, Legislator Viloría-Fisher, all the other elected -- and with all due respect to the other County-wide elected officials, they are not the Chief Budget Officer for the County; there's only one and there really can only be one and that person is held accountable for that.

If you give the individual County elected officials the ability to hire their own, as I said earlier, there's no guarantee, with all the best intentions of BRO and the County Executive's Budget Office, to guarantee that the revenues that you have put in that budget, even real property tax revenues which are the most conservative and generally the ones you can rely on the best, that that revenue is going to come in. And if the County Executive is denied the opportunity to manage the day-to-day affairs, including payroll which is such an enormous part of the County budget, then you've taken away -- you've tied his hands behind his back and you're going to hold him responsible for something he may have no control over. And I think that's such a change, that's such a dramatic change in the way the County is doing business, that it should just be put up for a mandatory referendum and let the voters have the final say on that because they're the ones that are going to have to deal with it in the end.

D.P.O. VILORIA-FISHER:

Okay. Ben, understood. And I understand that position, but you are saying managing the budget. He recommends a budget, we as the Legislature respond to that recommended budget through our amendments. We then vote on that budget. So we are not removing his ability to frame a budget, and he is the budget officer. And I don't want to have a debate with you --

P.O. LINDSAY:

Yeah, because it is -- it's just a public hearing.

D.P.O. VILORIA-FISHER:

But it's important that we make that clear.

P.O. LINDSAY:

Thank you, Mr. Zwirn. I appreciate it. Okay. Do we have a motion --

MR. LAUBE:

No, you don't.

D.P.O. VILORIA-FISHER:

I'll make a motion to close.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. BROWNING:

Tim?

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay, that concludes the Public Hearings for today.

MR. LAUBE:

That's seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

And I'd like to make a *motion to set the date for following Public Hearings of December 7th, 2010, 2:30 P.M., Maxine Postal Auditorium, Riverhead, New York: 2045*, a Charter Law to limit campaign donations by members of the Ethics Commission; *2046*, a Charter Law to discourage speculative revenues and ensure balanced budgets; *2056*, a Local Law to enlarge the membership of the Citizens Advisory Board for the Arts.

D.P.O. VILORIA-FISHER:

Excuse me.

*(*Audience member approached podium*)*

P.O. LINDSAY:

No, you can't. *2057*, a Charter Law to increase transparency and accountability in County Budget process; and *2058*, a Charter Law establishing an Office of Consumer Affairs; *2106*, a Charter Law to enhance transparency in County Budget process; *2107*, a Charter Law strengthening the budget adoption process. I made a motion.
Do I have a second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Let's get back to the agenda.

D.P.O. VILORIA-FISHER:

Health & Human Services:

P.O. LINDSAY:

Page ten, top of the page, *1949-10 - Adopting Local Law No. -2010, A Local Law to protect children from cadmium poisoning (County Executive)*. Do I have a motion?

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning. Do I have a second?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

MR. LAUBE:

2025, 2025A - Amending the Adopted 2010 Capital Budget and Program and appropriating additional funds for an electronic Medical Record System at the Jail Medical Units in both the Riverhead and Yaphank Correctional Facilities (CP 3024) (County Executive).

LEG. BROWNING:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Browning.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

On the accompanying Bond Resolution, 2025A, same motion, same second. Roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Absent).

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Okay, *IR 2026, 2026A - Appropriating funds for the purchase of equipment for Medical, Legal Investigations and Forensic Sciences (CP 1132) and approving the purchase of two replacement vehicles in accordance with Section 186-2(B)(6) of the Suffolk County Code and in accordance with the County Vehicle Standard (County Executive).*

LEG. CILMI:

Motion.

P.O. LINDSAY:

Motion by Legislator Cilmi.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Okay. Same motion, same second on the bond, 2026A. Roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. CILMI:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Absent).

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Parks & Recreation:

IR 2011-10 - Authorizing use of Smith Point Park property by Getco Company Between, the Ports and Event Power, Long Island, for a triathlon (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Schneiderman.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2007, 2007A - Appropriating funds in connection with the purchase of communication equipment for Sheriff's Office (CP 3060) (County Executive).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond, 2007A. Roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. GREGORY:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yep.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Absent).

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2012-10 - Authorizing transfer of surplus County vehicle to the Society for the Prevention of Cruelty to Animals ("SPCA") (Cilmi).

LEG. CILMI:

Motion.

P.O. LINDSAY:

Motion by Legislator Cilmi.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2035-10 - Directing the Criminal Justice Coordinating Council to prepare a report on

supportive housing options for individuals in recovery (Browning).

LEG. BROWNING:

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:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2042-10 - Amending Resolution No. 417-2010 regarding the location of homeless sex offender shelters (Presiding Officer Lindsay). I'll make a motion. Just to clarify, it's to make the existing 417 crystal clear that they're not in residential areas.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. D'AMARO:

Abstain.

MR. LAUBE:

Sixteen (Absent: Legislator Cooper).

LEG. SCHNEIDERMAN:

Tim, add me as a cosponsor.

