

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

EIGHTEENTH DAY

December 7, 2010

MEETING HELD AT THE EVANS K. GRIFFING BUILDING

IN THE

MAXINE S. POSTAL LEGISLATIVE AUDITORIUM

300 CENTER DRIVE

RIVERHEAD, NEW YORK

Verbatim Minutes Taken By:

Alison Mahoney, Lucia Braaten & Diana Flesher - Court Reporters

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

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please? Mr. Clerk, could you start reading the roll call, please?

MR. LAUBE:

Will do.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

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:

(Not present).

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Sixteen (Not Present: Legislators Losquadro & Cooper).

P.O. LINDSAY:

Okay. Could everyone rise for the salute to the flag led by Legislator Vivian Viloría-Fisher.

Salutation

And if everyone could remain standing, Legislator Viloría-Fisher is going to introduce our visiting clergy.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I'm very proud and privileged today to introduce you to Reverend Huibing He. Reverend He was born in Guangzhou, China a few years after the Communists took political power in the nation. Huibing grew up in the tumultuous years of the Communist Revolutionary Movement in China. Her family was persecuted because her father dared to give his honest opinion regarding governmental leadership in the 50's. And so Huibing was deprived of choosing her education and career.

After graduating from high school in 1972, she was assigned to work in a coal company with heavy physical labor for ten years. When religious freedom was restored in China and the churches reopened in Guangzhou, her home town, in 1980, she became a Christian. She entered Nanjing Theological Seminary in 1981 and earned a Master of Divinity Degree from there in 1985. Following her graduation from the Seminary, Huibing pursued her vocation in art and theology. She joined the faculty in the seminary and taught theology and art there for six years.

In 1989, Huibing was awarded a scholarship from England for advanced study in theology and art in Birmingham University. Because of her actions in supporting the Tian An Men Square Movement in June of 1989, her exit permit to England was denied by the government. In 1992, Huibing emigrated to the USA. She joined the Methodist Church and studied in the Candler School of Theology at Emory University where she earned a degree in Master of Theology. Huibing was appointed by the Bishop of the North Georgia Conference to be a Pastor in the Chinese United Methodist Church in Atlanta in 1996, completing her Doctoral studies in Ministry Degree at Columbia Theological Seminary in Georgia. Huibing moved to New York for the Clinical Pastoral education training at St. John's Hospital in Smithtown and completed her residency chaplaincy in 2000. Huibing was then appointed by the Bishop of the United Methodist Church New York Annual Conference to be the Pastor of the first United Methodist Church in Port Jefferson in June, 2000, and she's been there for ten years. She's a wonderful member of our community. She was a very active and willing participant when, as a member of the Social Action Committee at my church, I invited her to participate in a work-long seminar on immigration. And your church just celebrated how many years?

PASTOR BING:
One seventy-fifth.

D.P.O. VILORIA-FISHER:

It was the 175th Anniversary of the Methodist Church in Port Jefferson. So thank you for being here, Pastor, and I leave it to you.

PASTOR BING:

Thank you. Thank you very much. And this is truly a blessing and a privilege to be here, and I really appreciate this opportunity and being invited by you, all of you.

I never been to a Legislature session like this and this is my new experience, but I do know that all of you are chosen. All of you are entrusted by people and, so today I come to learn and I come to open myself and to really appreciate this opportunity and thank God for this opportunity. And not only just being in this country as an immigrant, but also grow in faith and grow to be a part of the community. It is a wonderful blessing to be in this country, also to be a part of the people here to contribute and to view this country. So today I am invited to give an invocation, right? So I would like to ask all of you to join me in prayer.

Eternal and loving God, you are the source of everything and you are the creator of this world and people. You call all people for life and living for justice and righteousness. You call all people their lives for peace and wholeness. Today we come here together, as all the leaders of the community, of our country, of our County, and with all the entrusting of all the people we love and we serve. We come to you to pray for wisdom, pray for the gift of the sermon and a gift of vision. And we pray for your blessings upon this session, this meeting today, whatever what is cast, whatever we make decision, whatever we share the vision for the future to be a community of love, of grace, of justice and righteousness and peace. And we pray that your spirit will inspire us and your spirit will lead us and will continue to bless this County of Suffolk, all the people here. And bless this leadership today, all of us, so that we will have the wisdom and we will have the strength and faith to speak the truth and to see the vision and to see what is the wholeness and the peace and the goodness we can bring to the community. And we pray for each person today, especially the leadership team, and may you guide them, inspire them and bless them so that today we will have a blessed and successful session and meeting to do good to all the people and to do good to this country and to the community. And we all trust in your grace, trust in your justice and your guidance. So we all say from our heart and our faith, amen.

"Amen" said in unison

D.P.O. VILORIA-FISHER:

Thank you.

PASTOR BING:

Thank you.

P.O. LINDSAY:

Thank you very much, Reverend. If everyone could remain standing please for a moment of silence for Anna and Alfred Young who passed away recently, they were the parents of Mary Young, a Legislative Aide in Legislator Steven Stern's Office. And as always, let us also remember all those men and women who put themselves in harm's way every day to protect our country. And I'm just reminded by Legislator Barraga, today is the day of infamy, it's the 69th Anniversary of the Japanese Attack on Pearl Harbor. So keep the men and women who died on that horrific day in your minds.

Moment of Silence Observed

You can be seated. We have two proclamations today, but the one group cannot be with us until noon, so I am going to recess the meeting -- or not recess, stop our procedures at noon to -- for that ceremony, it's with the Shinnecock Indian Nation. But the one this morning, we have Legislator Muratore for the purpose of a proclamation.

LEG. MURATORE:

Thank you, Mr. Lindsay and my colleagues. Good morning, and everyone in the audience, good morning.

You know, it's ironic that I get to do this today when we have this wonderful minister here telling us to think about everyone and help everyone. During this time of year when it's all so busy with cooking and eating and shopping and wrapping and decorating, we sometimes forget about there are people out there that aren't as fortunate as us that enjoy the gift that the Lord has given to us. But fortunately there are people out there that care about those that need a lot more, and one of those groups -- and they never stop thinking about other people, that's a day-in and day-out effort for them, and that's The Lighthouse Mission. And I have with me today, if he can step up, Pastor Enrique. The Pastor is with The Lighthouse Mission and just before Thanksgiving, I think it was like two days before Thanksgiving, I got a call from The Lighthouse Mission and they were in dire need of turkeys. They needed, I think, close to a hundred turkeys or people would go hungry on Thanksgiving. And you know, Thanksgiving is a real American holiday, no matter what your religious preference is. Thanksgiving is for everyone.

So being the kind of team I have in my office, we decided we would do everything we could to help the Pastor and The Lighthouse Mission.

I'm a fortunate man, coming this far in my life. I have a lot of great friends out there and I'm always for reaching into the private sector. So what we did inside of two hours, my office, along with some real good friends out there, we were able to raise enough money to buy, what, did we do, 80 turkeys, Pastor.

PASTOR ENRIQUE:

Something like that.

LEG. MURATORE:

Yeah, we got about 80 turkeys. So I guess we raised about \$1,500 in a matter of two hours. We not only raised the money, but we got the turkeys to the Pastor inside of two hours.

So I couldn't have done it, or my office couldn't have done it without the help of some real nice people out there, and what I would like to do today is bring a couple of them up. There's a few others that have helped but are not here today, I'll mention them later. But first I would like to recognize and bring up Ms. Gilda Avrim. Ms. Avrim, if you would step up here.

A little bit about Ms. Avrim. Ms. Avrim is a Probation Officer here in Suffolk County. She's also the President of the Suffolk Police Columbia Association; that is a group of men and women in law enforcement who practice and look into their Italian heritage. So I know she's an easy mark, so I gave her a call that morning, I said, "Gilda, can you help me out with this? We need to raise some money for the Pastor and The Lighthouse Mission," she got a hold of her board and she was able to get me a check inside of an hour-and-a-half of \$500. So Gilda Avrim and Columbia, I say thank you. Jessica, give me Gilda's proc, please? So, you know, that was step one, but \$500 wasn't enough. Oh, here you go.

MS. AVRIM:

Thank you.

LEG. MURATORE:

I needed more, so we started making more phone calls. There's a fairly new operation over in Yaphank, it's called Pallets-R-Us. There's a bunch of great guys over there, I met them, I took a tour of the plant. You know, they are doing a lot. Number one, they're bringing jobs to Suffolk County; they're expanding and bringing in more jobs. But they're also getting involved in the community. So again, they look like another easy mark, so I asked -- I gave them a call. And if I can have Tom Gernon and Tom Sorge up here, please, from Pallets-R-Us.

But then, of course, there was Waldbaum's, I hit them up for a little better price on the turkeys. And then a couple of marketing groups that I work with, they gave me some money. So all total, it was a pretty successful week. The Pastor got the turkeys out and 80 other families were able to enjoy a nice, happy Thanksgiving. So if we could have a round of applause and a big thank you to this great group of people who I say thank you very much.

Applause

And I'm sure the Minister will say this, God Bless you and keep up the good work. So now, Vivian, we have enough Toms now, now we've got another two Toms. Okay? So again, Ladies and Gentlemen, thank you very much.

P.O. LINDSAY:

Okay, that concludes our proclamations for now, our presentations.

We're going into the **Public Portion**. The first speaker is Connie Corso from the County Executive's Office.

MR. ZWIRN:

She's here.

P.O. LINDSAY:

Okay, I'll skip over her. Ken Crannell, again from the County Executive's Office. I'm sure they're somewheres in the alcoves of this building and will be along.

MR. ZWIRN:

They're here.

P.O. LINDSAY:

Next is Brad Bender. Is Mr. Bender here? Thank you.

MR. BENDER:

Good morning. My name is Brad Bender, I'm the President of the Flanders, Riverside and North Hampton Community Association. I would like to speak today about the continued presence of the trailers that house the homeless sex offenders on the Westhampton and Riverside -- in the Riverside communities.

It was promised, it was promised that the trailers would travel the County, sharing the responsibility among all districts, and that never happened. A law was passed to direct the Social Services Department to come up with and put in place a plan to house the homeless sex offenders. The deadline has come and gone and the Director of Social Services now scoffs in the face of the very people who directed the action to be taken through an act of law. The County continues to spend millions transporting to and from the trailers, to and from showering facilities, to and from Social Services offices. The people of the Riverside and Westhampton communities demand that the ever-looming defiant act of holding the people of the community hostage through an inaction cease and the trailers be closed immediately. It is time to put vigilance (sic) before votes and the people

before politics. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Bender. Thank you very much. I see Mr. Crannell has joined us.

D.P.O. VILORIA-FISHER:

He wants to let Connie go first.

P.O. LINDSAY:

Is she here yet?

MR. CRANNELL:

Thanks for recalling us, Presiding Officer Lindsay. You know, we're down to the wire on the proposed sale of the John J. Foley Skilled Nursing Facility. And I just want to take my three minutes to separate fact from fiction and correct the record with regard to several statements that have been made over the last several weeks.

I've heard it said that the State Health Department must approve the closure of the nursing facility; this is not true. Under State regulation, the Department of Health only approves a closure plan; you know, this outline how the facility will cease operation. The process is very straight-forward and deals with closure matters such as patient notice, transitioning planning, record retention and close-out of billing.

The State's goal with the closure plan is to ensure a smooth and safe transition for the patients, nothing more. I can report to the Legislature that since the County adopted the 2011 budget, the Department of Health Services has been working with the State to develop a closure plan which has been submitted and revised to incorporate feedback. At this point, we've asked and the State department has approved some preliminary communications with the employees and the patients, and if a decision is made by the Legislature to reject the sale of the facility and close the nursing home, our closure plan will be quickly finalized and implemented.

I've heard it said by several -- that the Feds and the State are going to step in with a solution that will stop the closure of the facility; this is not true. For example, some have held out the hope that retroactive Federal IGT revenues will be made available to stop the closure. I've done the due diligence; I've talked to the State Health Department, I know Legislator Kennedy sent a letter to the State Health Department, we've all reached out to our Federal Delegation. And I can report with some certainty that the Federal government has not approved any additional IGT and there is no additional revenue forthcoming. In fact, in talking to the Federal Delegation, the Federal Centers for Medicare and Medicaid services have made it very clear that they're questioning even the appropriateness of these payments and are challenging how states are using this payment mechanism. There is no additional Federal Medicaid revenue coming from Washington or Albany. In fact, we can expect less given our current State in Albany.

Some have seen a Public Benefit Corporation to own and operate the nursing facility as a viable option. The PBC model is not a solution and I'd ask you to consider a couple of facts. First, under a PBC, the County would lose direct control over the nursing home yet still be financially responsible for back-stopping, operating losses and the debt. With a PBC, there's no guarantee concerning the future of the nursing facility. In fact, there are three PBC's in existence in the State; Nassau, Westchester and Erie. In Westchester, they closed their nursing home last year under the PBC model; in Erie, they've just substantially downsized their facility.

Lastly the approval process for the creation of a PBC is very cumbersome. Doing it as a standalone nursing home, it's untested and there's no guarantee to the outcome. In fact, checking with our State Senators just this past week, there's no interest in sponsoring the creation of this new public authority for this purpose, and without a Senate sponsor, it's a non-starter in Albany.

With that, I know my time has expired. I'm available all day, members of the administration are available all day. If you have questions, concerns, you want to talk to us, please pull us aside and we'll provide as much information as we can. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Crannell.

D.P.O. VILORIA-FISHER:

Connie is here.

P.O. LINDSAY:

Is Ms. Corso in the room now?

MS. CORSO:

I apologize. Good morning, everybody. I just think it's important that every Legislator today realize that the 2011 budget has just been completed and does not include funding past 2011. The County Executive sent a veto, you did not override, so there is no money past April. It is important that every nursing home patient and employee here today realize that as well. Patients and employees are receiving a lot of misinformation and reassurance that the Legislature can find a way to keep things the way they are, but there is no tomorrow. The only way to keep the patients in their beds is through the sale.

IR 2054 proposes the sale of the nursing facility to a qualified, licensed skilled facility operator. The only action this body can take that keeps the nursing home operating past April 1st is approving the sale of the facility. We are 25 days from April 1. Every Legislator around the horseshoe knows the budget process and the challenges that are presented. You know that once we enter the new year, finding money somewhere in the budget is almost impossible. The challenges that we face every year that I've been here have been to watch spending carefully and adjust downward as conditions dictate. The challenges that remain in 2012 are no different with the increased pension costs, declining reimbursement for our health centers and the dire crisis that New York State faces. It is not practical to believe that revenue will be there, somewhere magically, to continue nursing home operations past April 1st.

Today there is a private enterprise out there that is willing to give Suffolk taxpayers 36 million for the ability to operate the County's nursing facility; 36 million to keep every patient in his or her own bed, 36 million to keep nursing home workers employed, albeit in the private sector, which is still better than the alternative of being laid off. Again, the money to run the nursing home is not in the 2011 budget and 36 million is on the table to the private sector to operate the home. From a logical, practical, humane and budgetary perspective, the choice could not be clearer. Thank you.

P.O. LINDSAY:

Elaine Kale

MS. KALE:

Good morning, everyone. It's Elaine Kale, Suffolk County Coalition for Legal Immigration. I would like to share some thoughts with you today regarding the suit presently that's been brought to Suffolk County on behalf of the Suffolk County citizens.

I have received several phone calls. I'd like to share -- can you hear me all right -- some of the comments that were made. So number one, thank you for the opportunity to speak with you. The vast majority of Suffolk County citizens, like the vast majority of all American citizens, are proud of America's tradition of lawful immigrants and immigration. While we celebrate the contributions and the struggles of America's lawful immigrants, we also know that America is a nation of laws. Like the vast majority of Americans, I recognize the difference between legal and illegal.

The failure of Congress in several administrations to enforce Federal immigration law has left it up to those with courage and local government to act. Today I state for the record that all we have ever wanted and asked for was more law enforcement. We reject mob rule. We reject violence. We support the rule of law. Today I state that Suffolk County, under the leadership of Steve Levy, has done a good job dealing with the problems created in Washington. Those involved in this Lucero case were vicious thugs, period. Suffolk County acted quickly and promptly caught them. They got a fair trial, they were convicted, they were sent away; the rule of law was upheld.

There are other thugs in Suffolk County that do not get the media spotlight that they deserve. Does anybody in our County know that the County jail inmate population is over 10% illegal aliens? Worse, most of these individuals are members of violent drug gangs, which you all very well know, operating here in Suffolk. It troubles me deeply that Newsday and the ever local media choose to ignore these disturbing facts which I've been trying to bring to everyone's attention. We hope that the new Congress will act, halt illegal immigration by securing the workplace and the border.

While we wait to act, Washington to act, we know that we can count on Steve Levy to continue to show the courage he has and to protect the taxpaying, law abiding citizens of our County. And we also would like to support today Mayor Pontierie for opening up Patchogue and welcoming the family of Lucero, for opening up the community to everyone so that they grieve over this terrible, senseless tragedy.

And personally speaking, from me to you, to have to capitalize on this poor tragedy and let this family go through this again is absolutely senseless. Thank you.

P.O. LINDSAY:
Done Prudenti.

MR. PRUDENTI:
Thank you. Thank you very much for -- Ladies and Gentlemen, good morning. My name is Don Prudenti from Drive Safe Ignition Interlock of New York.

Today you will be voting on technology for the ignition interlocks with the technology of 911 and real-time reporting. This is a case where more technology is not good. It's going to cost the taxpayers of Suffolk County too much money. The more cost for an ignition interlock, the more offenders are going to turn in their license and drive illegally. The best marriage for an ignition interlock is with a camera. The reports go to Probation, the pictures are there for a positive identification and the offenders can afford 70 to \$80 a month, putting more people on the program.

If you add this new technology and bring the cost, the monthly cost of ignition interlocks to \$130 a month, again, more people are going to turn in their license and you're going to have more people driving without their license, possibly under the influence of alcohol. Please consider what I'm saying and help us expand the ignition interlock program and at the same time keep the cost down so more offenders could be on the program. Thank you.

P.O. LINDSAY:
John Hogue.

MR. HOGUE:

Hi. My name is John Hogue. I'd like to address the Legislature about the proposed initiative to strip hiring authority from County --

MR. NOLAN:

Speak louder.

MR. HOGUE:

I'd like to address the Legislature about the proposed initiatives to strip hiring authority from County Executive Steve Levy. As a citizen, I'm very concerned about the budget problems, both at Federal, State and local levels. As we all know, our Federal government is deeper in the red than any country in the history of the world. State and local governments, according to the economist magazine, are three-and-a-half trillion dollars in the red with pension funds, that is once accounting gimmicks are stripped away. I believe that any effort to increase hiring, even if the jobs are necessary, will greatly harm the fiscal outlook for the County and the businesses and families within it. The only choice really I see is for the County to do what businesses and families have done in this recession, is that to learn to make more with less. Thank you very much.

Applause

P.O. LINDSAY:

Neal Lewis.

MR. LEWIS:

I have a paper for the panel. Good morning, Presiding Officer and members of the Suffolk County Legislature. My name is Neal Lewis, I'm the Executive Director of the Sustainability Institute at Malloy College. I come today to speak in favor of the piece of legislation introduced by Legislator Wayne Horsley, No. 1834. This bill will set standards and raise the professionalism of the industry that provides home energy audits in Suffolk County.

This bill closely mirrors the recommendations that were suggested in a paper that we produced, we call it a green paper that was produced in June of this year, and we just passed around this paper to you again. You may recall receiving this in the mail in June of this year. We have a process where we analyze issues and then send it around to all the elected officials. And we were very happy and pleased to see that Legislator Horsley picked up this issue, held a series of meetings with people affected, various stakeholders, and through that process was able to hammer out a very good piece of legislation that's before you today.

The issue that this bill seeks to address is that we want to encourage all homeowners to do home energy audits. It's very important and it's a great opportunity to both reduce your energy bills and to help protect the planet by avoiding the wasting of energy. However, as is often the case in many new fields, when an industry starts to grow quickly, there's opportunities for potential abuses or people being misled. And so this law is essentially a truth in advertising law, it's a consumer protection law. It advances professionalism by setting high professional standards and saying that you have to be certified properly before you engage in providing the service of home energy audits. And as I said, it protects the environment because it creates a strength and support for an industry that we can encourage all homeowners to take advantage of the services that are available without the concern that they may be taken -- that they may be led into believing that they got a home energy audit when, in fact, all they got was a quick survey or a quick assessment, some of the terms that are also sometimes used.

So I wanted to point out that there was one letter that was submitted to one of the committees raising concerns about the bill. This letter made reference to home inspections, to pools, sheds, autos. This bill has nothing to do with what that letter was talking about in those regards. This is

not a home inspection law, this is a home energy audit standards law. With the exception of that one letter, what we saw was at the public hearing, there was no opposition to this bill. Even the individuals that are affected by it that provide what they call home energy audits did not speak out in opposition. And we did have support from LIPA and from the Oil Heat Institute and a number of other stakeholders. Thank you.

P.O. LINDSAY:

Laura Ahearn.

MS. AHEARN:

Thank you. Good morning. My name is Laura Ahearn, I'm the Executive Director of Parents for Megan's Law and the Crime Victims Center.

Megan's Law has given communities the right to be informed of individuals that we know pose a risk to public safety, but also to open up a dialogue about sexual abuse prevention. By and large, Suffolk residents have used this information responsibly and have sought out prevention education. We've educated nearly 90,000 children and adults in public and private school settings.

Although parents are the first line of defense in protecting children, government also plays a crucial role. Three minutes is not nearly enough time to review all the proactive prevention, law enforcement and supervision measures that this Legislature has taken to keep our most vulnerable out of harm's way, including a new requirement today that you'll be voting on, introduced by Legislator Eddington, which would require homeless sex offenders to call in their location each night before midnight to the Megan's Law Unit.

Megan's Law has served to protect us from known predators, but there are unintended effects, one in particular that brings me here today. Sex offender notifications have given the community an opportunity to virtually map out exactly where offenders are residing -- 973 in Suffolk County, 700,000 across the nation, and 31,000 in New York State -- who are dispersed in our neighborhoods. However, the two to 3% of homeless registrants, sum approximate 25 of 973 in the County, have caused the most controversy, drained the most resources from law enforcement, from Parents for Megan's Law, from Social Services, elected officials and their staff, Probation and Parole, and anybody involved in sex offender management, without a good solution in sight, because there is no one perfect solution.

And of all the options, not one will be good for everyone. The Riverhead Correctional Facility trailer apparently cannot be expanded to house homeless registrants, so that's no longer a viable option. The voucher system eliminates the additional layer of supervision and security provided at the trailers. Taxpayers don't want to pay \$90 a night, \$2,700 a month, or over \$32,000 a year to house sex offenders at hotels and motels of their choosing. Of the options available to you, the better of them is to move forward with a plan to select locations throughout the County which are in non-industrial -- or, sorry, non-residential, industrial areas outside of the residency restriction zones, and not near places where children can congregate or could be on their own. In other words, nearby Adventureland would not be a viable option.

If you have -- today you have a difficult decision to make, and all of you know that politically you could be giving your critics fodder. But what I would say to you is this; no one can trust a sex offender will not reoffend, no one. And no one will want a shelter in their zip code, but if the shelter has 24-hour a day supervision and is located in an industrial, non-residential area outside the residency restriction zone with no more than six offenders, our entire County community will be safer than it is now. If you support this plan which was already passed under Resolution 417, introduced by Presiding Officer Lindsay, then the next step will be to support IR 2105 introduced by Legislator Romaine. It simply directs Social Services to move forward with a plan which meets the guidelines delineated in the Presiding Officer's resolution.

If you support this resolution, as we do, I would respectfully recommend that you do it with accountability. As a requirement written in to the provider's contract, you should mandate a quarterly report be presented to Public Safety or a Health and Human Services Committee. The quarterly report should include specific information regarding activities, programs, and any criminal activity or violation discovered or reported at the shelters; that could be done by the County Attorney. Any experienced supervision provider will tell you that sex offenders are manipulate, cunning and seek to exploit any opportunity. The 24-hour a day supervision should be provided by staff with extensive documented law enforcement experience. Thank you for all you've done to protect our community and to provide services to child and adult victims of sexual assault.

Applause

P.O. LINDSAY:

Thank you, Laura. Nancy Marr.

MS. MARR:

Hi. I'm speaking today on behalf of the League of Women Voters of Suffolk County. And having heard the representatives of the County Executive's Office, we do realize that the issue of the John J. Foley facility is complicated. But we also feel that we think it should be kept functioning, if at all possible.

The League of Women Voters of the United States believes that a basic level of quality health care should be available to all U.S. residents. It should include long-term care and mental health care. Not many years ago, in 1995, the County built the John J. Foley Skilled Nursing Facility as a state-of-the-art facility to provide care for many people who might not find good care in other facilities, particularly private ones. In 2006, with an additional \$4.5 million, it was expanded to add adult day health care to long-term care and rehab. Today it cares for veterans, AIDS patients, patients with Alzheimer's and patients with degenerative diseases, many of them for a longer term than a private facility would allow. The patients who are there are helped by being close to their families with the professional staff that are County employees of high quality.

We do have a financial problem, so I understand why the County Executive plans to sell the facility. But we wonder whether it is wise to dismantle a facility that is working well. Should we disinvest the County of one of its assets in order to solve the problem caused by a bad economy? We understand also that there was no money budgeted to run the John J. Foley facility after March, 2011. From information from the Budget Review Office, 33 cents per household has been the cost to the County to run the facility after receipts from insurance and other income of \$28 million. Taxes have become unmentionable, but there may be times when we have to use them to accomplish our goal. Thank you.

Applause

P.O. LINDSAY:

Ed Shultz.

MR. SCHULTZ:

Here we are again. I'm sorry, I'm unprepared. I didn't find out about this meeting until last night and I was out of state. So while coming home, I started scribbling something together, but then realized there's really not much more I can add to what's already been said at these meetings. I see a lot of good, decent people before me. I've talked to some of you. We all know what's morally right here and we all know what's morally wrong here.

Suffolk County, the highest paid, greatest County in America, looking to close our own nursing home. Some time ago, someone took the sodas away from the residents at John J. Foley. One soda a day, I couldn't believe it. I wondered if these same people would take the sodas and the color TVs away from the inmates in the jail behind Foley or here in Riverhead. How much is that costing the County? It seems the prisoners have more rights than the residents at John J. Foley and they haven't committed any crimes. I think that was a pretty heartless and pathetic thing to do.

If this County is in such financial distress that we have to close our only nursing home, there are other ways to save money or to make money. There are real problems in this County. Why doesn't the County charge \$1 a day to every illegal alien for the privilege to stand on an American street corner for work, get paid, receive free health care, send the money out of country and actually be allowed not to pay taxes. With the substantial funds gained from a meaningful move like this, we could run multiple facilities, hire more staff and give everyone in Suffolk County a raise, plus give the residents back their sodas.

In any case, I'm getting off track here. The reason I'm here is because I couldn't let this opportunity pass me by to personally thank those Legislators before me who have strived in their continuous efforts to fight for the residents of John J. Foley, who most have been paying their taxes all their lives, have nowhere to go and have learned to call John J. Foley their home.

Once again, I'm involved in the fire service here in the County for 18 years. My father, who resides in Foley, is the oldest living City fireman to date. At 98-years old, he's still cranking thanks to the care Foley has given him. Thirty-five years of service and they're looking to kick him out. Through my computer, I am personally interconnected with 110 fire departments throughout Suffolk County consisting of an average of about 75 to 100 families a piece. Each family consists of a husband, a wife, their parents, their in-laws, children of voting age, grandchildren of voting age, their friends, their coworkers and their relatives. That's a lot of people, that's a lot of votes.

This constitutes well over 100,000 people who, through me, are all cognizant of the plight of John J. Foley's residents, their families who have been paying their taxes all their lives, too, and the staff. As a result of our most recent election, there's a new phrase created in this country, it's called "Remember in November." You know who you are and so do we. Be assured, when you need us we'll be there for you. I remember someone said once, "We pass through this way but once. It is what we do during this time which matters most." Again, I would just like to thank -- on behalf of us all, thank those of you who fight for the defenseless who are victims of life, their families and the staff at John J. Foley. Thank you and God bless you all.

Applause

P.O. LINDSAY:

Thank you, Mr. Schultz. Paul J Forthmuller.

MR. FORTHMULLER:

Paul J. Forthmuller, New York Patriots Association. I would like to say good morning, first of all. And in regards to what Elaine Kale had brought up before, I am in support of what she presented. And while I do feel the killings were wrong of this fellow in Patchogue and was not justified, a degree of sympathetic understanding I have for the youths that did commit this crime. This is due to the fact that the Federal Government is culpable, also along with these young men, for their failure to control the border.

Now, it came to my attention the other day that a certain news media organization blurs the line and has admitted that when they say the word "immigrant", it includes illegal and legal, so that nobody ever knows what is going on. So as a result, people see these people and they might very well be illegal. Now, these boys, being frustrated by everything that's going on in this country, in this

economy, not getting jobs that really should go to them, that's why I have a certain sympathetic understanding, besides the fact that the Federal Government, like I said before, I hold culpable.

So another thing is the term "hate crime". I myself have been subjected at four different times to hate crimes. Now, I don't agree with the word "hate crimes" because I find that actually to be unconstitutional. When they say "hate crimes", it's actually unconstitutional. You cannot have hate crimes. Nobody has taken this up before the Supreme Court yet, but I believe that if they came before the Supreme Court, they would strike down the term "hate crime", because you are making one group more favorable than another, besides many other issues.

So now we have a \$40 million lawsuit that's coming up? Should they prevail on that, boy, that \$40 million could go a long way to the John J. Foley Nursing Home to help support that. So I would look to the Federal Government to hold them more responsible for their actions. Thank you very much.

P.O. LINDSAY:

Thank you. Ron Grant.

MR. GRANT:

Good morning. I'm Ron Grant, a resident of Central Islip. I would like to address the proposed legislation to remove the County Executive as CBO in the hiring and firing of County Exec -- of County employees.

This Legislative body enacts legislation. We the tax-paying citizens who bankroll these measures are supposed to abide by them. How is it that individuals within this Legislature decide that it doesn't like no for an answer and decide to change the rules that are set in place by the 1958 Suffolk County Charter? The County Executive, with this economic climate in mind, has to make difficult fiscal decisions.

The Deputy Presiding Officer, in my opinion, is just going to go over, under, pole vault or parachute around that pesky obstacle called the County Executive.

It seems like the general tone of the left, in spite of the message that the voting public has recently conveyed, is that the end justify the means. And if this measure passes, then accountability will go out the window. With defused accountability, the department heads run the hiring. What is going to happen to spending? Of course, you know the answer to that, and that's why you're doing it. But why is this going -- where is this going to end? The European union is facing economic collapse with Greece, Portugal, Ireland and Spain as an albatross around its neck. The U.S. is entering into troubled economic waters with several states facing severe fiscal problems, including New York. We have to demonstrate financial responsibility on a local level. This is where it starts; otherwise, where do you think it's going to end? Thank you.

Applause

P.O. LINDSAY:

Susan Scholmann.

MS. SCHOLMANN:

Good morning. Thanks for the opportunity to talk to you. I'd like to make a comment about the Foley Nursing Home. Unfortunately, the John J. Foley Skilled Nursing Facility is not run well. I again remind you that Foley is rated in the bottom one-third of all nursing homes in New York State. We're in the worst category. Please approve the sale, it's the right decision for the patients.

I haven't been looking at the finances at all, but somebody mentioned 38 cents a household. I don't

know how many households we have here in Suffolk, so I gusted a million; I think that's over estimating. That means it costs us \$380,000 a year? I'm kind of guessing that it's more than that. So 38 cents it ain't. But forgetting about the money, we are not well serving these patients. That's it.

On the County Charter, to change the County Charter to allow the Legislature to override the County Executive's hiring decisions. Ron Grant said it all, in this day and age we need more accountability over the budget, not less. And having, what is it, 8% of the hires being handled separately; why? We are electing a District Attorney to serve as District Attorney, not as a financial officer. And someone down the line, I want my Sheriff to be a good Sheriff, I don't need him to be a bookkeeper. Let the County Executive, whose job it is to manage our finances, do his job. Thank you.

P.O. LINDSAY:

Judy Pepenella?

MS. PEPENELLA:

No button this time, okay. Good morning, everybody. I would like to bring forth one more concept in regards to Foley. All right? We all know the Omnibus budget just that you folks passed 100% defunds Foley in April; that means every person who has a job will not have a job.

I don't really ask you to guarantee my position, but that's guaranteeing the people that are there will be out of a job, period. If you have an alternative, I would think that would be something to address.

Respectfully, with the sale, my concern isn't to guarantee people jobs but for these people that are here. Now, I'm not with Foley, okay? I'm a resident. Mr. Eddington knows, I'm Patchogue, that's my community, that's where I live. I'm here not as my group, the Conservative Society for Action, but as Judy Pepenella, 16 Silver Street, Patchogue, New York, taxpayer, mother of two kids, my Mom lives with me; that's why I'm standing here.

My uncle is over in Holly Patterson. We were trying to get him closer to here, over to Northport because he is a veteran. If you do sell Foley, there are a couple of things that are on the table that I hope the patients are being informed. And you folks who have seen the contract know what it is, no patient will be put on the street, period. There's texts -- you guys have all gotten the contracts, if you read it or not, I'm not saying if you have or have not, but these guys need to know the truth. Guaranteed, no patient out on the street, that's one.

Two, if the services that cannot be provided now at Foley are not able to be provided, then they'll have to go somewhere else. And I think a respirator is something they don't have at Foley facility, I'm not positive. I'm not a nurse, I'm not going to say I am and know all the different intricacies of the work there. But then they'll have to go somewhere else, otherwise they're all guaranteed a bed, they will not be put out. If they have to go to the hospital, they're not going to be kicked out. This is in the contract, you all have copies of it. Whether you have it in front of you or read it, I'll say again, is another story. If they are put out into a hospital because they need hospital care, their bed will not be removed from them; that's a guarantee. Now, that there says something. I've got the text here, sir, and I know you do, too.