P.O. LINDSAY:

Public Works & Transportation:

IR 1993-10 - Amending the map of the County Road System to remove a portion of CR 19, Patchogue-Holbrook Road (West Avenue) and authorizing the County Executive to execute an agreement with the Village of Patchogue transferring ownership and maintenance of said roadway to the Village of Patchogue (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

1997-10 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 Southwest and Canon USA (HU-1604) (County Executive).

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:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

1998, 1998A-10 - Appropriating funds in connection with the roof replacement on various County buildings (CP 1623) (County Executive).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Not Present: Legislator Montano - Absent: Legislator Cooper).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution, 1998A. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

(Not present).

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

(Absent).

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Not Present: Legislator Montano - Absent: Legislator Cooper).

P.O. LINDSAY:

IR 2001-10 - Amending the 2010 Capital Budget and Program and transferring Assessment Stabilization Reserve Funds to the Capital Fund and accepting funds from Changing World Technologies and appropriating the Assessment Stabilization Reserve Funds and Changing World Technology Funds to the Capital Program of Fats/Oils and Grease to Fuel Demonstration Project and authorizing execution of agreements for the project (CP 8186)(County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (**ACTUAL VOTE: Sixteen - Not Present: Legislator Montano - Absent: Legislator Cooper).

P.O. LINDSAY:

*IR 2002-10 - Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (sludge improvements) (CP 8180)
(County Executive).*

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

2008-10 - Calling a public hearing upon a proposal to amend the map and plan of service for Suffolk County Sewer District No. 4 – Smithtown Galleria, in the Town of Smithtown, to determine whether it is in the public interest to extend the boundaries in the district and amend the operation and maintenance budget to reflect full current costs and annual rate to be charged for sewage treatment (County Executive).

LEG. KENNEDY:

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

P.O. LINDSAY:

Motion by Legislator Kennedy to table. I'll second that.

All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

IR 2028-10 - A Resolution making certain findings and determinations in relation to the increase and improvement of facilities for Sewer District No. 5 – Strathmore Huntington (CP 8115) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2029-10 - A Resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 14 – Parkland (CP 8118) (County Executive).

I'll make the motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2030-10 - A Resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 7 – Medford (CP 8150) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2031-10 - A Resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 3 – Southwest (CP 8181)(County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2032-10 - A Resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 3 – Southwest (CP 8183)(County Executive). Can we do same motion, same second, same vote, alright with everybody?

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2033, 2033A - Amending the 2010 Capital Budget and Program and appropriating funds in connection with Fuel Management/Preventive Maintenance and Parts Inventory/Control System (CP 1616)(County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second -- who was the second? By Legislator Muratore. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Absent: Legislator Cooper).

P.O. LINDSAY:

On 2033A, the accompanying Bond Resolution, same motion, same second. Roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Absent: Legislator Cooper).

P.O. LINDSAY:

2041-10 - Authorizing execution of an agreement between the Town of Brookhaven and the County of Suffolk for use of County dredged sand in exchange for utilization of town landfill space (County Executive).

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Veterans & Seniors:

1982-10 - Accepting and appropriating 100% reimbursable Federal ARRA Grant funds for a grant from the New York State Office for Aging for a Chronic Disease Self-Management Program (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Ways & Means:

1975-10 - Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, and I'm not reading all the numbers there (SCTM No. 0200-697.00-01.00-005.000) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2017-10 - Declaring November "Native American Heritage Month" in Suffolk County (Cooper).

LEG. GREGORY:

Motion.

LEG. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory and Legislator Horsley second.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

LEG. SCHNEIDERMAN:

Tim, add me on.

LEG. BROWNING:

I believe I am, Tim.

D.P.O. VILORIA-FISHER:

Cosponsor.

LEG. GREGORY:

Tim?

LEG. HORSLEY:

Show the love.

MR. LAUBE:

All right, got them.

P.O. LINDSAY:

2039-10 - Authorizing the lease of premises to be utilized by the Suffolk County Police Department's Emergency Services Section at MacArthur Airport (Schneiderman). I'll make the motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Okay, that concludes that part of the agenda.

MR. NOLAN:

We've got a couple of Procedurals.

P.O. LINDSAY:

We've got a couple of *Procedural Motions* in the manilla folder. I'm going to do the manilla folder first, so I'm going to go to *Procedural Motion No. 26-2010, Approving partial settlement of the AWP Litigation (Amgen et al)*. Do I have a motion on this?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Procedural Motion No. 27-2010, Procedural Resolution authorizing funding for community support initiatives (Phase IX).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano, second by Legislator Losquadro.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. While --

MR. LAUBE:

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

P.O. LINDSAY:

While we're still in the same manilla folder, we have a veto, *a Local Law improving tourism promotion in Suffolk County*.

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, there is still time. We have one more meeting within the 30 day window and I would like some time to actually consider some of the comments that were made in the testimony this morning. So I would just ask that we pass over this.