The other issue is in regards to the employees. I know that there are some guarantees being made and I do know Civil Service has a policy, I want to make sure I say it properly. It's the retention issue where Civil Service jobs, you have a fallback law that if your job doesn't -- you have a job that can be transferred to another position in the County, you will still have your job with the County. Isn't there -- there's no Civil Service, you're shaking your heads no, I guess that law is not applicable.

LEG. ROMAINE:

Bump and retreat.

LEG. BROWNING:

If somebody loses a job.

MS. PEPENELLA:

So everybody can lose a job.

P.O. LINDSAY:

Could you wrap up, Ms. Pepenella? You're out of time.

MS. PEPENELLA:

Yes, I will wrap up, sir. But everybody can lose a job. In this economy, people are losing jobs left and right. If the people have an opportunity to maintain it, it may not be the same salary, it may not be. All of us have taken salary cuts. It's an opportunity to guarantee them. And remember, the loss of the jobs will not fall on the taxpayer shoulders, it will fall on the shoulders of the Legislative group that will make the decision. It's not going to be the taxpayers on this one, it's your shoulders. Thank you, folks.

P.O. LINDSAY:

Dennis Brown, please.

MR. BROWN:

Thank you, Mr. Presiding Officer and members of the Legislature. I only would like to take just a couple of minutes to discuss a couple of the legal ramifications. And my comments will be predicated on one thing; mainly that if there is a vote on IR 2054 of 2010, that it be defeated.

Defeat of the Introductory Resolution will not ipso facto result in the ability to enter into negotiations or a contract with one of the other responders to the original RFP. First, it would -- if that were to take place, it would trigger A-96 and its protocols all over again from the beginning that would include the BRO review, public hearings and review by the County's Budget Office, as well as the paperwork that would be required from the New York State Department of Health.

Next, with respect to the RFP process, it was authorized pursuant to Legislative Resolution 881, and that resolution authorized the process via an RFP through the County Executive's Office and then it went through the usual protocols. Namely, an RFP evaluation committee in which all of the responders were scored and there was, I believe, unanimous agreement on the committee to score Rozenberg as the most highest and the most -- the best suitable for the County and the contract was negotiated and a letter of intent was entered into on that basis.

The fact that there is a contract which has been made public now for quite some time, and there was a letter of intent, that information could be used improperly and illegally. With respect to any subsequent negotiations with a bidder that was not successful, that information would give a decided advantage to an unsuccessful bidder.

Finally, assuming that there have been discussions with any of the other bidders within the RFP process, that runs the grave risk and the real risk of creating liability to the County. Namely that Rozenberg has as an interest now with the County pertaining to his contractual relationships, and negotiations with another responder could be construed as an interference with those contractual relationships. And a no vote could create the inference that the -- that the no vote was, in fact, was not cast in good faith but was, in fact, cast with the intent to interfere with the relationships that Rozenberg currently has, that is a legal wrong which does have a legal remedy and the County could face many damages as a result of that. Thank you very much.

P.O. LINDSAY:

Eric Naughton?

LEG. ROMAINE:

Is anyone at work at the County Executive's Office?

*(*Laughter*)*

MR. NAUGHTON:

We work all day. Eric Naughton, Suffolk County Budget Director. Just here to brief you on where we are right now in our process.

Currently we are working on an RFP to sell our license at Foley. The Health Department is finalizing the plans to discharge the patients. The bump and retreat analysis has been completed by Civil Service, I have that with me. And if the sale is not approved today, we will be sending out layoff letters to the employees this week. Those letters will go out to 102 Nurses Aides, 32 Licensed Practical Nurses, 31 Food Service workers, 13 custodial workers, eight mechanics, six Registered Nurses and 30 other various titles. This is going to impact roughly 266 employees in the County, 36 of these employees work at the Health Department. As you know, it is our preference to sell John J. Foley. Thank you.

P.O. LINDSAY:

Harold Moskowitz.

MR. MOSKOWITZ:

Good morning. My name is Harold Moskowitz and I am disappointed that despite public pressure to reduce government spending, this Legislature is considering a measure which would undermine the Executive's ability to control County Executive expenses. IR 2055 seems out of step with economic and political reality. The public wants cost efficiencies, not the inefficiencies of decentralization. The public perception of government action is important. How would any of you successfully justify IR 2055 to the public in a primary or general election campaign debate? This is not a Democrat versus Republican issue, it is a right versus wrong issue. IR 2055 would affect all taxpaying voters. It would also affect the perceived job performance of all future County Executives. I believe most Legislators would think twice before supporting IR 2055. However, any potential candidates for the seats you now hold probably would love to thank you for voting for it and thereby giving them a valid campaign issue.

In a Newsday Op-Ed editorial, elected Suffolk County Executives, past and present of both political parties, expressed the need for opposition to IR 2055. They cited the ability to manage County hiring as one of the most efficient ways to control costs and ultimately property taxes. They predicted negative effects for taxpayers in having six budgets rather than one. Some government officials claim that IR 2055 would help taxpayers. However, agency heads are not responsible for the County budget, and the average voter would not be in a knowledgeable position to hold those elected officials accountable if they were to do excessive hiring. The County Executive would be blamed for the necessity of higher taxes or service cuts in order to maintain a balanced budget. I find it hard to discount the unanimity of five County Executives who in bipartisan support equates sole control of County hiring in the hands of the County Executive with the best interest of fiscal responsibility. Proponents of IR 2055 don't seem to get it. Either they do not have a firm grasp on the fiscal issues or they are motivated by other factors; neither bodes well for County residents.

Legislators of the County, IR 2055 is nether benign nor merely ministerial. I submit that IR 2055 is not right for you to support, not right for County Executives to bear and not right for the best interests of an increasingly frustrated and impatient electorate. Thank you.

P.O. LINDSAY:

Jean Burke? No signs.

LEG. ROMAINE:

Signs are not permitted.

P.O. LINDSAY:

No signs are allowed in the auditorium.

MS. BURKE:

Is that Joan Burke? That was Joan Burke?

P.O. LINDSAY:

I'm sorry. You're right, it's Joan Burke, forgive me.

MS. BURKE:

All right, I wanted to make sure. Good morning. I'm Joan Burke, I'm with the Long-Term Care Ombudsman Program of Suffolk County.

LEG. MONTANO:

Speak louder.

MS. BURKE:

My name is Joan Burke and I'm here with the Long-Term Care Ombudsman Program of Suffolk County and I'm here to speak on behalf of the residents at John J. Foley.

I was in attendance at a meeting that was held yesterday at John J. Foley inviting the residents to hear a message from the Suffolk County Commissioner of Health; it was regarding the future of John J. Foley. The message delivered was one of continued uncertainty for the residents and their future. It served only to heighten the fear and anxiety of the residents, leading to tears and pleading by the residents who call this their home. I found the meeting insensitive, unproductive and, pardon me for saying, borderline cruel.

I think the time has come, and we owe it to the residents of John J. Foley, to make a decision as to the fate of Foley and them so that they can begin to make the individual plans to continue the necessary care and services that are needed. Let there be the necessary processes and protections in place for the residents of John J. Foley so that they can begin to rebuild and continue with their lives. Thank you.

Applause

P.O. LINDSAY:

Thank you, Ms. Burke. Len Marchese.

MR. MARCHESE:

Good afternoon. Good morning. My name is Len Marchese, I'm the Director of Management Research for the Health Department. And I'm in a position of wanting to set the record straight a little bit on the operations of the facility.

Being the one that has to deal with most of the employee problems, dealing with the finances on a regular basis, I do real -- do know firsthand exactly what's going on out there. We have been through.

I don't know if everybody knows, five administrators in the last five months. Most of these

administrators have come, they have worked there, they have seen some of the problems, and for fear of their licenses, for one reason or another, they've chosen to leave and move on. It's not that we've tried to drive them out, they have left on their own accord.

We have been dealing with many issues, both with staff and with patients, over the -- that have been, I guess, brought to a head in the last six months. We've suspended over five employees over the past two months for serious violations dealing with patient care issues, narcotics diversion, etcetera. We have had patients arrested, three patients arrested in the last month for serious crimes that we've had at the facility. The place has a bunch of issues that are going on, so it's not as rosy as some people make it seem. And being the one that has to file the orders of protection and file the Police reports, I know firsthand what's going on out there. Okay? We have approximately 10 or 15 additional patients in the facility that aren't appropriate. They've come in over the past year or so by whatever way, but their actions, their behaviors are not appropriate for the facility and they endanger other patients as well as our staff. So we need to look at those as well.

The operation and the culture out there make it very difficult for us to run the facility in an appropriate manner. That's what our administrators have been telling us. They've come and they've experienced many other facilities, and then when they come to ours, it's not only one person that's telling us this, it's a half of dozen now that have said that this is not like other nursing homes. And it's not that the patients are different, it's the whole culture of the facility that makes it very difficult to operate.

One thing's for certain, though. We need to make certain adjustments one way or the other whether or not we're moving forward. Because on a short-term basis, hiring people, getting residents to be admitted, appropriate residents, is very difficult from an operations standpoint. So we're being forced to either accept patients that are not appropriate still to fill beds, or hire staff that is less than appropriate because that's the only staff that we can find to fill the facility.

One other -- another area that's kind of important that I think everybody really needs to know is the State is changing the way they're reimbursing us. Even though we lose a certain amount of money today, the long-term care rates are being cut, short-term rehab rates are going to be cut, adult day health care at the facility is going to be reduced by as much as 40% on the current rates.

P.O. LINDSAY:

You're out of time, Mr. Marchese. Could you wrap up, please?

MR. MARCHESE:

Well, the bottom line is that from an operational standpoint, we really -- it would be beneficial for the Health Department if we really did know one way or another which way we were going with this, whether we're investing in the future or we're contracting. And it's just difficult doing operations with not having certainty in our operational plan. Thank you.

P.O. LINDSAY:

Ben Zwiirn. Hey Ben, is there anybody left in the Dennison Building?

LEG. ROMAINE:

No.

*(*Laughter*)*

They're all here.

LEG. BROWNING:

Taxpayers are getting their money's worth today.

MR. ZWIRN:

My good friend, Legislator Romaine, for some of us this is work. We come here today to address an issue that is of paramount importance to the County. It's been an issue that we have debated not just recently, but for the last several years. We've gone through public hearings, we've gone through a number of administrators. We have had Oversight Committees set up by the Legislature to see if they can improve operations at the nursing home, we have asked the unions to come in with suggestions on how we can save money.

I know that some of you are very critical of the County Executive, but he did give it a fair run. We had an administrator there that everybody was unhappy with, but because of Civil Service rules it was very hard to remove that particular individual. When the occasion arose that we could, we did, and we put an administrator in there who had, by and large, support from every sector. It doesn't work, and that's why most counties across the State have gotten out of the nursing home business.

The State of New York, two years ago, offered the County a grant of over 20 -- about \$20 million to close the nursing home. The Legislature didn't want to do it at that time, they wanted to give it another -- some more time to see if it could run. The County Executive has made his intentions known from the very beginning, but he thinks that we should be out of the business.

We are not the only nursing home in Suffolk County. There are plenty of nursing homes out there, but they're in the private sector and this nursing home competes with them for patients. We have an opportunity here and there's a great deal of irony. We may have a vote today on whether we sell the facility. If we choose not to sell, then we are closing the facility. Those members of the Legislature who were very supportive of the nursing home and wanted to see it funded for the year could not muster the votes to override the County Executive's veto in the 2011 budget. There is not enough money in that budget to run it for the year. If the vote comes up and it fails, we do not vote to sell the facility, it will be closed. The patients will definitely be moved out of that facility because it will be gone. New York State will not keep that facility open. All they will do is approve the process of transferring the patients to other facilities, and that will begin and almost be completed, we hope, within 90 days. That's the irony. Those of you who wanted to keep the patients in their beds and employees working there, the only viable alternative is the sale. That's what we have come down to; its sale or closure, there is no middle ground. And those of you and some of the employees are here today who are saying you've got to -- you're going to have a vote, maybe a moral vote that they won't sell it, but there will be nothing for them at the end.

I just hope that if it comes before a vote today, that you vote in a way that will help the patients and the staff and the taxpayers of this County. Thank you very much.

Applause

P.O. LINDSAY:

Michael Ruggiero. Could someone help Michael, please?

MR. RUGGIERO:

Hello, everyone. My name is Mike Ruggiero. I think I may have spoken way too fast last time because I was very nervous and it's the first time I really have spoken in front of this many people. But I was thinking, you know, that John J. Foley has become a home for me. They told me, my doctor once told me, "You'll never walk again." I went to John J. Foley and I worked with their physical therapists, who I care about and it's my family. And I don't think the sale of John J. Foley is really a good idea. I mean, I think that we should keep it County for as long as we possibly can.

I know I hear "Budget, budget, budget," but, you know, it doesn't cost that much for us taxpayers

who have paid our taxes to help out. And that should be put forward, you know, that people should help out and see that we are human beings. We are not just objects to be moved. We're not, you know, people to be pushed around, because, you know, we're sitting there, we're wondering -- and as the young lady said, there was people crying there yesterday, and I was one of them, I'll admit it, you know, because I was upset. You know? I mean, I look at the time and, like I said, I'm going to use most of it as I can to let you know that this is my family, my extended family. My family comes to see me. Now, if I get put in New Jersey or somewhere else because they're closing down the facility, my family can't come see me. You know? I mean, it's not fair to me, it's not fair to anyone at John J. Foley that we should have to sit there and cry and be like, "What's going on?" I mean, that -- again, that meeting was unproductive yesterday. I don't even -- I didn't even understand half of it, why they sent somebody and they should have sent Mr. Levy. I believe they should have sent him, but they didn't, and that's wrong. He should stand up as a man. If he wants to close the place, he should stand up and make his point in front of us instead of, you know, I would say hiding, I guess.

So that's really what I wanted to say. And I thank you very much for listening to me and have a good day, everyone. Thank you.

P.O. LINDSAY:

Thank you, Michael. Lorraine Williamson.

MS. WILLIAMSON:

Hello. My name is Lorraine Williamson. I'm a resident at John J. Foley. And that man that you just talked to, he's my boyfriend and I've seen him walk because of the ladies and the gentlemen at PT. And I also don't want to see me lose my home, because John J. Foley has become my home. Before John J. Foley, I was in Brookhaven for over a month because I went into what is called Diabetic Ketoacidosis which is when you have too much sugar in your urine. I was very sick. John J. Foley was the only place that took me with open arms. I have family there now. And my family is close by, and I don't want to be sent to Connecticut or New Jersey where it would be harder for my family to see me, or for me to see my extended family who I see every day. Thank you.

P.O. LINDSAY:

Chris Destio.

MR. DESTIO:

Good morning. My name is Chris Destio, I'm an employee at the John J Foley Nursing Home. I would like to address the following Legislators; the Honorable Steven Stern, Lou D'Amaro, Lynne Nowick, Thomas Barraga, Daniel Losquadro and Legislator Cilmi.

Legislator Stern, you are the Chair of the Veterans & Seniors Committee and also an elder care lawyer. Sir, you have been -- you should be full-force fighting against the sale and you should be one of our Legislators leading this fight to stop the sale. If you vote to sell this, I respectfully ask you to step down from this committee because --

P.O. LINDSAY:

Chris, don't -- do me a favor. Make a statement, don't address it to particular Legislators, if you could. Okay?

MR. DESTIO:

I'm sorry, sir.

P.O. LINDSAY:

Thank you.

MR. DESTIO:

If you do sell the nursing home, then I would expect you respectfully to step down from this committee. Legislator Barraga, you're a Marine just like me.

P.O. LINDSAY:

No. Chris, just make it a general statement. Okay?

MR. DESTIO:

Okay. All right, then let me start towards my end over here. We're not here to represent Mr. Levy. Yesterday, Mr. Levy sent some of his staff to the residents that the nursing home might be sold. Why did he not come -- why did he not inform the family members? Also, why did he not speak on behalf of some of the residents who can't speak for themselves? Why didn't he go down himself to speak to them? I know why. Because I, too, would be ashamed to go to the nursing home after three years of terrorizing these residents, families and staff.

If you vote yes to the John J. Foley Nursing home, you're voting yes to the following. You're voting yes to have our residents transferred out of their home as per their medical needs, as part of the contract of page 27. You're voting yes to sell the facility, the same facility that cost as much to build it in 1992 as the sale price in 2010, and that was without the 16 acres, residents and/or equipment. You're voting yes to the 14 acres of land including the transfer of title to Mr. Rozenberg so he can build his assisted living. I didn't know Suffolk County is in the business of giving land away. This extra acreage would be considered a gift to Mr. Rozenberg and not needed for the sale of the nursing home. An acre or two would be acceptable for zoning issues. You are voting yes to the letter that was sent out to the employees recently. I quote, "Mr. Rozenberg agreed to the right of first refusal"; that means if you refuse to take a position with the new owners, as per the unemployment law, you're not entitled to unemployment insurance. It's another crafty legal term used by Mr. Levy to strong-arm the employees of the nursing home, which also means that Suffolk County is not responsible for paying unemployment insurance. The intent of right of first refusal is to benefit Mr. Rozenberg, Mr. Levy, not the employees.

You're voting yes to laying off 250 employees where only 50 positions are eligible for bump and retreat, and the majority will be bumped to Rabro Drive which are the clerical positions. You would be voting yes that you agreed with AME that stated on the public record that they, quote, "Will not legally challenge the sale if it goes through"; this just opened the door to get rid of us. You would be agreeing, too, that back in 2009, when the lag payroll was implemented, that the only people that would have gotten laid off from this agreement was the staff of the John J. Foley nursing home. You would be voting yes that you would agree that Mr. Levy is in compliance with the Mary Hibberd Law and that you disagree with the Legal Counsel that he's not. It clearly states that you cannot include in the Operating Budget savings that have not been approved by the legislation. The budget not only includes not paying the employees for a year, but also includes revenues from the sale of this facility and the license. Including the money in this budget is a clear violation of that law. To go along with the sale of this facility is legally wrong until Mr. Levy is challenged on that issue, and the employees at John J. Foley will meet that challenge if we are sold today.

P.O. LINDSAY:

Chris, could you wrap up?

MR. DESTIO:

Yes, sir. I've got one more sentence. And you will -- if you will vote yes that this will be -- if you do vote yes against this nursing home, this would also be a black spot on your political career and it will be tagged on to you that you were one of the Legislators that voted to sell this nursing home, seeing that it was illegal, immoral and unethical. Thank you.

Applause

P.O. LINDSAY:

Ken Martinson.

MR. MARTINSON:

Hi. I'm Ken Martinson. Yesterday we had a meeting. I'm a resident of John J and I couldn't be here, I couldn't stand in front of you. A year ago I was in a wheelchair and if I stood up I'd bang into the wall. And to have people, one might say, fight for their life is something that I can really attain to.

My roommate, Jack {Briley} is a Bronze Star medalist from Vietnam, he's honored. He had a heart attack last night. Now, I don't know where you come off. I don't know how you are as a person, as people, but there's something wrong here. It's been going on for a long time. And it's taken me a while to understand what to say to you in three minutes. But I'm telling you, you think you're going to save money by getting rid of this place? You know, you can't possibly be real.

You want finances. I don't have time for it, but I'll tell you, you're wrong. The people care about one another. The service department, the laundry, the PTA, the OT, the nurses, the nurses aides; everybody cares about the patients that are there. If you get rid of the only facility that Suffolk County has, how are you going to possibly look New York State in the eye?

The Department of Health, we had the Chief operator yesterday give us this letter, I'm going to give this to you so you can see it. It's ridiculous. Now, it's wonderful. I mean, I suppose it fits your realm of legal and proper, but it doesn't fit care and comfort. Thank you. Have a good day.

Applause

P.O. LINDSAY:

Charles Cameron. Charles Cameron?

MR. CAMERON:

I'm coming.

P.O. LINDSAY:

Oh, I'm sorry.

MR. CAMERON:

Thank you. My name is Charles Cameron. I got to John J. Foley about 2001. I was comatose for five years; not five months, five years. I have been contracted since the day I got there. In fact, I'm trying to get an operation on my hand so that they can become straight. But what I don't seem to understand is this selling. This is my home. I have been there so long and I have all the care I need. Can you possibly tell me what is on Levy's mind? He wants to close it? Well, you have a good day.

P.O. LINDSAY:

Thank you, Mr. Cameron. Rich Phillips. Rich Phillips.

MR. PHILLIPS:

My name is Richard Phillips. I'm a resident at John J. Foley. I got there in 2000, I originally been a resident at John J. Foley ten years and a couple of months. When I got there I was walking. Okay? I was in a wheelchair, but I was in a manual wheelchair, okay. But due to my disability, I prefer to call it a physical challenge, okay? My bones got so distracted, I'm now in a motorized wheelchair.

The staff at John J. Foley is -- I don't know how to say it. They're my home away from home. The staff sees us more than they see their own families, all right? And without those aides, without the physical therapy department, without the people that do the food, we wouldn't be surviving. Okay? I need them 24/7. And with you guys selling the place, it's probably better off than you guys closing the place. But we would like an answer today, because I have to move on with my life and I'm tired of going back and forth, back and forth, back and forth. Enough is enough. I mean, this guy Levy, he's just -- anyway, I'm not here for him. I'm here for the people at John J. Foley and the staff, all right? They've done wonders for me. I know I haven't been the greatest person in the world living there, but I've learned to accept reality. You know, reality is -- it's all in the attitude; you've got the right attitude, you'll have the right reality. And with that, thank you very much.

Applause

P.O. LINDSAY:

Okay. I'll accept a motion to extend the public portion.

LEG. BARRAGA:

Motion.

LEG. LOSQUADRO:

Second.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Barraga, seconded by Legislator Eddington.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Wayne Wachter.

MR. WACHTER:

Good morning. What can I say that hasn't already been said? John J. Foley. You see I'm in a wheelchair. I was there for a little over a year now. To sell -- to close the place would be wrong. It would be a wrong moral move because there are people who rely on this place to keep their lives in the best condition that they can. To sell the place I would say is wrong because that would actually cause the cutting down of staff, in which case we could no longer get the proper care that they need.

This whole thing with Mr. Levy, he's on a vendetta to have the place sold, sold or closed. They sent us the representative from the Department of Health yesterday, it was a scare tactic. They were trying -- he was trying to put fear into everybody, to scare people and to confuse people. I mean, you know, all I know is that in the recent news we've had Steve Levy brought up on ethics probes. Ethics goes a long way. Once you look into somebody's ethics for one thing, you have to look all across the board. Now you have to look at why is he being ethically probed? Because he's doing something wrong, he's done something wrong. He's going to keep doing something wrong. Honestly, the whole thing is wrong. Trying to get rid of John J. Foley, trying to close it, trying to sell it, it's all wrong. You're putting people out of work, you could be putting people out of the place they call home, moving people away from what they call their family. It's just not right, it shouldn't happen. Thank you.

Applause

P.O. LINDSAY:

Thank you. Lori Taggart.

MS. TAGGART:

Good morning. Lori Taggart, Government Relations Coordinator for Suffolk County Community College. I'm here today on behalf of President Sean McKay to request your support for several grant resolutions put forth by the college which will be considered as CN's later today. These resolutions represent over \$597,000 in stimulus money awarded to the college for the funding of energy system upgrades on our campuses, as well as faculty training and equipment for solar technology instruction. The official start date for these projects has already begun and the Federal government has very stringent requirements for showing progress with this stimulus money. We are hopeful that we can complete a significant amount of the work and the energy improvements during the slower, winter session months to minimize any inconveniences for our students.

The grant resolutions that you will consider today will enable the college to undertake important initiatives that would not otherwise be possible. They will improve our physical plant, they will generate significant energy savings, and they will allow us to expand our instructional offerings in energy technology for the residents of Suffolk County. On behalf of the college, I respectfully request your support of these important grant resolutions. Thank you.

P.O. LINDSAY:

Thank you. Nancy Dallaire.

MS. DALLAIRE:

Thank you. Thanks for this time, once again, to express my concerns regarding the John J. Foley Skilled Nursing Facility. I have a packet of information that I found over the summer and I gave to the Health Committee, but I feel some information deserves to be repeated.

I cannot understand why some laws, acts or rules have not been able to protect the residents of John J. Foley. How can we not preserve this non-profit institution and what will it take to save these essential services? Unless you have been to this Skilled Nursing Facility, you cannot know all that is accomplished there and you do not know the true value of this vital institution. The County has determined that the John J. Foley Skilled Nursing Facility is no longer in the best fiscal interest of this County. Is that fiscal interest 31 cents, 51 cents? Is this what we can no longer afford? What about the human interest? The County has investigated the availability of services for our Medicaid recipients, for the uninsured and the under insured patients. They will be well cared for by the surrounding facilities? I do not agree with these findings and I question the protection that exists for these vulnerable citizens. Why would we look to burden the already overcrowded facilities in the area?

There was an environmental impact study that determined the sale of this facility would not have a significant adverse impact to the environment. Again, the human factor is ignored. This community has grown over the years at John J. Foley. These lives have been adversely affected by these actions. What will it take for this County to realize the treasure that's existed, buried beneath incompetent administrations? I thought we realized just how vital this health care center was to our community. I thought changes were being made to improve the operations and create long-term solutions. I do not believe this facility is any kind of solution -- selling this facility is any kind of solution for our County and we are not anticipating the needs we will have in our future. And to close this facility should be considered criminal. Continue to rehabilitate the Skilled Nursing Facility, help to restore it, don't abandon and close it. Believe the potential that does exist there. With effort, this institution can benefit this County and continue to provide the essential services for all citizens. Thank you.

Applause

P.O. LINDSAY:

Thank you. Bruce Gendron.

MR. GENDRON:

I thank you for your attention today. My name is Bruce Gendron and I'm the Upstate Regional Administrator for Centers for Care, the organization who has been awarded the contract to purchase John J. Foley. As I said, I'm responsible for our Upstate operations.

By way of experience, I've been in the nursing home field for 31 years. I started my career as a nursing assistant. I worked as a nursing assistant for five years on a full-time basis, so I fully appreciate the dedication and the hard work that the front-line staff does at John J. Foley. I've also been an administrator for 26 years for for-profit, non-for-profit, publicly-traded, privately held. And the structure of the governance of a nursing home does not guarantee the quality. There are quality, non-profit homes, there are quality for-profit homes. I belong to an organization that I believe is a quality for-profit organization.

By way of fate, my sister is an LPN at Wayne County Nursing Home and has been a County employee at Wayne County Nursing home for over 25 years. Also by fate, I am the son of a bright, loving and now deceased woman who spent the last four years of her life as a nursing home resident. So I fully understand, again, the anxiety and the emotions associated with the sale of this facility as a family member. However, unfortunately, counties all over the State are transitioning their health facilities to the private sector, and there's good reason for this, because the private sector is better equipped to manage high quality care in the nursing home field.

I was involved in the 1996 transition of Oneida County Nursing Home to a private organization, and that nursing home transition worked out wonderfully for Oneida County. And you can call Tony Picente over at Oneida County and talk to him about that transition, as he was the Executive Assistant, Ray Miner was the County Executive at that time, and they can tell you how wonderful that transition went. Also, two weeks ago, Fulton County awarded our organization the contract to purchase Fulton County Nursing Home up in Gloversville, New York. Again, we went through a rigorous process up there and we were selected as the quality organization to take over that County facility.

We operate quality homes. We employ thousands of employees. We care for residents with significant care needs and we do not throw them to the street when those care needs increase. We are going to treat the residents at John J. Foley with care and compassion. We're going to work with the employees as best we can to make sure that they stay fully employed and they have an environment that they look forward to getting up in the morning to go to work. Thank you.

Applause

P.O. LINDSAY:

That concludes my cards. Is there anyone else in the audience that would like to -- please come forward and say your name for the record.

MR. STRAUSS:

Good morning, Presiding Officer Lindsay and County Legislators. My name is Alex Strauss, I'm a resident of Miller Place.

Since we're in the point here -- the first or the second lady that spoke this morning said they want to clear the record, make everything crystal clear, because there's so much people out there that don't understand what's going on. Well, I was here the day that the person who wants to buy the

nursing facility was sitting here and gave testimony. And Mr. Barraga asked the question if they would guarantee these people work for one year, and he said, "Absolutely not." The woman said that nobody would lose their jobs, everybody would keep their jobs. All the people in the facility would not leave, that the patients would not leave. He was also asked the question, will all these patients stay there, and his answer to that was, "Well, if they're good patients, we'll keep them. If they cause a problem, you know, then we'll have to get rid of them or send them to someplace else," because, you know, we can't have a problem. He never said what the problem was. I think the problem might have been profit, because this way here he can get rid of the non-profitable problems and keep the ones that make money. Because it is a profitable organization.

I don't get it. I hope that the gentleman and the ladies that voted to sell this nursing facility or to not override the veto, I hope you live very well with yourselves. I think that it was a bad decision and only you have to live with that. I don't have to live with that, you have to. I know that 31 cents would have killed me, but after all, I'm just a retired person on a fixed income, so I guess it would kill me.

The second thing I wanted to bring up was we're talking about the people who are elected to positions in our County to be able to hire the people for their -- to help their job being done. And it's not like these people can just say, "Oh, I'm going to hire 36 people because I think I need them." I don't think that's the way it reads in that. If I'm not mistaken, maybe I am, maybe somebody can enlighten me, that the only way that they can hire people is if it's already approved in the budget. Low and behold, the County Executive said this is what we want to do, and we want to put people over here, we want to put people over there, we want to put people over there. This is what he said he wanted to do. Now they want to do it and he says, "No, no, no, no, I'm the fiscal responsible person." But you're the one that wrote the damn thing and said you were going to hire them. "Don't believe everything I write."

*(*Laughter*)*

You know, it makes sense to me. But then again, I'm just a retired electrician. Thank you very much and have a great day.

Applause

P.O. LINDSAY:

Thank you, Alex. Is there anybody else that would like to come forward and speak? Please, one at a time, please come up and identify yourself.

MR. SHEEHAN:

My name is Michael Sheehan. I've been coming here about three years over this and I'd to know all of a sudden these people coming out of the woodwork against Foley, speaking on Levy's behalf; where were they a year ago, two years ago? They weren't up here trying to fight against it. Now all of a sudden he's got these people coming up here?

Now, they had an article in the newspaper about bullies in school. Well, he may not be in school, but I think he's a big bully. And people keep saying how bad this economy is. Well, how come in the newspaper, every month so far this year it says employment has been going up and up and up? You go to the store, Wal-Mart or out to eat, them places are packed. I think they're using that as a crutch. I don't believe the economy is as bad as most people think. And it's got -- there's got to be a way you's can figure out how to save this because it has a lot to do with more than just jobs, it's people. It ain't just the money, it's people. Thank you.

Applause

P.O. LINDSAY:

Thank you. This woman and then that woman right there, I'm sorry.

MS. OGNO:

Hi. My name is Linda Ogno, I work at John J. Foley. I would like to just inform everyone that can hear me that my County tax bill is \$91 a year. And you guys have done a great job on \$91 a year. And I really don't think I'm going to get a rebate for you selling Foley; if I'm wrong let me know, because I could probably use a couple of more dollars.

MR. STRAUSS:

Thirty-one cents.

LEG. ROMAINE:

It's 33 cents.

MR. OGNO:

Bargaining in good faith, that is a real good thing. I don't think we've had it, Mr. Marchese stood up here and said for the last six months John J. Foley has had so many problems. We have been under the gun for the last three years. It was only a matter of time before cracks started to happen.

The staff has gone down over and over. We have agencies in there who have no liability to be there, they have no incentive as the Foley people do. You are going to make your decision either way, and I just hope that you think about this in good faith, because people there count on us. And one more thing. Mr. Rozenberg did sit here and say that the County -- that the people at John J. Foley are the highest paid people in the nation. We are the lowest paid people in the County. We have many women there that are single mothers who were on the welfare rolls and then come to work with us. But we're the highest paid people in the County? Because if we go to work for Mr. Rozenberg who believes that we're the highest paid, a lot of these single mothers are going to lose their homes and be back on the welfare rolls. So we'll still be paying for them. Thank you.

Applause

P.O. LINDSAY:

Please come forward, Madam.

MS. BUCK:

My name is Margaret Buck and I will be very brief. I just basically wanted to sum up and just point out something to you. I notice that the patients had left, and I think it would have been very important if they were here to listen to the administrator go over the handling of the facilities that this organization or his organization operates on.

The closure of Foley has been confirmed and passed to close as per the Omnibus budget passed by the current Legislative body. The sale is the only way to guarantee that these patients will continue to live in their home. Should they choose, okay, there's a bed policy that will be left open for them. If they should leave the facility for any reason, they have a right to return to that facility. The protection that they are afforded, when they talk about, oh, who's going to decide to weed out the people that are causing any problems because it's going to be a budget thing? The safety of every individual, every patient, is paramount to the organization that buys this or any organization. You would not allow four or five men in the back of this room to take this room hostage. Well, you cannot allow patients to take a facility hostage. And it's the right of the administrative body that is governing and administering that nursing home to take care of the patients and to protect their rights. That's basically all that I have to say.

P.O. LINDSAY:

Anybody else that wants to address us? Yes, please, come forward.

MR. RAAB:

I did fill out a card, but whatever. Good morning, Ladies and Gentlemen of the Legislature. I'm here to talk on 1916. I'm used to with dealing with firearms --

MS. MAHONEY:

Please state your name.

MR. RAAB:

William Raab, R-A-A-B. Dealing with fire arms and the shooting sports, I'm used to having the most controversial issue in the room, and it's nice to not be that today.

*(*Laughter*)*

LEG. ROMAINE:

A lot of it.

MR. RAAB:

Always, that's part of government, but that's what you all signed on for, so.

LEG. ROMAINE:

That's absolutely right.

MR. RAAB:

You get paid for this stuff, I come here out of my own time. The air gun bill, 1916, I see there were some amendments made to it. One of the amendments took out the thing of shooting on your own property at a target, which somewhat negates the whole -- the initial reason for this bill coming about, if I remember correctly. We still haven't seen any justification, as far as I know, to bring this bill about.

In shooting sports, when I did some injury studies, sports injuries by sport, hunting, which is people out shooting, in proximity to other shooters, is tenth, it's behind tennis. So first is tackle football, but, you know, you would kind of expect that. I did another Google search of injuries and I came up with a study where shooting sports isn't even on the list. So I did my homework, I did a lot of research on this.