P.O. LINDSAY:

Okay. There's no motion on -- Counsel, you want to --

MR. NOLAN:

I just would ask, Legislator Schneiderman, you're reserving your right to move for an override at the next meeting?

LEG. SCHNEIDERMAN:

Yes, I would be.

MR. NOLAN:

Okay. We have 30 days.

P.O. LINDSAY:

Okay. If we go to the red folder, CN's; we only have one, it's *IR 2088-10 - Authorizing the Long Island Juvenile Diabetes Research Foundation to illuminate the H. Lee Dennison Building for National Diabetes Awareness Month and World Diabetes Day (County Executive)*.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

We have a motion by Legislator --

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

By Legislator Vilorio-Fisher, second by Legislator Montano.

All in favor? Opposed? Abstentions?

MR. LAUBE:

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

*(The following was taken by Alison Mahoney &
Transcribed by Donna Catalano - Court Reporters*)*

P.O. LINDSAY:

Okay. We did everything but the budget, right? With that, I am going to turn it over to Ms. Vizzini.

MS. VIZZINI:

Thank you, Mr. Presiding Officer. Before you the Budget Review Office has provided an index to the vetoes relative to the Operating Budget amendments. It looks like this. What we did here was identify the RESOLVED clauses that were vetoes in the mandated Omnibus and the RESOLVED clauses that were vetoes in the discretionary Omnibus. Beginning on page two are the specific line items that were vetoed in the discretionary Omnibus. There were also three stand-alone resolutions that passed; Budget Amendment Resolutions 31, 34 and 35. They're summarized for you. Do you have any questions?

P.O. LINDSAY:

Well, just that I respect the work that you did, but I would like to address the ones with the nursing home first, because -- where are they? Are they blended in here?

MS. VIZZINI:

No, no, they're separate. They're on the last page. They're Budget Resolution 34, which is the mandated piece.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

And 35 is the discretionary.

P.O. LINDSAY:

All right. I would like to, you know, take the vote and get them out of the way.

The first one is the *Budget Amendment No. 34*, which has to do with the nursing home, the mandated part of the nursing home budget, I'll make a motion to override.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. Is there any discussion?

LEG. SCHNEIDERMAN:

Roll call.

LEG. ROMAINE:

Which number is this?

P.O. LINDSAY:
Thirty-four. Roll call.

(Roll Called by Mr. Laube - Clerk)

P.O. LINDSAY:
Yes.

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

LEG. ROMAINE:
Recuse.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
No.

LEG. LOSQUADRO:
No to override.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. CILMI:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. COOPER:
(Absent)

MR. LAUBE:
Ten.

P.O. LINDSAY:
Okay, it failed.

Budget Amendment No. 35, which is the discretionary part of the nursing home piece.

MS. VIZZINI:
Correct; it would be a companion.

P.O. LINDSAY:
Okay. I make a motion to override.

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

P.O. LINDSAY:
Seconded by Legislator Viloría-Fisher. Roll call.

(Roll Called by Mr. Laube - Clerk)

P.O. LINDSAY:
Yes.

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

LEG. ROMAINE:
Recuse.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
No.

LEG. LOSQUADRO:
No to override.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

(Absent)

MR. LAUBE:

Ten.

P.O. LINDSAY:

Okay, it fails.

MS. VIZZINI:

There is one other stand-alone, if you wanted to do that one, on the next to the last page, Budget Amendment Resolution 31.

P.O. LINDSAY:

Okay. ***Budget Amendment 31***, Resolution Number 989, this resolution removes the proposed new detention attendant position for the Sheriff's Office. There is no property tax impact associated with this action.

LEG. ROMAINE:

Motion to override.

P.O. LINDSAY:

Motion to override by Legislator Romaine.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Seconded by Legislator Kennedy. Any discussion? Roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. ROMAINE:

Yes.

LEG. KENNEDY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Absent).

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. So what we have left is 1 and 2 and -- we just have one, is that it?

MS. VIZZINI:

You have the mandated, which is 1, and the discretionary, which is 2, you know, all those line items; page one through four.

P.O. LINDSAY:

Before we take a vote on this, could you just explain to everybody if we don't approve 1 and we do approve 2 --

MS. VIZZINI:

Okay.

P.O. LINDSAY:

-- what the effects of that will be?

MS. VIZZINI:

As you know, there is nothing related to the nursing home in the Omnibus. The mandated Omnibus was approved by the County Executive with the exceptions of the RESOLVED clause rescheduling the police class. Proceeding to Budget Amending Resolution No. 2, there were various -- there were about Seventeen (Absent: Legislator Cooper). Items that was approved by the County Executive that are not before you. What is before you is those items that were vetoed having to do with what is discussed on these sheets. The --

P.O. LINDSAY:

Ms. Vizzini, what I was asking is if one is overridden or isn't overridden, the revenue by moving the class back is in another part of the budget. So I just want everybody to know what the effects would be; as I recall, it's almost a million dollars.

MS. VIZZINI:

One second.