This bill also is in contradiction to Environmental Conservation Law in several factors. It's also in contradiction to the New York State Penal Law where these things are already regulated under Sections 265, 265-05 and 265-20. It says that we have a different demographic in different parts of Suffolk County, and I realize some of these things are regulated by town, or different towns have different make-ups. Well, what works in one town may not work in another town, it's one of the things that having a County the size of Suffolk, with such a diverse population, and I don't see where a County-wide regulation such as this would really help. And as far as I'm concerned, I teach safety, I do training and everything else, this is one more thing of bubble wrapping everybody. And you know what? I'm kind of tired of cutting bubble wrap off, it really doesn't do anything for me. I doesn't do anything for the young people I work with. One of our people just earned -- they work with shooting sports, earned their Venturing Silver Award which is the equivalent to Eagle Scout, and he did this working through the shooting sports. He doesn't have any issues. The girls who work with us don't have any issues.

I don't really see where this does anything. I have not seen justification for the initial acts that brought about this bill. Everything that was complained about was unfounded. And I just see this as one more rule where you're probably going to get it thrown out if anybody bothers to take it to court, and what do we need to bring it there in the first place? Have we seen anything that really requires this, or is it just passing a law to say, "I passed a law"? I really get tired of that, too, because we have way too many laws. We don't even know what we have anymore.

So please, I'd like to see this bill voted down. I would like to see it taken off completely. There's no reason for it. And to keep recessing it and bringing it back, and I have to come back and speak to all you wonderful people, although I like seeing you, I don't like seeing you for this reason. So I like to come by and chat. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Mr. Raab.

*(*The Following Was Taken And Transcribed By
Lucia Braaten - Court Reporter*)*

MS. PREPSCIUS:

Good morning. Thank you for allowing me to speak. My name is Maria Prepscius and I work at John J. Foley.

A sale is not the only way. Call me a cock-eyed optimist, but there is always a middle ground and there's always a way. The threats and intimidations of the employees has not worked and we can take it. We're whole, we go home at night, but the cruelty and disrespect yesterday just before the holidays to our residents, it just was unnecessary, cruel, and abusive.

I endorse I.R. 2055. You need to limit the County Executive's micromanaging. It should not be up to one person, it should be -- it's just too much power, it's gone to his head. And, of course, no residents would be put out in the street. There are much more subtle ways to get rid of them, and with more time I would elaborate. And what will hundreds of people do out of work in Suffolk County, and what will that do to Suffolk County's economy? And Mr. Levy did not give it a fair run. He allowed incompetent management for years because it served his purpose. And, of course, we lately have had to accept less than desirable residents and employees. Who would want to work there? Who would want to work at John J. Foley with all this uncertainty?

But let's talk fiscal responsibility. John J. Foley is really a jewel in Suffolk County and has been for almost over a 100 -- a 100 years. And 36 million smacks of a huge land giveaway. It's worth so much more and it will be worth so much in the future. And even a diamond looks dirty -- it looks like a dirty pebble before it's been polished. But we're really talking apples and oranges. Mr. Rosenberg is a businessman. Patients are not his responsibility, profit is the bottom line for him, and Suffolk County can turn a profit. Suffolk County can make John J. Foley turn a profit with your help. We need good management. We're all ready to pitch in. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Did someone else want to speak? Please, come forward.

MS. ROLLINS:

Hi. Pat Rollins, going on my 24th year working at the facility. I come here today with a lot of questions. I am, first of all, fuming about what went on yesterday. That was so horrible to put our

residents through that. Why is the County Executive allowed to abuse our residents, because that was outright abuse. Why was it necessary to upset them? They already know what's going on. Even a resident on the dementia unit asked me, "What will happen to me if the building is sold?" I had no answer for her. What kind of person could be so cruel during Hanukkah and the upcoming Christmas to do this to our residents? Aren't our residents frightened enough? Many of these people were productive tax-paying citizens. Are they less valuable human beings now because they're ill? Where's the compassion? Do you kick a man when he's down? How about a sick old lady, you kick her? Aren't our residents broken enough? Is this the man we want watching over our citizens for another four years, a man who will give away a multi-million dollar asset to satisfy his ego? And while we're talking about the big giveaway, why is still money going into the facility? Whether it be grants or not, it's still taxpayers' money. We've got painting going on, a whole new computer system, computers for the residents. They're ripping up the rug next week. Why is this going on if we're going to sell the -- or I should say give the building away?

You know, I've gained a lot of respect for all of you in this building and I've learned a lot, but I just don't get our executive. One thing I have seen and I know for a fact, and I've heard from residents, God, don't like ugly. And once again, I'm pleading with you, please, don't sell our facility. Let it be here for Suffolk County residents now and for years to come. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you. I'm almost afraid to ask. Is there anybody else?

*(*Laughter*)*

Come forward, Madam.

MS. FREDETTE:

Hi. I'm Mary Fredette. I've been a longtime nurse at John J. Foley, and I just wanted to share with you, I just really want to thank all the Legislators that have been supporting us all along and their hard work, and I really appreciate that they never had a change of heart. And I just hope we continue with the long hard work.

And I just wanted to share one of my favorite characters, one of my favorite hero's characteristics. He was Daniel and he was a young Jewish man. He was a Jew, he was captured by Babylonians and he had to live against his beliefs in a multi-God country, with paganism and all this sorcery, all these distasteful beliefs. And he rose up and he became a diplomat and a politician and he stuck to his guns, even though he was -- he wasn't even with his family. And sometimes he was threatened with death, but he stuck to his guns, and he was respectful, and he kept his principles and his standards. He knew good from evil, even though he was surrounded by evil. And he made the right choices. He, you know, kept his principles. He did God's will.

And I just wanted to -- I just really thank you all, because you guys, a lot of you make me think of that person, because you've stuck to your standards, you've been diligent and respectful, and I appreciate all your support. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Anybody else? Seeing none, I'll take a motion to close the Public Hearing by Legislator Barraga, seconded --

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

The public portion is closed. Legislator Kennedy, do you want to be recognized?

LEG. KENNEDY:

I do, Mr. Chair. And I -- in deference to one of the many topics before us today, I was advised that there may be residents coming to speak to us later on this afternoon from the facility. I think, procedurally, in order for us to hear them, we would have to either adjourn the public portion, or we would have to consider reopening it. I offer that to you just for an ability to accommodate some of our residents.

P.O. LINDSAY:

Being that we already took a vote to close, I would entertain a motion to reopen the public portion this afternoon and see what the Body thinks of that.

LEG. KENNEDY:

Good. I'll be happy to make that motion, Mr. Chair. Thank you.

P.O. LINDSAY:

Thank you. Okay. To the Consent Calendar. Do I have a motion?

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper).

RESOLUTIONS TABLED TO DECEMBER 7, 2010

P.O. LINDSAY:

Okay. If we go to Page 7, resolutions tabled to December 7th.

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

LEG. BROWNING:

I'll make a motion to table.

P.O. LINDSAY:

Motion to table by Legislator Browning. Do I have a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

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

LEG. KENNEDY:

I'll look to table, Mr. Chair.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

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

LEG. STERN:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Stern, seconded by Legislator D'Amaro. On the question, anyone want to speak? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1971 --

MR. LAUBE:

Sixteen. (Vote Amended to 17 - Not Present: Leg. Cooper)

P.O. LINDSAY:

1971 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with improvements to lighting and paving on County Road 100, Suffolk Avenue, Brentwood, Town of Islip (Montano).

LEG. MONTANO:

Motion to approve.

P.O. LINDSAY:

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

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. Any discussion? This is all projects in the Capital Budget?

LEG. MONTANO:

Yeah. What happened here was that we were waiting for an IMA to be worked out Department of Public Works in the Town of Islip and that's been resolved, so we now have the bond.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, 1971A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. MONTANO:

Yes.

LEG. BARRAGA:

Yes.

LEG. COOPER:

(Not Present).

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. CILMI:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

1.R. 2008 - 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 (Co. Exec.).

LEG. KENNEDY:

Motion to table, Mr. Chair.

P.O. LINDSAY:

Motion to table by Legislator Kennedy.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper).

BUDGET & FINANCE

P.O. LINDSAY:

Page 8, Budget and Finance. What's -- what is this, a bond?

MR. NOLAN:

We missed it at the last meeting.

P.O. LINDSAY:

Okay. I'm being told by Counsel it was something that we kind of didn't finish at the last meeting. ***It's 2027A. It's a bond resolution of the County of Suffolk, New York, authorizing the issuance of \$396,482 in bonds to finance the payment of a judgment in a general liability case.*** Do I have a motion?

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Roll call.

LEG. ROMAINE:

Questions.

P.O. LINDSAY:

Question from Legislator Romaine.

LEG. ROMAINE:

Yes. If there's someone here from the County Attorney's Office, I'd like to just ask some general questions about this. Is this a -- this is a judgment, so we've lost this case; is that correct?

MS. BIZZARRO:

This was a settlement. The Ways and Means Committee approved the settlement of this matter on August 18th, 2010. The full Legislature approved the appropriating resolution for this to bond this settlement on November 16th, 2010. That resolution specifically references the bond resolution, but that bond resolution was not voted upon at the last general meeting and I believe that is why it is on here today.

LEG. ROMAINE:

Okay. So we have a -- someone sues us. Someone made the judgment and that's what I'm trying to get at. Someone made a judgment that it would be better for us to settle this case; is that correct?

MS. BIZZARRO:

Well, as I said, the Ways and Means approved settlement on this already, so --

LEG. ROMAINE:

Who brought the settlement to the Ways and Means Committee?

MS. BIZZARRO:

The County Attorney's Office did.

LEG. ROMAINE:

And did the County Attorney review the settlement prior to it coming to the Ways and Means Committee?

MS. BIZZARRO:

Yes, it did.

LEG. ROMAINE:

And the County Executive reviewed that as well?

MS. BIZZARRO:

I don't know if the County Executive did.

LEG. ROMAINE:

Oh, so the County Attorney reviewed the settlement, brought it to the Ways and Means Committee, and it was presented to the Ways and Means Committee, and they agreed, after hearing, I guess, the details in Executive Session, they agreed with the County Attorney's recommendation? Was there a recommendation on this?

MS. BIZZARRO:

There was actually a recommendation by the Judge on this matter, yes, and that was relayed to the Ways and Means Committee and they approved it.

LEG. ROMAINE:

Judge made a recommendation on a settlement?

MS. BIZZARRO:

Yeah. A lot of times the Judges get involved in settlements, yes.

LEG. ROMAINE:

And this is a settlement as a result of a Supreme Court case?

MS. BIZZARRO:

Supreme Court, yes.

LEG. ROMAINE:

Could you tell me who the Justice was on that case?

MS. BIZZARRO:

It might have been Magistrate {Wahl}, although that's Federal. I'm not sure who the Justice was.

LEG. ROMAINE:

Okay.

MS. BIZZARRO:

If you'd like any further details, I'd be happy again, and I've said this before, to go into Executive Session. I'll go through the file and I'll give you all the details.

LEG. ROMAINE:

I'm not asking details about the case so far, I've just asked about this. Now, the settlement amount was \$396,482?

MS. BIZZARRO:

Yes.

LEG. ROMAINE:

And we're going to bond that out over how many years?

MS. BIZZARRO:

Five years.

LEG. ROMAINE:

Okay. So we're going to go into debt to pay this. Thank you very much.

MS. BIZZARRO:

You're welcome.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Quick question. We've had this debate before with respect to bonding settlements. I just want to know, can somebody tell me, either you or maybe Gail, how much have we bonded this year on settlements, since we don't have a reserve fund for liability cases?

MS. BIZZARRO:

I don't know the cumulative amount.

LEG. MONTANO:

You don't know, okay. Gail, do you have any idea? If you don't right now, that's fine.

MS. VIZZINI:

I don't have it right now, I'd have to get back to you.

LEG. MONTANO:

But it's --

MS. VIZZINI:

But I know a --

LEG. MONTANO:

They've been substantial.

MS. VIZZINI:

-- combination of Ways and Means and Budget and Finance, there have been several resolutions passed.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

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

MR. NOLAN:

Roll call.

P.O. LINDSAY:

Oh, roll call. Excuse me.

(Roll Called By Mr. Laube, Clerk)

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Not Present).

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Abstain.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Abstain.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yep.

MR. LAUBE:

Fifteen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

Okay. *I.R. 2095 - Amending the 2010 Operating Budget and appropriating funds in connection with bonding for a settlement for attorneys fees as part of a Federal lawsuit (Co. Exec.).*

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the question, Legislator Romaine.

LEG. ROMAINE:

I have a question concerning this resolution. We're making a settlement. We -- this is a case I believe we lost, if I remember, and now we made a settlement for the County Attorney's fees. What is the amount of the settlement that we're bonding out, going into debt for?

MR. LIPP:

A hundred and ninety-two thousand five hundred.

LEG. ROMAINE:

And what is the length of the bond?

MR. LIPP:

Well, like all bonds, we issue them in packages and they're typically from 18 to 20 years, including the previous one we were referring to. We don't issue five years.

LEG. ROMAINE:

Okay. Someone told me the previous one was five years.

MR. LIPP:

Well, that's the period of probable usefulness defined in State Law. However --

LEG. ROMAINE:

Right.

MR. LIPP:

-- when we package the bonds, we do it as level debt and we'd weigh it at average maturity, which means, overall, they're all done together as a whole for 18 to 20 years.

LEG. ROMAINE:

Right. So there could be greater interest accumulated than what was reported in the resolution?

MR. LIPP:

Correct. What it is is a trade-off. We have less interest in the short run, but longer interest over the long run.

LEG. ROMAINE:

So we're going to probably pay more interest, and that was referred to in this -- in the bonding resolution that came before us.

MR. LIPP:

Correct.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

I think the County Attorney's Office wants to weigh in, if you don't mind, Legislator Romaine.

MS. BIZZARRO:

If I could just reference, we don't reference any type of interest for the bonding in the resolution, so I'm not --

LEG. ROMAINE:

There's usually a Financial Impact Statement that's associated with every resolution, as you're familiar with.

MS. BIZZARRO:

Oh, on the Financial Impact Statement, perhaps.

LEG. ROMAINE:

Is part of the resolution.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Quick question.

P.O. LINDSAY:

Yes, Legislator Montano.

LEG. MONTANO:

Do you have an answer, Gail, or you still need time on that?

MS. VIZZINI:

I'm going to --

LEG. MONTANO:

You're going to have to do that later --

MS. VIZZINI:

I'm going to assign it to somebody back at the shop.

LEG. MONTANO:

All right. No problem. Thanks.

P.O. LINDSAY:

You know, I don't know whether it's germane to the conversation or not, but our overall indebtedness has increased exponentially to a point where it's really scary. I mean, this is only a small part of it, but our indebtedness is over a billion dollars now.

LEG. MONTANO:

The reason, since you brought it up, Mr. Lindsay, if I may, the reason I asked the question is for exactly that reason. And over the years, during the budget process, I have been opposed to not having a reserve fund to pay for settlements and what we call exposure to cases. So since we don't have and we haven't taken it upon ourselves to budget for potential exposure, we wind up bonding every large settlement and really is not --

MS. VIZZINI:

We're up to 3.9 million.

LEG. MONTANO:

Three-point-nine million that we're bonding out unnecessarily.

P.O. LINDSAY:

That's this year, that was --

LEG. MONTANO:

This year, not over the seven-year period that I've been here.

P.O. LINDSAY:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Most of the you have heard me speak about this, you know, having worked in the insurance industry for ten years. Not having that reserve is one problem, but the other problem that we have has been the lack of a taker. And we've had this discussion in various budget working groups that I've been part of, trying to find an overage policy, and not having a carrier that's even willing to take us on, or to have premiums so exorbitant that it doesn't make sense for us to have a policy to protect us against, you know, judgements in excess of a dollar-specific amount that we would set, so.

LEG. MONTANO:

But we're self-insured.

LEG. LOSQUADRO:

You know, we -- we are, but we could have a policy, just like an insurance agent has an errors and omissions policy. Just in case they mess up when they're writing a policy to someone, we can have an overage policy that would protect us against judgments in excess of a certain amounts. As of this time, we have not been successful in securing an overage policy. The premiums quoted to us have been far too great, so we're left in that situation. Something I'm not going to be here to continue to discuss, but, you know, hopefully, as our financial situation improves, that is something that this Legislature will see fit to establish would be that reserve policy that Legislator Montano was just talking about, so that we do have the ability to pay cash for these settlements instead of bonding them out.

LEG. ROMAINE:

Very quickly, I would simply agree with what my colleague said. Clearly, while taxes have remained rather stable over the last six or seven years in Suffolk County, debt has exploded exponentially. And possibly in the coming year of 2011, Presiding Officer, one of the things that we can take a look at is, as a Legislature, is the explosion of debt, and the lack, for example, in bonding cases. And I think my colleague, Legislator Montano, is absolutely on the money, that we should have created, or we would have hoped with the -- working with the Executive to create a reserve fund, so we're not always going into debt to pay these type of expenditures. But that's something we can look at, because, clearly, keeping taxes low is only one end of the equation. If you're keeping taxes low, but going deeper into debt than ever before in the County, then you're hiding what eventually is going to come home to roost. Thank you.

P.O. LINDSAY:

Ms. Bizzarro, did you want to say something about this resolution?

MS. BIZZARRO:

I would just like to put on the record, I mean, bonding is basically up to this body to decide if that is what it wants to do. I just want you to be aware that the County Attorney's Office is successful in an extremely large amount of cases that are never put before this body, very, very many cases. So, just want you to give that some thought just in terms of, you know, what ultimately the decision is made with respect to what type of insurance policies it might want to look at, or what type of monies you'd want to reserve.

P.O. LINDSAY:

Yeah, but I don't think that was, in all due respect, the issue here. The issue was just that we don't have a reserve fund to pay for these with cash.

LEG. ROMAINE:

Quick comment, Mr. Presiding Officer.

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

I just wanted to put it on the record clearly that I have the highest regard for the County Attorney's Office. In no way was this a reflection of them, and I'm sure they do a great job defending us on all things. This was a monetary comment that did not reflect on the County Attorney's Office.

P.O. LINDSAY:

Thank you. Okay. We have a motion and a second on **2095**. All in favor? Opposed? Abstentions?

LEG. MONTANO:

Abstention.

LEG. ROMAINE:

Abstain.

LEG. BARRAGA:

In the negative.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Legislator Montano was abstention?

LEG. MONTANO:

Abstention.

MR. LAUBE:

And Legislator Romaine, and Barraga was a negative.

P.O. LINDSAY:

Okay. We --

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Same motion, same second on the accompanying bonding resolution, **2095A**. Roll call.

(Roll Called By Mr. Laube, Clerk).

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Not Present).

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Abstain.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Abstain.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay. *2096 - Amending the 2010 Operating Budget and appropriating funds in connection with bonding a settlement for a bus liability case (Co. Exec.).*

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by --

LEG. D'AMARO:

Second.

P.O. LINDSAY:

-- Legislator Gregory, second by Legislator D'Amaro.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

This is just a simple request for the County Attorney's Office. As I am one of the members of Ways and Means, we've discussed many of these settlements at length. Personally, I would like to see a copy, if I can get a copy of the bus carrier contracts forwarded to my office. We've spoken generally and I believe they're coming up for expiration shortly, and the propensity of accident settlements just seems to be escalating. So I'd like to be able to take a look at the contracts and see if there might be something we could do to put some of the -- some of the onus back on the operators going forward.

MS. BIZZARRO:

Not a problem.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second on 2096. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Abstain.

MR. LAUBE:

Fifteen. (Abstention: Legs. Romaine and Montano; Not Present: Leg. Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, **2096A**, same motion, same second. Roll call.

(Roll Called By Mr. Laube, Clerk).

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Not Present).

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Abstain.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Abstain.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

Okay. Next, we have 2140, and we have three successive resolutions that are kind of housekeeping resolutions we do this time of year. ***2140 is authorizing the County Comptroller and the County Treasure to transfer funds to cover unanticipated expenses in the 2010 adopted Mandated Budget from the 2010 adopted Discretionary Budget.*** Ms. Vizzini, could -- this is a three-quarters vote, we need 14 votes. Could you explain this process before we vote on it?

MS. VIZZINI:

These are -- the next three resolutions are the customary end-of-the-year housekeeping resolutions where shortfalls had materialized. Usually, they are unanticipated and surpluses are identified to close those shortfalls. The first one, 2140, the shortfall was actually in one of the major Social Services programs. It's a mandated expense in Family Assistance of a million dollars. To make that up, there are -- there's a million dollars available in Child Care, so Child Care is being decreased by a million, and a million dollars going to Family Assistance, assistance for our clients. The other items in this pertain to unanticipated debt service, small amounts, primarily in the Police District for three of the sewer districts, Gabreski Airport. So there are other areas in those same funds, money is being moved from -- if the shortfall's in Fund 38, money is being moved within Fund 38 to address the shortfall.

P.O. LINDSAY:

Did we get a motion yet on this, Mr. Clerk?

MR. LAUBE:

No, you didn't.

P.O. LINDSAY:

No, okay. I'll make a motion to approve. Do I have a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory, and Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

You piqued my interest when you said that there was a million dollars coming out of the Child Care Fund?

MS. VIZZINI:

There is a surplus there, Legislator. It's one programmatic expense going from one Social Services area to another.

D.P.O. VILORIA-FISHER:

Now, is that for child care vouchers for people on --

MS. VIZZINI:

They're programmatic --

D.P.O. VILORIA-FISHER:

-- assistance?

MS. VIZZINI:

They're programmatic expenses for child care, yeah.

D.P.O. VILORIA-FISHER:

And we have a surplus?

MS. VIZZINI:

It could be related to the fact that, you know, if you -- with the -- I don't know the precise explanation, but my guess is, because of the economy, there may be fewer people working and, therefore, the child care expense was not what was budgeted.

D.P.O. VILORIA-FISHER:

Okay.

MS. VIZZINI:

I raised my eyebrows, too, but --

D.P.O. VILORIA-FISHER:

Yeah.

MS. VIZZINI:

But there is a surplus and --

D.P.O. VILORIA-FISHER:

Amazing. Okay. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Like Legislator Viloría-Fisher, I, too, recall that we had a number of extended discussions when we had child care providers before us. And, as a matter of fact, my recollection is that our appropriation or our authorization to the Department of Social Services from the State was actually reduced as a result of unexpended balances that we previously had had in child care funds. So my

question would be, aren't we just ensuring that we're going to reduce, yet again, what we receive for the purposes of providing child care by taking this unexpended balance and putting it towards another purpose?

MR. LIPP:

We're not going to be spending the money this year, even though there may be a potential problem that you're talking about. And, therefore, as a housekeeping resolution, given that there may be problems in the future, that money is not being spent this year, so we're able to transfer the money in the resolution, we simply won't spend it anyhow, and we overspent the other line.

LEG. KENNEDY:

Well, I assume that we overspent it because we've got increased numbers of homeless folks and families being thrown out of work and out of homes. But, by the same token, I recall vividly that we lost money. We were reduced by the State for our annual allocation for funding day care for people to go out to work who were returning to work from disability and things like that, specifically because the department did not make that money available and operated under this bogus notion that they were somehow saving funds that were never theirs to save. So how is this any different than what we had in the past?

MS. VIZZINI:

Your recollection is somewhat correct, but where we are now is in terms of what was included in the 2010 adopted budget versus what we estimated to expend. In terms of the shortfall, it's in Family Assistance, assistance to families. We budgeted only 53.6 million, we expect to spend more than that. So the question is where can we take surpluses from and the answer is that --

LEG. KENNEDY:

Again, I'm just asking for an interpretation.

MS. VIZZINI:

Right, right.

LEG. KENNEDY:

This isn't a criticism of you, it's just an effort to try to understand, Gail.

D.P.O. VILORIA-FISHER:

No, I'm not taking it as a criticism.

LEG. KENNEDY:

But -- so then, suffice it to say, I'll oppose this because I object to the offset. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Mr. Chair, I have some serious questions about this for many of the same reasons that have been mentioned by Legislator Kennedy. Number one, it's hard for me to believe that our child care vouchers would be less than what we had anticipated. And number two, it would be reducing our base and the State looks at our base. You know, we're creating a lower base for future support from the State, so I'm very concerned about that. So I would ask if we could look at this later on in the afternoon so that I can try to research the issue.

P.O. LINDSAY:

Does anybody object if we skip over this for now? No? Okay. We'll take it back up later on after Legislator Viloría-Fisher has some additional information.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

How about *2141- Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2010 adopted Discretionary Budget (Co. Exec).* I'll make a motion for the purpose of discussion.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. Ms. Vizzini, could you --

MS. VIZZINI:

This particular housekeeping resolution has to do with some of the contract agencies' expenditures in mental health. There were increases in certain areas of mental health, and surpluses were identified also in mental health to address the shortfalls. It also pertains to the fact that there was a shortfall in Social Security, and other benefits were reduced, the Benefit Fund. Prescription drug claims were reduced predominantly by 920,000 to address the shortfall in Social Security. And there was a shortfall in snow removal, and the EPIC Program was reduced to address that \$500,000 shortfall. It also clarifies the presentation on the MTA payroll. The MTA payroll cannot be shown as an employee benefit, it was inadvertently included in the 2010 budget as a -- and the benefit line is being changed to the miscellaneous line.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:

2142 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2010 adopted Mandated Budget (Co. Exec.). I'll make a motion for the purposes of discussion; second by Legislator Gregory. Ms. Vizzini, if you would be so kind to --

MS. VIZZINI:

Thank you, Mr. Presiding Officer. This shortfall is primarily in the Medicaid area. Medicaid cap payment was short by six million dollars, as was Safety Net, again, the reflection of the needs of our community. Surpluses were identified in other areas of the General Fund, including the Courts, some in the Sheriff, some in Health Services. The detail is in the backup in order to address the Medicaid shortfall.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen -- no, sixteen. (Not Present: Legs. Nowick and Cooper)

CONSUMER PROTECTION

P.O. LINDSAY:

Consumer Protection: *1834 - This was discharged by petition, a Local Law to standardize home energy audits in Suffolk County (Horsley).*

LEG. HORSLEY:

Motion to approve.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion to approve, second by Legislator Montano. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

1980 - Establishing a Long Island Power Authority Legislative Oversight Committee.

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

LEG. MONTANO:

It's after 12.

P.O. LINDSAY:

Yeah. Well, I called it and Legislator Romaine has made a motion.

LEG. MONTANO:

I'll second that motion. No, no, I'm not going to second this one.

P.O. LINDSAY:

Okay. Seconded by Legislator Schneiderman. What Legislator Montano is -- I said that we were going to break at 12 for our other proclamation. Okay. We'll take a vote on this. I understand the folks from the Shinnecocks are here and we'll do the proclamation as soon as we finish this debate and this vote. So we have a motion and a second. Is there any discussion on this? Yes, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I -- just through the Chair and to the sponsor, I appreciate the goal here. You know, oversight is probably a good thing when it comes to the high energy rates that we're paying here in Suffolk County and on Long Island. But I also am just wondering whether or not we have, "we", meaning the County government, have the expertise and the financial wherewithal to conduct effective oversight. And if the sponsor would be kind enough to speak to those issues, I'd appreciate it.

LEG. ROMAINE:

Well, we can't conduct legal oversight, despite the fact that the voters of this County, in 1999 by referendum, entrusted oversight powers regarding LIPA to this Legislature and we have not exercised those powers. This is the first attempt to exercise that. We have an opportunity as Legislators, through our Presiding Officer who will select -- there'll be six members of this commission, two that will be experts in the operation of LIPA, two that will be energy experts, a civic -- member of a civic organization, and one other person that would be selected. They would work with our staff. They would hold four public hearings, and they would essentially issue a report to this Legislature within a year of their findings and their recommendations. And while they may be general and less than specific, they certainly would point the way to a public debate, which we have so sorely lacked.

LIPA lacks any oversight by anyone. They are a board that originally, when they were supposed to be created, we were promised they would be elected. That promise was not fulfilled. When LIPA was created, when the Shoreham Nuclear Power Plant came into being and we decided that that would close down, instead of the ratepayers -- the ratepayers got stuck with that bill instead of the shareholders for LILCO. We got the debt; that debt has yet to be paid off. In fact, that debt has increased, and that's something that needs to be examined as well. We need some independent body to start examining what LIPA is doing. They don't have Public Service Commission oversight, they have no oversight. There is no one that they report to. There is no one that checks into any of their activities.

One of the programs that they pushed several years ago was the Green Choice Program, that for a little extra in your rate structure, they would buy green power. That was interesting, because many of the East End towns decided to buy into that program. And then one day I got a call from the Supervisor of Shelter Island, at that time, Mr. Kild, and he said, "Ed, we buy 100% power, green power, green choice power. I have a contract for windmills; showed me the contract. He said, "Can you tell me why I'm paying a fuel adjustment charge if I'm buying 100% green power?" And that's because LIPA didn't buy green power, they just charged a higher rate and said they did. They bought attributes.

This is an organization that require some degree of oversight. There's a lot of good that LIPA does and I don't deny that, but I do believe that a public authority requires some oversight. This is a vote for us to begin even the most minimal oversight. And those who would deny even the most minimal oversight are not benefitting the ratepayers of LIPA, many of whom have complaints, and those complaints, legitimate and otherwise, need to be heard. Thank you.

P.O. LINDSAY:

Okay. Did he answer your question, Legislator D'Amaro?

LEG. D'AMARO:

Yes, partly. And just to follow up on that, I'm not really questioning the concept of oversight, especially when it comes to utility rates, when it comes to LIPA. And, Legislator, you make some very valid points about the need for oversight, but it was my understanding that there is an oversight body at the State level that conducts review of LIPA, and that's my understanding.

LEG. ROMAINE:

Not to my knowledge, and if you could name that body --

LEG. D'AMARO:

Okay.

LEG. ROMAINE:

-- I'd be happy to hear it.

LEG. D'AMARO:

Well, let's go -- let's look at Suffolk County. If we create this special commission --

LEG. ROMAINE:

Which the voters empowered it to do in 1999.

LEG. D'AMARO:

If we create this special commission, LIPA will have no obligation to cooperate with this oversight process, right? So what I'm questioning, what I'm question is what's the expectation? What are -- I mean, it's great to have the public hearings, I don't have any problem with doing that. And, you know, I'd be the first to come up there and say that my rates are too high, I agree with that. But, you know, are we then going to ask LIPA to disclose to us their operating procedures, perhaps even their contracts, how they set their rates? I just don't see that information coming into the commission.

LEG. ROMAINE:

That would be up to the committee, but LIPA has an affirmative obligation and does disclose their rates to their ratepayers.

LEG. D'AMARO:

No, I understand that, but you're going -- if you want to perform effective oversight, you need to dig a lot deeper than just knowing what the rates are. You need to know how those rates are arrived at, what their operating expenses are, what their budgets are, and things like that. It's a --

LEG. ROMAINE:

This is the foot-in-the-door theory. You start here, you wait for the report, you wait to see what the oversight committee recommends, and then you take it from there. We have an affirmative obligation, I believe as Legislators, to look into this. I was there when this was created. I strenuously opposed Governor Cuomo's deal. I was sitting in this body at that time. Governor Mario Cuomo, let me make that clear.

LEG. D'AMARO:

Right. But, with all due respect, we're talking about today, we're talking about --

LEG. ROMAINE:

Right.

LEG. D'AMARO:

-- putting together a commission.

LEG. ROMAINE:

That's correct.

LEG. D'AMARO:

We have a Budget Committee, we also have Budget Review expertise with respect to LIPA, which they're working -- BRO is overseeing LIPA to the extent that we have questions about it, or monitoring it, or whatever it is they do. So we're just -- is this substance over -- is this form over substance? Are we just going to put these experts onto this panel --

LEG. ROMAINE:

I can guarantee you that this is not form --

LEG. D'AMARO:

-- get the same information that we always get, whether it's from Budget Review or, if we had a Budget Committee hearing and asked the Chair or head of LIPA, or someone from LIPA to come and address the Legislature, or a committee of the Legislature? I mean, how do we go -- how is this committee going to go deeper without the cooperation of LIPA itself?

LEG. ROMAINE:

I think LIPA comes in once or twice a year. The Chairman of that committee, Wayne Horsley, does an excellent job. But their brief appearances in no way substitutes for any type of effective oversight, which, by the way, the voters of this County fully expect based on the 1999 referendum --

LEG. D'AMARO:

I agree with you.

LEG. ROMAINE:

Which I forwarded -- a copy of which I forwarded to your office. I don't know the attorneys who represent LIPA, I don't know the law firms that represent LIPA, I don't know the law firms that are involved in LIPA's work, but I will tell you this: As a Legislator, I think that we need this oversight committee. This oversight committee is going to report directly, depending on who's the Chairman of the EEE Committee, but I believe if it's Mr. Horsley again, we'll report directly to him and his committee. And then, eventually, Mr. Horsley will distribute their report to this entire body, and they'll work very closely with Mr. Horsley again, if he's Chairman next year, or whoever is Chairman of EEE Committee, they'll work very closely with them. I think taking some outside expertise, casting new eyes on an old problem and making recommendations, the one thing that we have is we have the gentlemen of the media in the audience that if these -- this committee can make some valid -- this commission can make some valid recommendations. I think it will behoove us. We'll be helping out every ratepayer in Suffolk County that is burdened with the second highest utility rates in the United States.

LEG. D'AMARO:

Again, Mr. Presiding Officer, just very briefly, I don't take issue with the need for review. What I take issue with is the fact that we don't have the jurisdiction to conduct a review. We probably don't have the cooperation of the utility, nor do we have any way to compel the utility to cooperate. And as far as whether or not we have the expertise, I know we have expertise in BRO, but beyond that, you're talking about a very intricate and very difficult to understand area that -- you know, I don't know what the length of this committee would be or how long it's to do its business, but without the cooperation of the utility and without the ability to ask them to cooperate or compel the utility to cooperate, I question whether or not this is really an effective use of resources and time.

LEG. ROMAINE:

I believe it is an effective resource. I believe it's a foot in the door. I believe it's step one in a multi-step process. And I also believe, as I'm sure you understand as an attorney, that the powers of this Legislature are considerable, and I'm sure cooperation will be assured one way or the other.