LEG. LOSQUADRO:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Are you trying to say it's either do both or do neither? You can't do one, but not the other, is that what you --

P.O. LINDSAY:

Pretty much so, because it would put the budget out of balance --

LEG. LOSQUADRO:

I just want to make sure that's what you were --

P.O. LINDSAY:

And taxes would either have to go up or down.

LEG. LOSQUADRO:

Okay. I think that was a simple explanation. It's either -- it's all or nothing. It's either neither or both.

P.O. LINDSAY:

I just want to explain what I was saying.

LEG. LOSQUADRO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Just for further clarification, Mr. Presiding Officer. The Legislative Omnibus says hire the Police class in September and save a million dollars.

P.O. LINDSAY:

Right.

LEG. ROMAINE:

The County Executive says, "Don't save that million dollars, hire the Police class in March," I believe.

P.O. LINDSAY:

Right.

LEG. ROMAINE:

Is it March?

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

The question is if we put the -- if we say hire them in March, will he, in fact, hire them in March? Legislative Counsel, is there a requirement if we adopt this budget that the County Executive will hire the Police Officers in March?

MR. NOLAN:

You mean if we adopt his budget?

LEG. ROMAINE:

Yeah, if we adopt his budget.

MR. NOLAN:

No.

LEG. ROMAINE:

No. So the question is maybe he does it, maybe he doesn't, but if we authorize September we save a million dollars?

P.O. LINDSAY:

There was a more important reason why the budget group did this.

LEG. ROMAINE:

I understand, because of the use of the --

P.O. LINDSAY:

Of the instructors over the summer month, which is the high-crime month in the field.

LEG. ROMAINE:

In the field. Because otherwise the instructors would not be available for fieldwork, they'd have to be in the classroom teaching the recruits.

P.O. LINDSAY:

Correct.

LEG. ROMAINE:

I got it. Thank you.

P.O. LINDSAY:

So by moving it back to five months, you pick up a million dollars, which the bulk of it was put into a special fund within the Police District for special electronic shot-spot cameras, whatever the Police need to upgrade the way they police. So we -- and we thought we would have more people on the street over the busy summer months.

LEG. ROMAINE:

I'm sorry but, you know, memory is a terrible thing. Because I remember we had a deal last year to authorize additional Police Officers, and I very reluctantly voted for that because it had an impact in terms of taxes. And then the Executive didn't fill any of the positions, he took the money, but he -- he didn't give us the positions. So I'm reluctant, reluctant, particularly when you tell me by delaying the class in September we can save a million dollars, I'm reluctant to give the Executive the wherewithal, because what he may do is take the money and not give the jobs like he did last year.

P.O. LINDSAY:

I hate to correct you, Legislator Romaine, but that isn't exactly true.

LEG. ROMAINE:

I would like -- right, please.

P.O. LINDSAY:

The funding we put in to hire the Police Officers was morphed into County Executive's new plan to 220 new Police Officers on -- after he vetoed it last year.

LEG. ROMAINE:

Okay. Thank you.

D.P.O. VILORIA-FISHER:

So what do we have now?

LEG. EDDINGTON:

Vote. Let's do it.

P.O. LINDSAY:

Okay. We have 1. I'll make a motion to override.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. Roll call.

(Roll Called by Mr. Laube - Clerk)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

For a million dollars, yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

(Absent)

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay. And 2, you know, I'm going to make a motion that 2 be all taken in one vote.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Jack Eddington -- by Legislator Eddington. Okay.

Anybody want to talk? If not, roll call.

(Roll Called by Mr. Laube - Clerk)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

No, Eddington was the second.

MR. LAUBE:

I'm sorry.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

(Absent).

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

No.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Okay, so the motion carried. You only need ten, it was a Procedural Motion. Now the motion is

before us. I'll make a motion to override all the Budget Amendments Number 2, seconded by Legislator Vilorio-Fisher.

MR. NOLAN:

Right. Can I clarify before the vote?

P.O. LINDSAY:

Go ahead.

MR. NOLAN:

That this is a motion to override all the vetoes that were contained applicable to our Budget Amendment Number 2. So this is to override all those vetoes.

LEG. MONTANO:

If it dies, they're all sustained.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I just would comment the reason I voted no on the last vote is because I wanted to do a vote on each and every item individually. There were some items in the Budget Amendment Number 2 that I was not in favor of, such as raising park fees, such as possibly spending more on Police cars, which -- things of that nature. There were things that I wanted to vote on individually. I won't have that opportunity; I regret that opportunity. Then I have to do what every good Legislator does, look at the package and weigh the good against bad. And while there were some things in here that I don't feel good about, on balance, there are more things in here that are good than are bad, so I'm going to be voting for this reluctantly. I would have preferred to vote on each individual item. Thank you.

P.O. LINDSAY:

Anybody else? Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just to briefly follow up with that, I agree with Legislator Romaine, that for all the years that I have been here, I have always wanted to do vote line by line. I think it's the appropriate way to go, but that vote did not carry -- or the vote did carry to take it as one. Although I agree with his reasoning, I come to different conclusion; when I look at this Omnibus bill as a whole, there are things in this bill such as the park fee increases, the increase in sales tax estimate and some other things; the delay of the police class -- well, that was a separate vote -- that I don't agree with.

LEG. LOSQUADRO:

Bill?

LEG. D'AMARO:

And I really think it's a shame that we have decided to take these as one vote and not give Legislators an opportunity to vote line by line and vote what we believe reflects our constituencies. For that reason, I will not be supporting the veto override.

LEG. NOWICK:

Are we in the middle of a vote?

P.O. LINDSAY:

No. Legislator Losquadro, we're debating --

LEG. MONTANO:

We're debating after the vote, aren't we?

P.O. LINDSAY:

No, no, we passed the Procedural Motion to take it as one vote.

We have a motion and a second. We're debating Budget Amendment Number 2. Legislator --

LEG. LOSQUADRO:

This is for the override of the veto.

LEG. MONTANO:

This is for the override.

MR. LAUBE:

He voted no.

LEG. NOWICK:

No. Bill?

LEG. LOSQUADRO:

I want to concur with what Legislator D'Amaro said.

P.O. LINDSAY:

Wait a minute. Can I just hold up?

LEG. NOWICK:

We voted, did we not?

LEG. MONTANO:

We voted to -- we have a motion to override and a second?

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Okay.

LEG. NOWICK:

Okay. I thought we started the vote.

P.O. LINDSAY:

Go ahead. I'm sorry, Legislator Losquadro.

LEG. LOSQUADRO:

I just wanted to reiterate something I had said during our initial budget debates. It's very unfortunate this is the first budget of seven budgets that I have had the opportunity to vote on that I'm not voting for. I -- there were some key components of this budget that I fundamentally disagreed with, I still disagree with. And I think that there are individual portions of Budget Amendment 2 here that I very much disagree with, I do not think we should have rescheduled the police class, I do not think we should be taking money out of the line to replace our law enforcement vehicles.

I've made that argument in previous working groups when we have reduced that line item. I fought to bring it back up in previous years. And to reduce it again this year with the problems that we're having and maintaining our fleet, I think, is completely the wrong direction to go. And again, I'm very disappointed that this budget will not be one, not only that I did not vote for in the first instance, but I will not be voting to override.

Like I said, there are many portions of this, you know, from the nursing home to the police class to the park fees that I disagree with. And I really hope that next year does not turn out as bad as we all think it's going to. But I really think that this budget is going to put us in a more difficult position next year than we could have been had we decided to take some of those tough decisions and put ourselves on more stable footing.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

You know, when we voted for this, there were things that I didn't necessarily agree with. I still don't agree with the 95 acres being in our budget. However, like Legislator Romaine said, you look at it in the package and you vote for this if you think this is a better budget than the County Executive's budget. I think it is. We have refunded many contract agencies who would basically probably be closing their doors if we didn't support the Legislature's budget. You know, that's my concern. If we don't vote for this, we get the County Executive's Budget.

And if this passes, those of you who are taking that member item money and you don't want to vote for this budget, don't be a hypocrite and take that money and spend it in your district. So that's my advice to those of you who choose not to support this budget. The member items, of course, we get criticized by the County Executive about the member items. I have many contract agencies in my district who were cut; Lifeline Mediation was getting 47,000 this year in the County Executive's budget. They have a budget of 161. The Legislature, the working group, refunded them. And because of the member item money, I'm able to help them out some more. And they do a phenomenal job in my district in the Longwood School District; Colonial Youth is another, one all of the youth agencies in my district that have been cut, I can help them out a little bit better with the member item money. If you don't want to vote for this budget, turn back your member item money. Don't be a hypocrite.

P.O. LINDSAY:

Anybody else? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

First, Mr. Presiding Officer, I want to thank you for allowing me to work with you on this budget. It's not a great budget. It was actually the hardest budget I've ever had to do in my eleven years of public service, but it is better than the alternative. And we didn't add to the budget, we removed things, we switched some priorities, we cut an awful lot within the budget. We ended up not raising taxes, once again. For me, it's the seventh year we have done that, and it's not without making some very difficult decisions. But we did include level funding for our health care centers, which we didn't have and various other things, including some food pantries that are bursting at the seams right now. So we made difficult decisions. And once again, our budget includes no tax increase. I think we did a pretty good job.

LEG. ROMAINE:

Quick question.

P.O. LINDSAY:

Yes. Go ahead, Legislator.

LEG. ROMAINE:

To Gail Vizzini. If this Budget Amendment is passed, will there be a tax increase in the General Fund?

MS. VIZZINI:

No, sir.

LEG. ROMAINE:

There will be no tax increase in the General Fund.

MS. VIZZINI:

Correct.

LEG. ROMAINE:

And based on the actions earlier just a few minutes ago of this Legislature in failing to override the veto, essentially the County Executive's resolution to close John J. Foley has been adopted; is that correct?

MS. VIZZINI:

The presentation in the budget shows that the nursing home is anticipated to be closed.