P.O. LINDSAY:

Legislator Romaine, if it's okay with everybody -- there's a couple of more speakers that want to speak on this subject -- I'm going to suspend the debate now and we'll pick it up after lunch, because we have the other proclamation that I eluded to this morning. The delegation is here from the Shinnecock Nation. And, Legislator Horsley, would you bring them in? I mean --

Good morning, everyone, and it is still morning -- no, it's just after noon. We -- okay. We welcome this delegation from the Shinnecock Nation to celebrate their official recognition as a nation that just took place this year. And I have Rose Elezer. Rose Elezer, who -- and Cuffee Samuels; no? No.

That's one name. I'm sorry. Okay.

LEG. HORSLEY:

Rose Elezer Cuffee Samuels.

P.O. LINDSAY:

Okay. From the Shinnecock --

LEG. HORSLEY:

Unkechaug Nation. Janine Tinsley-Roe is a Native American Advocate. Hello. Patricia Kennedy is a Setalcott. Okay. And Gordell Wright is a Trustee of -- Gordell of the Shinnecock Nation, and Senior Trustee, Lance Gumbs, who we've talked to, and we're just joined by --

LEG. HORSLEY:

The Chairman.

P.O. LINDSAY:

The Chairman.

LEG. HORSLEY:

Randy King.

P.O. LINDSAY:

Randy King. Hello, Mr. King. Thank you for joining us. And LeRoy Carll?

MR. CARLL:

LeRoy Carll.

P.O. LINDSAY:

LeRoy Carll is a combat Veteran of Vietnam.

MR. CARLL:

In 1967.

P.O. LINDSAY:

Very good, very good. Thank you.

MR. CARLL:

I was a point man in Vietnam.

P.O. LINDSAY:

All right.

MR. CARLL:

The point man is the guy that goes first, the mines, booby trap. They walked everybody behind me into the neighborhood.

P.O. LINDSAY:

Well, you must have did a good job because you're still here.

MR. CARLL:

They had never had eyes like an eagle, like a hawk. I'm an old man now. My eyes are not very good. Back then they were very good. They liked me to be up front because they knew what I was looking for. Vietnamese and Vietcong were masters at camouflage. In other words, if you were

looking at the woods, if you didn't know what you were looking for, they'd be sitting in there waiting to take you out.

P.O. LINDSAY:

Okay.

MR. CARLL:

But thank you all for thanking me. Most people don't give us any recognition, which is kind of hurtful. I'm still proud of the fact that I fought and I made it back home.

P.O. LINDSAY:

Thank you, so are we.

*(*Applause*)*

Okay. I'm going to turn it over to Legislator Horsley for the purpose of a proclamation.

LEG. HORSLEY:

Well, this is a very distinct honor to be here today with our friends from the Shinnecock Nation. The Shinnecock Nation is -- in 1640, when the Westerners arrived on the shores of Southampton, the Shinnecoeks were here, and they welcomed -- they welcomed the -- their new neighbors. And for so many years they were the entrepreneurs, the businessmen of -- the first business people of our country. And we are just so very proud to honor their becoming the 565th Nation recognized by the Federal Government, and that is the reason why we're here. But, you know, more than that, we are -- we are their neighbors, and we watched the trials and tribulations that they went through. They started their effort to be recognized, which is certainly something that they always knew that they were the Shinnecock Nation, that they were -- they started in 1978, and they comprised of -- composed of 116,000 documents in their test, and there was a test, and they were -- this Fall, this October, they were recognized by the Federal Government as the 565th nation. And, frankly, it was justice done and we are very, very proud to be their neighbors today.

So on behalf of the 1.5 million neighbors of yours, we are here to congratulate you. We are here to be good neighbors. We are here to say God bless you, and may we always remain in peace and work together into the future.

I have a proclamation that is signed by all of our -- my colleagues on the County Legislature representing the County, and we are -- we are in unison in saying that we celebrate your Nation's status through the Federal Government. Congratulations, everybody.

*(*Applause*)*

I am going to present this to Chairman King, who is the Chairman of the Trustees of the Shinnecock Nation. Randy, congratulations.

MR. KING:

Thank you.

*(*Applause*)*

*(*Photographs Were Taken*)*

MR. KING:

Thank you. We are truly touched by this gesture today by the County and these Legislators. It has been a long struggle, 32 years, predated me. And there are a lot of people out there that are not

here today that we have to give thanks for their efforts, for finally having the Tribe wind up in its position that it is now. And it is through cooperation, not only internally with our Tribe members, but externally as well with the various officials from our towns, our villages, our counties and the State and Federal level. We Pledge to work together, as we always have, and to meet mutually-acceptable goals. And we are truly, truly touched today. And I'll pass the mike to the other Trustees. We're going to present our flag now and we're going to have a song of honor.

*(*A Presentation Was Made*)*

*(*Applause*)*

MR. GUMBS:

Thank you. It is an honor and a privilege. As the Chairman said, this has been a 32-year struggle for the Shinnecock Nation to reach this goal. And, at this point, we would like to now present the Shinnecock Indian Nation tribal flag to the Legislators of the County of Suffolk and the State of New York.

*(*Applause*)*

MR. WRIGHT:

Good afternoon. My name is Gordell Wright, one of the Shinnecock Trustees. And as was said before, it has been a long process, and it's been a long tedious process, and many people have passed on since we started this process. So, in acknowledgment of them, I would ask for a moment of silence to acknowledge all of those people who started this struggle and who have not made it to the end. So, with that, I would ask for a moment of silence.

*(*Moment of Silence*)*

You know, I would like to say thank you for having us here today, and it's an honor to be here. And, as was said, the Shinnecock people have always been good neighbors and we look forward to continuing being good neighbors and working together, as was said, to make sure that both of our people are prosperous and have the ability to maintain who we are, and take care of our people, and make sure that going forward we respect one another and listen to one another and move forward in a good and positive way. Thank you.

LEG. HORSLEY:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

And I just want to thank you for this flag. We'll treasure it, we'll display it. And with us is Legislator Schneiderman, who represents his district -- your Nation is in his district. Wow, you're important. So with that, we have a cake that was baked by our culinary school on the other side of town. And, you know, I think we're all going to get our hand on a knife to cut it.

LEG. SCHNEIDERMAN:

While they roll out the cake, let me also extend my congratulations. It feels almost odd welcoming you guys when it's really your ancestors who welcomed us. But I know this has been a very long struggle and you've lost some dear ones, some elders, in the process, who I know, and they're here with us today in their own way. But, you know, I wish you guys only the best, prosperity, the economic development that comes with this recognition. I know that it's a great and proud people, the Shinnecock Nation. You've always known you're a nation. It took 32 years to prove it, unfortunately, but you guys are no strangers to fighting for justice. And it took a long time and you

stood tall and you got there, so congratulations.

*(*Applause*)*

P.O. LINDSAY:

And with the cutting of the cake, I'll make a motion to recess for lunch; second by Legislator Romaine. All in favor? Opposed? Abstentions? We stand officially recessed, but stick around for cake.

*(*The meeting was recessed at 12:33 p.m. and resumed at 2:31 p.m. *)*

P.O. LINDSAY:

Okay. Mr. Clerk, we're ready to go into public hearings. Would you call the roll, please?

(Roll Called By Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not Present).

LEG. MURATORE:

(Not Present).

LEG. LOSQUADRO:

(Not Present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present).

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Thirteen. (Not Present at Roll Call: Legs. Browning, Muratore, Losquadro, Montano and Kennedy)

P.O. LINDSAY:

Okay. Welcome to our afternoon session. We're about to go into public hearings. I want to recognize that Legislator Cooper is back with us in fine health. Welcome back.

*(*Applause*)*

LEG. COOPER:

And just for the record, I really, really missed you guys.

D.P.O. VILORIA-FISHER:

You were very ill and delirious?

*(*Laughter*)*

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Okay. The first Public Hearing is ***1.R. 1782 - A Local Law to register pre-paid cell phones in Suffolk County (Browning)***. 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, I don't see the sponsor here, so I'm just going to pass over this until she arrives. She should be here momentarily and will tell us whether she wants to close or table it.

The next up is ***1883 - A Local Law declaring a 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 (Co. Exec)***. And I got one card, Cesar Malaga.

MR. MALAGA:

Hello. Good afternoon, Presiding Officer and Legislators. My name is Cesar Malaga. I represent the Hispanic American Association.

You know, this area in Yaphank has been in the agenda for almost five, six years and we've been attending this. I think it's time that you put it to rest. Many people are opposed to build anything in Yaphank. It's land that's not owned by the County Executive, it's not owned by you, the Legislators, it's owned by the people of Suffolk County. Not only that, but it's owned by all the people. You

work with the Shinnecock Nation before. Now this land was owned by the Native Americans. We took the land away from them. We stole the land, I mean, the immigrants from Europe stole the land from them, so this land does not belong to anyone except the people and this land should be protected.

Many people around the world appreciate when they have a piece of land like we have, and many people oppose the building. You must have a ton of information opposing any building in Yaphank. It should not be built. It should be -- you know, it should not be for -- it's not a surplus land, let's put it this way. Now, if you are trying to, you know, sell this land to create temporary jobs, well, construction jobs, it's not going to last long. And the developer, once he builds the, you know, houses there, he's going to disappear and then we wind up with lots of problems, transportation, environment, many problems.

So what I am asking is that that land in Yaphank should not be utilized for anything, it should remain as open land. Now we have suggested at the last meeting I was in in Hauppauge that perhaps part of this land should be parceled out and rent to the -- you know, to people who want to plant, you know, some vegetables out there. Everyone is now talking about being organic. They can make organic, you know, gardens out there as they do in Europe. So I'm suggesting that you should for once and for all stop this with this, you know, land for sale. It should not be sold to anyone. Let's take it out from the agenda and, you know, let's have other things, you know, to think about it, rather than just keep trying to selling and selling and selling. Once you stop selling whatever we have, what are you going to sell to, you know, to provide additional monies for your budget. You know, perhaps you'll be selling the County parks, maybe. Who knows that else you'll be planning to sell to -- you know, to provide money. It's time that we started cutting, cutting expenses.

Now, many of you think that the economy is improving; no it's not, it's not going to improve. Jobs, we lose all the time jobs. Probably you read even in the newspapers that in Brookhaven they plan to build these, you know, solar panel plants, and rather than using our own builders that they build here on Long Island solar panels, they're planning to bring -- you know, buy from the Chinese solar panels. That, it should be fighting for that. If we're going to use taxpayers' money to build something, we should be using our own people, the product of our own people, not foreign people.

So I am asking you, let's put to rest this Hauppauge -- let's not sell the land. Let's keep it as it is. Let's enjoy the beauty of it. There are many parts of the world, when they have a piece of land, people worship the land. Even they have -- you know, they pay homage to that land because of the product that the land provides to the people. So let's think of it. I'm sure that many of you here, you are not farmers. You never pick a potato from the ground, or pick corn, or pick, you know, string beans. Many of us who used to do that, you know, we know how it is, how the land produces something for us to live. So, please, Mr. Presiding Officer, Legislators, let's think of it. Do not sell the land and take it out from the agenda, that this land is not for sale, it's not surplus.

Thank you very much. I hope you listen. I hope, you know, you take out from the budget. I hope you not sell this land. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

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

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen. (Not Present: Legs. Muratore, Losquadro, Montano and Kennedy)

P.O. LINDSAY:

Legislator Browning, we skipped over 1782. What is your wish to do with that?

LEG. BROWNING:

I do want to make a motion to recess.

P.O. LINDSAY:

Okay. Motion to recess and I'll second that on 1782. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen. (Not Present: Legs. Muratore, Losquadro, Montano and Kennedy)

P.O. LINDSAY:

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

And I got one card, Harold Moskowitz.

MR. MOSKOWITZ:

Good afternoon. My name is Harold Moskowitz, and on November 16th, I labeled I.R. 1916 as being a misnamed bill. Based upon its contents, it should have been more accurately called a Local Law to prohibit the use of air guns in Suffolk County.

Legislator Eddington said that after revisions, he looked forward to my becoming a supporter of I.R. 1916. I note with disappointment that the revised resolution is only a less transparent version of a bill designed to produce the de facto prohibition of airguns. It still makes no provision for ensuring safe instruction or supervision of its use by a minor by a responsible adult. There are no penalties for irresponsible or reckless use of such devices. I.R. 1916 merely reduces the distance required from 250 to 150 feet.

As to the unrestricted use by a person in their own backyard, how many property owners firing in their own yards would not be less than 150 feet from a residential structure in some compass direction? As to the 700 FPS muzzle exit velocity, such a requirement would make it economically undesirable to manufacture a device for use in the restricted jurisdiction. Ordinary air guns operate on pump action. The more pump strokes you do, the higher the muzzle velocity. It would not take more than a few strokes to be able to exceed the 700 FPS limit this statute. Careful reading of I.R. 1916 indicates that the amendments have done nothing to prevent de facto prohibition of these devices.

Lastly, I am opposed to the inclusion of language specifying any distances from a residential structure, for as we are all aware, once you have that type of language built into the -- into the resolution and it becomes statute of record, it would be easily increased, the distance could be easily increased at a future date.

So let us be clear and honest. The intention of this bill is to eventually deny people the ability to have access to air guns if they chose to having these devices over owning actual firearms, which would be far safer to own the fire -- the airgun than the actual firearm. And if they prefer to do that, why prohibit them from being able to do that? As County residents, apparently we are all to be painted with the same brush. The responsible, safe users and the irresponsible, reckless users. Where is the social fairness in that approach? We don't limit the potential availability to motor

vehicles for licensed drivers who have been given instruction and safe use, just because some people might have the potential to abuse the privilege and drive DWI or DUI. We don't do that, we penalize these people and restrict that privilege after they have violated the privilege. The concept of presumptive guilt in the name of protection of public safety should not be the basis for proposed legislation at any level of government. Thank you.

P.O. LINDSAY:

That's all the cards I have on 1916. Is there anyone else in the audience that would like to speak to us about 1916? Please come forward.

MR. SMITH:

I didn't get to fill out a card because I got here late.

P.O. LINDSAY:

You could talk first. You did fill out a card?

MR. SMITH:

I didn't get to.

P.O. LINDSAY:

Oh, just talk first. They'll give you a card to fill out. Just identify yourself, that's all.

MR. SMITH:

Hello. My name is Daniel Harrison Smith. I'm a local resident in Baiting Hollow.

P.O. LINDSAY:

You have to step up to the mic. There you go.

MR. SMITH:

Okay. My name is Daniel Harrison Smith. I'm a local resident. I live right nearby in Baiting Hollow. For years I've shot airguns in my yard, I've always been safe. And what I see as a problem that I think the law wants to correct is people misusing them. It's mostly people using like low powered inexpensive airguns. They're shooting at like animals or --

D.P.O. VILORIA-FISHER:

I can't hear you.

MR. SMITH:

How close do I have to be? Okay. This close, okay. The problem that I see is often youths who, without supervision, have these airguns, usually cheaper small caliber airguns, and they're just shooting at like people or animals passing by or shooting at property. And when I was reading the law, it was covering high-powered airguns like hunting airguns, so it doesn't seem to cover these type of airguns that youths are misusing. Now, I was just thinking that it makes more sense if the penalty is -- there's a penalty for actually trying to shoot at people or shoot at property, rather than restricting distances from housing.

P.O. LINDSAY:

Are you done, sir?

MR. SMITH:

Pretty much. I printed out what I thought were the -- I had printouts of what I thought would make sense for maybe possible changes to the law.

P.O. LINDSAY:

Okay. And there's a question from Legislator Losquadro.

MR. SMITH:

Yes.

LEG. LOSQUADRO:

Well, I really just wanted to point out that misusing anything, whether it's deemed a weapon or not, for the destruction of personal property, small game hunting out of season, if people are shooting at animals, that's all already illegal.

MR. SMITH:

Right.

LEG. LOSQUADRO:

There are laws on the books that protect against that.

MR. SMITH:

Right. It just seems that this law doesn't do that much.

LEG. LOSQUADRO:

I agree.

MR. SMITH:

I just figure, if you're going to write a law like this, you should focus more on the misuse of these little airguns and maybe a couple of the penalties for just children playing with them without supervision.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Thank you very much.

MR. SMITH:

Thank you for hearing me.

P.O. LINDSAY:

Mr. Calarco.

LEG. EDDINGTON:

Can I introduce this?

P.O. LINDSAY:

Sure. We're going to do this under -- Mr. Calarco is going to fill out a card and testify and then -- go ahead. Go ahead.

LEG. EDDINGTON:

Yeah. I just want -- this is on the pellet gun thing. First of all, I want to clarify that this is -- this law is not in response to any incident or -- it's really a proactive approach. And what you heard the gentlemen speaking is that we should be more reactive. I'm trying to be proactive.