LEG. ROMAINE:

Okay. So the nursing home is closed by the vote tonight. And the budget for -- the rest of the vote on this budget, we will have a zero percent zero tax increase; is that correct?

MS. VIZZINI:

There is no tax increase associated with --

LEG. ROMAINE:

The General Fund.

MS. VIZZINI:

The General Fund in the Omnibus.

LEG. ROMAINE:

Thank you very much.

P.O. LINDSAY:

Okay. I just want to correct something. There's no tax increase in the Police District either.

LEG. ROMAINE:

And no tax district increase in the Police District? Thank you, Mr. Presiding Officer.

MS. VIZZINI:

That's correct.

P.O. LINDSAY:

Roll call.

(Roll Called by Mr. Laube - Clerk)

P.O. LINDSAY:

Yes to override.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No to override.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

(Absent)

MR. LAUBE:

Twelve.

LEG. MONTANO:

Congratulations.

P.O. LINDSAY:

Okay, that concludes our budget.

Before anybody runs out, we have a number of Late Starters.

I'd like to --

MR. LIPP:

Also, we're going to have to do the levy resolutions which will take some time, so you can't be going anywhere for a while.

MR. LAUBE:

Legislator Lindsay, he needs a few minutes to make some computations, they hand them to me and I can prepare -- I have several resolutions to prepare for you.

P.O. LINDSAY:

Okay.

MR. LAUBE:

A short recess is in order.

P.O. LINDSAY:

All right. Let me do the Late Starters and then we'll have to take a five minute break to go to the john, all right?

All right, I'd like to waive the rules -- before we leave, before we leave, waive the rules and lay the following Late Starters on the table; 2120 to Ways & Means; 2121 to Public Works; 2122 to Public Works; 2123 to Public Works; 2124 to Public Works; 2125 to Public Works; 2126 to Public Works; 2127 to Public Works; 2128 to Public Works; 2129 to Budget & Finance; 2130 to Ways & Means; 2131 to Public Works; 2132 to Public Works; 2133 to Public Works; 2134 to Public Works; 2135 to Parks & Recreation; 2136 to Parks & Recreation; 2137 to Public Works; 2138 to Economic Development, Education & Energy; 2139 to Public Works; 2140 to Budget & Finance; 2141 to Budget & Finance; 2142 to Budget & Finance; 2143 to Parks & Recreation. I made that motion. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Okay. We're going to take about a five minute -- how long?

MR. LAUBE:

Give me ten minutes. I've got the numbers, I've just got to enter them in.

MR. LIPP:

Fifteen.

P.O. LINDSAY:

All right, take your time. We need about ten minutes. You's have to stick around to do this because otherwise all the Tax Assessors are going to be mad at us. So we're in recess for ten minutes, all right?

(Recessed at 7:44 P.M. and reconvened at 8:31 P.M.)

P.O. LINDSAY:

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

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Still here.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Yes, here.

LEG. COOPER:

(Absent).

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Okay, we have the levies in front of us. First one up is *Introductory Resolution No. 2108-10 - Levying unpaid sewer rents and charges in Suffolk County Sewer District No. 3 - Southwest in the Towns of Babylon, Huntington & Islip (Presiding Officer Lindsay)*. Do I have a motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

Introductory Resolution 2109-10 - Levying unpaid sewer rents and charges in Suffolk County Sewer District No. 13 - Windwatch, No. 14 - Parkland, No. 15 - Knob Hill, and No. 18 - Hauppauge Industrial in the Town of Islip (Presiding Officer Lindsay). I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2110-10 - Levying unpaid sewer rents and charges in Suffolk County Sewer District No. 1 - Port Jefferson, No. 2 - Talmadge Woods, No. 7 - Medford, No. 10 - Stony Brook, No. 11 - Selden, No. 12 - Birchwood, North Shore, No. 14 - Parkland, No. 19 - Haven Hills, No. 20 - William Floyd, No. 23 - Covington Manor in the Town of Brookhaven (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2111-10 - Levying unpaid sewer rents and charges in Suffolk County Sewer District No. 6 - Kings Park, No. 13 - Windwatch, No. 15 - Knob Hill, No. 18 - Hauppauge Industrial, No. 22 - Hauppauge Municipal, No. 28 - Fairfield at St. James in the Town of Smithtown (Presiding Officer Lindsay).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2112-10 - Approving the return of the fund balance of the General Fund Police District Fund in District Court District to the taxpayers of the towns of Suffolk County (Presiding Officer Lindsay).

LEG. MONTANO:

Motion.

P.O. LINDSAY:
Motion by Legislator --

(Laughter)

-- Montano.

LEG. ROMAINE:
Can I ask a quick question?

P.O. LINDSAY:
Yes. Let me get the second. Second by Legislator Eddington.
Go ahead, Legislator Romaine.

LEG. ROMAINE:
Yeah, quick question. This money is going back in what way; it's being reduced from their County taxes, or how does this work?

MR. LIPP:
There are -- these are fund balances. They're broken up into the 2009 actual and the 2010 estimated.

LEG. ROMAINE:
Right.

MR. LIPP:
And the return to the taxpayer, if it's a surplus they are a charge, if it's a deficit --

LEG. ROMAINE:
They're all in negative numbers.

MR. LIPP:
No, they're not.

LEG. ROMAINE:
Oh, those are positive?

MR. LIPP:
Well, the first page is a negative number so that's returned, the second page is positive so that's a charge. And those two are the General Fund, then the next two are Police District, the next two are District Court. So what happens is the fund balances are paid back or charged based upon that particular year's property value apportionments.

LEG. ROMAINE:
Where does the money go?

MR. LIPP:
The money gets charged to the Tax Warrant which you'll get at the next meeting, the Tax Warrant meeting. It goes on the Property Tax Warrant.

LEG. ROMAINE:
It goes on the Property Tax Warrant.

MR. LIPP:

Right.

LEG. ROMAINE:

So these are --

MR. LIPP:

So in other words, the \$49 million General Fund Property Tax is broken up into a sixty-three and a half million dollar stand-alone 2011 tax, and then off of that you have a combination of a surplus and deficit to add up to a surplus of \$14.5 million net.

LEG. ROMAINE:

Which will go off and then reduce the --

MR. LIPP:

Which will reduce, which will reduce the property tax.

LEG. ROMAINE:

To 49 million.

MR. LIPP:

Yes, correct.

LEG. ROMAINE:

I can't believe it's 49 million. I remember years ago it was like \$160 million in the 90's.

MR. LIPP:

I believe in 1989 it was 166 million.

LEG. ROMAINE:

Right, that's exactly what I remember. I can't believe it's \$49 million.

P.O. LINDSAY:

Legislator Romaine, do you understand that explanation?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Good. Could you explain it to me?

(Laughter)

We have a motion and a second for 2112.

MR. LAUBE:

Sorry, I didn't get the second, Legislator Lindsay.

P.O. LINDSAY:

Legislator Eddington.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2113-10 - Determining equalized real property evaluations for the assessment rolls of the ten towns (Presiding Officer Lindsay). I'll make a motion.

LEG. LOSQUADRO:

I'll second it.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. ROMAINE:

Quick question.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

There's no change in the equalization rates; is that correct?

MR. LIPP:

There's a change every year in equalization rates.

LEG. ROMAINE:

Okay. And what were the -- the changes -- I don't see the changes reflected here in the rate, the equalization rate.

MR. LIPP:

Well, this is just -- what it does is it establishes for the upcoming year what the full value of property will be, so that's what -- how you divide up the property tax between the towns. So there are winners and losers, some of them will go up, some will go down.

LEG. ROMAINE:

Right, that's -- I didn't get the winners and losers looking at this.

MR. LIPP:

Right. You won't see it on this resolution.

LEG. ROMAINE:

That's the problem, I'd like to see who the winners and losers are. Okay, I'll tell you what, I won't hold this up. Could you get me a change in the equalization rate from last year to this year of the ten towns?

MR. LIPP:

Sure. I'll give you a list of the winners and losers.

LEG. ROMAINE:

Yes, thank you.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Okay. We have a motion.

LEG. D'AMARO:

Bill, on the motion?

P.O. LINDSAY:

Yes, on the motion.

LEG. D'AMARO:

Over here, D'Amaro.

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Thank you. Just on the motion. Just to BRO, I just want to understand; this is the equalization rate that's set by the State of New York or that we --

MR. LIPP:

Correct.

LEG. D'AMARO:

And so we already know what that rate is going to be, but we don't know when we apply it to our budget for each of the respective towns whether or not that's going to result in an increase or a decrease.

MR. LIPP:

We know that. We don't prepare a report to -- well, we prepared something in the review of the recommended budget.

LEG. LOSQUADRO:

That's what it is.

MR. LIPP:

And, you know, we used to do a more detailed analysis on that, but the last few years it hasn't been required and there hasn't been an interest in that. But we could easily resurrect, you know, who the winners -- as we were saying before, who the winners and losers are. So in other words, even though you have a fixed property tax levy, some towns will wind up with an increase, some a decrease.

LEG. D'AMARO:

But we have no discretion over setting the equalization rate.

MR. LIPP:

Correct, it's State determined.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

That was called the Melvin, right?

D.P.O. VILORIA-FISHER:

Right, the Melvin.

MR. LIPP:

Correct. That happens to be my middle name, by the way.

MR. NOLAN:

Not surprised.

D.P.O. VILORIA-FISHER:

And it's trademarked. Can I just ask him something?

P.O. LINDSAY:

Go ahead, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

So after we vote on this and then the warrant, how much of this information appears on that line that we voted on a couple of years ago to show the equalization rate on the tax bill? Is this the information that's on these pages?

MR. LIPP:

No, this wouldn't show there. The tax warrant, which will be set at the next meeting, will implicitly have these numbers from the different funds -- General Fund, Police, Sewers -- and also it will have all the schools and the towns. So you'll get to see the overall tax warrant which will be like four point seven million -- billion, four point seven billion or so, for all municipalities in the County, schools, towns, County, blah, blah, blah.

D.P.O. VILORIA-FISHER:

So what information is on that line that we added a couple of years ago?

LEG. ROMAINE:

The best government that \$4 billion can buy.

D.P.O. VILORIA-FISHER:

That equalization rate line that we put in.

MR. LIPP:

Oh, I believe -- if I understand what you're talking about, I think what it does is it establishes sort of a County-wide growth rate as opposed to a growth rate that is differentiated between towns.

LEG. D'AMARO:

Isn't it that it puts on the tax bill what -- how the average County taxpayer would be treated as opposed to --

MR. LIPP:

Correct, yes.

LEG. D'AMARO:

Right.

MR. LIPP:

So it's, like I said, a County-wide growth rate as opposed to an individual specific growth rate. So in other words, it used to be that if your bill went up by 10% it would say in that column 10%, but here it might say 0% even though maybe your individual bill went up or down by 10%.

D.P.O. VILORIA-FISHER:

Okay, I thought it did something like that. So we wouldn't be blamed for that equalization business.

P.O. LINDSAY:

Okay. Do we have a second?

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2114-10 - Approving the tables of town charges and fixing the tax levies and charges for the towns under the County Budget for Fiscal Year 2011 (Presiding Officer Lindsay).

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion. Who made the motion?

LEG. BARRAGA:

I did.

P.O. LINDSAY:

Legislator Barraga. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2115-10 - Approving and directing the levy of taxes and assessments for Sewer Districts of Suffolk County under the Suffolk County budget for Fiscal Year 2011 (Presiding Officer Lindsay). I'll make a --

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2116-10 - Affirming, confirming and adopting the assessment roll for Suffolk County Sewer District No. 3 - Southwest, and directing the Levy of assessments and charges within the Towns of Babylon, Islip, Huntington and the Southwest Sewer District in the County of Suffolk for Fiscal Year 2011 (Presiding Officer Lindsay).

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga. Second by Legislator Gregory.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

IR 2117-10 - Extending the time for the annexation of the warrant of the tax rolls (Presiding Officer Lindsay). I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Legislator Romaine.

LEG. ROMAINE:

Quick question. Why would we need to extend the time to December 14th when our first meeting in December is December 7th?

LEG. NOWICK:

It's planning.

LEG. HORSLEY:

There's something wrong.

MR. LIPP:

I believe that's sort of an outside date. It should be set at the meeting date you're talking about, so this is just to give more wiggle room. I guess as an example, for instance, a lot of the

authorizations to borrow money are at higher levels for TANs than we wind up doing, just to give us the wiggle room in case something unforeseen happens date-wise.

LEG. ROMAINE:

So you need the extra seven days to make adjustments or --

MR. LIPP:

No, no. If there is a problem, perhaps, with the meeting schedule or something here.

LEG. ROMAINE:

Okay. All right.

MR. LIPP:

But it should be adopted --

LEG. ROMAINE:

I'm only thinking of the Tax Receivers.

MR. LIPP:

Yeah. No, no, it should be adopted at the next --

LEG. ROMAINE:

Which I think we have a former Tax Receiver in the audience here.

MR. LIPP:

It should be adopted at the next General Meeting.

LEG. ROMAINE:

Okay (*Laughter*).

MR. LIPP:

Bar something unforeseen.

*(*Laughter*)*

LEG. NOWICK:

What's your question? What's your question?

LEG. ROMAINE:

No, no, I got the answer.

D.P.O. VILORIA-FISHER:

Tim is trying to say something.

P.O. LINDSAY:

Mr. Clerk, do you --

MR. LAUBE:

No, I'm good.

P.O. LINDSAY:

You got it? Okay.

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

2118-10 - Approving the tabulation of town charges and fixing the tax levies and charges to the towns for the MTA Tax under the County budget for Fiscal Year 2011.

LEG. D'AMARO:

Motion to deny.

(Laughter)

LEG. MONTANO:

Second.

LEG. BARRAGA:

Who wants to make that motion?

(Laughter)

P.O. LINDSAY:

I want to go home, I'll make the motion.

LEG. MONTANO:

I'm not seconding it.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: Legislator Cooper).

P.O. LINDSAY:

All right. I think that concludes our business; am I right, Ms. Vizzini?

MS. VIZZINI:

That's correct.

D.P.O. VILORIA-FISHER:

There's just one more thing. We all know how dedicated Legislator Kennedy's staff is. Well, today is Ali's birthday and he's been there all day. Happy Birthday to you, Ali.

Applause

"Happy Birthday" sung in unison to Ali Nazir

P.O. LINDSAY:

Okay. Before we adjourn, I just want to thank the Budget Review Office, our Counsel and the Working Group for a very, very difficult budget.

Applause

And I want to wish everybody a Happy Thanksgiving.

D.P.O. VILORIA-FISHER:

And thank you to you, Bill.

*(*The meeting was adjourned at 7:45 P.M. *)*

{ } - Denotes Spelled Phonetically