This morning we heard from somebody that said he couldn't find any statistics on injuries. If you go to the CDC website, it says that -- have compiled national data on non-powder gun injuries, and illustrate that these are dangerous weapons. In 2005, 19,675 people were injured, including 14,052 kids under the age of 19, and there's similar statistics for each year; it happens to have gone up. Right now, the Town of Babylon, Smithtown and Huntington forbid the use of these type of guns. I'm trying to look at this -- I would like to see those Towns rescind their laws and take a common-sense approach like what I'm trying to do. This is -- I've modified it based on hearing feedback from Legislators and constituents. And if you have -- I have two BB guns and if you look at the one like in the Christmas Story, it's exempt from this. We're going to show you the kind of rifles that we're talking about that are very, very dangerous, and I hope that the sellers will start talking to the people that come to buy the guns and inform them. So this is just a proactive approach to prevent injuries, not to respond to them.

Suffolk County has been unique in doing proactive stuff and this is all this is. This is not in any way to inhibit the use of these type of toys. Thank you.

MR. CALARCO:

Thanks. Just a quick -- on the presentation itself, it's just to give you an idea of what some of these airguns are capable of doing, and there will be some -- a few graphic images, but they're not intended to talk about the actual activities being -- taking place, the hunting activity, just to show you what these devices are capable of doing.

Just a couple of definitions for you when we get started. The muzzle velocity, that actually refers to the speed at which the projectile exits the gun. It's usually measured in feet per second. And, obviously, the higher the muzzle velocity, the greater the accuracy, the greater the distance, and the greater the force of impact of the projectile. The caliber refers to the actual diameter of the projectile, and the weight refers to the mass of the projectile, which is often measured in grains, as, you know, grains of salt actually. The larger the caliber and the larger the weight, the greater potential damage that the projectile can have on impact. The energy, or kinetic energies refer to the -- in the following slide actually talks about how much energy or force that projectile has at a moment in its trajectory.

We were able to find a website that provided quite a few energies for a number of different guns that are on the market, firing a number of the different pellets that are available on the market today. The one we picked out, and just because it coincides with some of the pictures here is the Beeman RX2 rifle. It is a gas-powered rifle, it is not a pump rifle, it actually uses the CO2. And you can see, when you look at it, at the top are a number of the lighter weight pellets. These are all 22 caliber, so they're all .22 inches in diameter, and the lighter weight pellets have a much higher muzzle velocity exiting the gun, but don't carry that very far and don't have a very -- you know, don't have a great energy at the end. And if you look at some of the more powerful pellets there, such as the Beeman FTS, that is about 14.4 grains. It exits the velocity of this particular rifle at 778 feet per second and has an energy of 19 foot pounds. What that refers to, a foot pound is actually the amount of force that is exerted when a one-pound object is dropped from one foot. So 19 foot pounds is that one-pound object dropped from 19 feet. Of course, you've got to think about it in the size of a little 22 caliber pellet, and that actually will carry over at 150 feet or 50 yards. It will have ten foot pounds of energy.

This picture here is a red fox, it was killed using this rifle. The hunter -- and this was taken from a rather -- this was taken from Airgun Hunter Suburban Safari website. The hunter actually hunts in Westchester County, I'll mention that. He claims to have taken this fox at 25 yards, or about 75 feet, using this particular rifle and this particular caliber and this particular pellet. So you can imagine at that distance, at 25 yards, that pellet carried 14 foot pounds of energy. This next one is a turkey the same gentleman shot. He took this turkey at 55 yards, is what he claims. That's 165 feet, so he was able to accurately kill this bird at 165 feet in distance.

So, when we talk about the legislation, we're talking about, we let -- you know, keep things in mind. So not all airguns are created equal, and I think that that was the message that was conveyed when the legislation was first introduced and was taken into account with some of the changes. The airgun that we all like to think about, the Daisy Red Rider airgun that was made famous by the Christmas Story, that fires a .177 caliber bullet -- pellet, and has a muzzle velocity of 350 feet. And if you talk to anybody or look at anything online, it's going to tell you that it's -- you know, shooting distance is, effective shooting distance is only about 10 yards or 30 feet. This Beeman RX2 is capable of accurately killing the turkey at 165 feet, and killing a fox, which is really about the size of small dog, at 75 feet.

So, when we're talking about what we're looking to try to do is we have to realize that these pellets have the potential to harm someone or something or damage something at quite a good distance. And so, when you're shooting at small animals in the backyard, whether you're legitimately hunting or just out there killing that nuisance squirrel, the reality is, is if you miss, that pellet's going somewhere. And if you don't have something to protect -- to keep that pellet from going errantly into a neighbor's yard, you don't know what you're going to do.

I.R. 1916 prohibits the discharge of an airgun firing metal pellets of a caliber of .2 or greater with a muzzle velocity of 700 feet per second within 100 feet of a neighboring residential dwelling.

As the Legislator mentioned earlier, there are a number of Towns, Babylon, Huntington and Smithtown, that outlaws shooting any gun, whether it is a handgun, a rifle, an airgun, a paint ball gun or an AirSoft gun anywhere within their boundaries, so this is not a new type of law. And, in fact, those municipalities all passed their legislations. Huntington passed theirs in 1969; Babylon, in 1972; Smithtown, in 1973. So they all realized quite sometime ago what potential damage there could be from shooting one of these more high powered air rifles or anything within a residential neighborhood. If you happen to have woods in your backyard, I don't think you'd have to worry about this law. If you happen to target shoot and you set it up so that you have a backstop, you don't have to worry about this law. If you are shooting towards your own house, not a smart idea, but you don't have to worry about this law. It strictly applies to shooting anything that can go away from your own property into another residential area within 150 feet.

And that's just a couple of quick comments in what we are looking to do, and I hope that helps provide a little better information on what is capable from these airguns. Thank you.

P.O. LINDSAY:

Thank you, Rob. That was perfect timing. Do you want to ask any questions, Legislator Eddington, of your Aide?

LEG. EDDINGTON:

No. You know, this -- this wasn't intended to be, you know, anti anybody or anything, it was designed to be a safety -- a proactive approach to something that all we said, "Oh, you really shouldn't need to legislate it." But I've had experience where someone got shot next door by an errant BB, so accidents do happen. This is a preventive approach, not in any way prohibiting people from using their air rifles responsibly, but it's just setting some boundaries. And I would hope that the three Towns would adopt what we've just -- what I hope we pass, because I think that's a fairer way to go.

P.O. LINDSAY:

Okay. Do I have any other cards on 1916? Seeing none, Legislator Eddington?

LEG. EDDINGTON:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second? Oh, I'm sorry. Did somebody else want to talk? I can't --

MR. RAAB:

Yes, if I can.

D.P.O. VILORIA-FISHER:

Mr. Raab.

P.O. LINDSAY:

Yeah, please come forward.

MR. RAAB:

My name is Bill Raab, again, speaking on 1916. Okay. My name is Bill Raab, representing SAFE and myself on 1916. As I said earlier, this does run counter. We already have restrictions in 265-05 and we have exemptions in 265-20 of the New York State Penal Law. We also have an Environmental Conservation Law and General Business Law Section 399, and an Environmental Conservation Law 11-0931, which has prohibitions and exemptions, and a lot of this runs counter to what's in the bill. So, again, I don't see the point in this bill. It's going to get tossed if someone really decides to take it to court. I don't really see the need to bring another piece of legislation that's not going to do anything and have everybody have to deal with it. We're trying to do less government, less dollars. Why are we wasting money and time on this? That's it. Any questions, I'm here.

P.O. LINDSAY:

Yeah. Mr. Raab, Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

Hi, Bill. Thanks for coming back. And you're mentioning a few State laws, and I don't know a lot about guns, and this presentation which breaks it down to different calibers and foot, weights, and do those laws differentiate that way among the different types of guns?

MR. RAAB:

No, they do not. And thank you for bringing that up, because I really didn't want to get into a lot of the detail, but if -- with this bill, the way it's written, if we get into this and you go to enforcement, you're dealing with a difference of thirteen thousandths of an inch. Who's going to enforce this? Are our police officers going to be able to measure one seventy-seventh, which is the most common caliber for air guns, against 22, or -- and this legislation goes anything over 20 caliber, which is twenty one-hundredths of an inch, and it has --

D.P.O. VILORIA-FISHER:

Isn't that defined by the model of the gun, Bill?

MR. RAAB:

Not always, no.

D.P.O. VILORIA-FISHER:

Oh, okay.

MR. RAAB:

Many times --

D.P.O. VILORIA-FISHER:

I don't know anything about guns.

MR. RAAB:

Well, many times it's marked on the gun itself, many times it's not. So most of your modern stuff is marked, a lot of your older stuff is not. And we also deal with velocities. Are we going to have chronographs in police cars? I just -- and are we going to train our officers to do this as well as everything else? I think we're asking a lot for --

D.P.O. VILORIA-FISHER:

So, I guess we saw two extremes of this, the Red Rider, is that what it's called, Bill, and then the Beeber, is that -- what was that other one called, the one that went -- the one that killed the --

LEG. LOSQUADRO:

The Beeman.

D.P.O. VILORIA-FISHER:

The Beeman.

MR. RAAB:

Well, yeah, there are airguns that are used, everything from the Red Rider, which is your basic, everyone -- well, I've never seen the whole movie, but almost everyone, I guess, has seen the Christmas Story where the Red Rider BB gun is the big deal, and it's pretty much something that would hurt somebody more by throwing it at them than you would by shooting them with it. And you have high-powered airguns that are used in competitions, they're used in the Olympics, they're used in hunting. Lewis and Clark, back in the -- 1803, had a 31 caliber airgun that they took with them on their expedition. So we are dealing with a tremendous variance in these things. And, again, these are all regulated, all of them, regardless of caliber, regardless of velocity, are regulated under State Law, without exception.

D.P.O. VILORIA-FISHER:

Okay. Thank you. I was just curious. You know, when you're saying police have to tell the difference, I thought brands or models --

MR. RAAB:

Oh, if someone comes out with something that looks like it came off the space shuttle, well, you know, they're probably going to say, well, this might be a little more powerful than, you know, something that looks like it's made of, you know, a piece of pipe and a stick, but that may not necessarily be so. And now we're going to have to develop a whole different set of training for our officers to know what's going on when we already have prohibitions and regulation on it to begin with.

D.P.O. VILORIA-FISHER:

Thank you, Bill.

P.O. LINDSAY:

Legislator Losquadro has a question.

LEG. LOSQUADRO:

Thank you. You brought something up that I was going to mention, which is the predominant caliber that most air rifles are purchased is .177.

MR. RAAB:

Correct.

LEG. LOSQUADRO:

Point two-0 seems rather arbitrary, considering there's no -- nothing in that caliber. You could just say 22 and above would be prohibited, but not that many airguns are sold in that caliber. To your other point, which is something, again, I was going to raise, I have an RWS Diana, a West German brand .177 caliber, fires at about eleven hundred feet per second. Nowhere on that gun is that information displayed.

MR. RAAB:

Correct.

LEG. LOSQUADRO:

It would be impossible for anyone in law enforcement trying to uphold this law to be able to ascertain whether or not I was in violation of the law simply by looking at that -- at that gun.

MR. RAAB:

When it comes to criminality, we already have that. And, you know, for them to be determining the caliber, to determine if an initial law was violated or to do this, that's my whole contention, is this part is kind of --

LEG. LOSQUADRO:

Well, I appreciate your testimony, and you've reinforced what I've already known on this, which is, while well intentioned, really will serve no purpose other than to muddy the waters for laws we already have on the books that should be enforced if people violate them.

MR. RAAB:

And the additional -- we have a -- there's an exclusion in here for shooting on your own property, which your own property that makes no distinction between residence or business properties. So that takes away the one part of the law that was originally brought about, and the rest is all regulated by State Law anyhow, so what are we doing?

LEG. LOSQUADRO:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Raab.

MR. RAAB:

Thank you.

D.P.O. VILORIA-FISHER:

Are there any other speakers? Okay. Seeing none, Legislator Eddington?

LEG. EDDINGTON:

I've already made a motion to close.

D.P.O. VILORIA-FISHER:

Okay. Is there a second?

LEG. NOWICK:

Second.

LEG. STERN:

Second.

D.P.O. VILORIA-FISHER:

Second, Legislator Stern. All in favor? Opposed? IR 1916 is closed.

MR. LAUBE:

Thirteen -- excuse me, 15. (Not Present: Legs. Muratore, D'Amaro and P.O. Lindsay)

D.P.O. VILORIA-FISHER:

Thank you, Mr. Clerk. *I.R. 1947 - A Local Law to sunset Living Wage Subsidies (Cilmi)*. We have no cards. Is there anyone in the audience who would like to speak on this? Seeing none, Legislator Cilmi, what's your pleasure?

LEG. CILMI:

Motion to close.

D.P.O. VILORIA-FISHER:

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

LEG. NOWICK:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Nowick. All in favor? Opposed? Did you want to speak on this, ma'am? No? Okay.

MR. LAUBE:

Seventeen. (Not Present: Leg. D'Amaro)

D.P.O. VILORIA-FISHER:

Okay. I.R. 1947 stands closed.

P.O. LINDSAY:

Okay. *I.R. 1950 - A Local Law strengthening the Social Host Law to deter the consumption of alcohol by minors within the Suffolk County park systems (Co. Exec.)*. I don't have anywhere cards on this subject.

LEG. MONTANO:

I'm going to make a motion to recess.

P.O. LINDSAY:

Okay. Motion to recess by Legislator Montano, seconded by Legislator Gregory. That's the only motion. All in favor? Opposed? Abstentions to recessing?

MR. LAUBE:

Seventeen. (Not Present: Leg. D'Amaro)

P.O. LINDSAY:

I.R. 1952 - A Local Law 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 on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 2000 --

MR. LAUBE:

Seventeen. (Not Present: Leg. Montano)

P.O. LINDSAY:

I.R. 2002 - Considering the increase and improvements of facilities for Sewer District No. 3 - Southwest, sludge improvements (Co. Exec). I have no cards on this subject. Anyone in the audience who would like to speak on this subject? Seeing none, I'll make a motion to close. Do I have a second?

D.P.O. VILORIA-FISHER:

I'll second it.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen -- 16. (Not Present: Legs. Eddington and Montano)

P.O. LINDSAY:

2018 - A Local Law to promote the preservation and integrity of the Pine Barrens Core Area by prohibiting the redemption or conveyance of vacant or unimproved Pine Barrens Core parcels acquired by Suffolk County by tax deed (Co. Exec). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, do I have a motion?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

You want a motion to close?

D.P.O. VILORIA-FISHER:

I'll make that motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Romaine. All in favor? Opposed? Abstentions? It stands closed.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2034 - A Local Law establishing Food Policy Council for Suffolk County (Viloria-Fisher). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject?

D.P.O. VILORIA-FISHER:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2045 - A Charter Law to limit campaign donations by members of the Ethics Commission (Cooper). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2046 - A Charter Law to discourage speculative revenues and ensure balanced budgets (Lindsay). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 2056 - A Local Law to enlarge the membership of the Citizens Advisory Board for the Arts (Lindsay). I have no cards on this subject. Anyone in the audience like to speak on this subject? Seeing none, I'll make a motion to close.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

J.R. 2057 - A Charter Law to increase transparency and accountability in the County budget process (Cilmi). I have no 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. Is there a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2058 - A Charter Law establishing an Office of Consumer Affairs (Montano). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none --

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Legislator Montano makes a motion to close. Do I have a second?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2106 - A Charter Law to enhance transparency in the County budget process (Cilmi). I have no 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. Is there a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2107 - A Charter Law strengthening the budget adoption process (Co. Exec). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, is there a motion? Do I have a motion? Motion by Legislator Gregory to close?

LEG. GREGORY:

Recess.

P.O. LINDSAY:

2107, motion to recess.

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands recessed. That concludes the hearings for today. I'd like to set the date for the following public hearings for December 21st, 2010, 9:30 a.m., in the Rose Caracappa Auditorium. That's wrong. It should be 2:30. December 21st, 2010, at 2:30 P.M., at the Rose Caracappa Auditorium in Hauppauge:

2145 - A Local Law to regulate the sale of tattoo equipment in Suffolk County.

2156 - A Local Law to alert consumers to health risks associated with energy drinks.

2208 - A Local Law implementing the Charter Commission's recommendation regarding the terms of the Presiding Officer and the Deputy Presiding Officer.

2210 - A Local Law to ban the sale of energy drinks to minors in Suffolk County.

2218 - A Local Law requiring the posting of "Cash Only" signs at restaurants.

2219 - A Local Law requiring store closure on Thanksgiving Day.

And that's it. So I'll make the motion to set those public hearings. Do I have a second? Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, which brings us back to **1980**, which we were in the midst of a debate on, ***establishing a Long Island Power Authority Legislative Oversight Committee***. And I think, Legislator Romaine, you were in the midst of -- or did you conclude your remarks?

LEG. ROMAINE:

(Nodded head yes).

P.O. LINDSAY:

You did. Okay. I had Legislator Horsley that wanted to speak on this.

LEG. HORSLEY:

On the oversight. I'm sorry.

P.O. LINDSAY:

Yes. And then you wanted to speak? Okay.

LEG. HORSLEY:

Yeah. I'll be real brief on the oversight bill. Just that there was questions in the morning session about who does or does not have oversight of LIPA today, and I just wanted to clarify that. I know there was questions with Legislator D'Amaro. One, would -- the Comptroller does have oversight and he seems to have the most involvement, but the PSC is absolutely -- and Mr. Romaine is absolutely right, that the PSC has no word -- no control over LIPA whatsoever, neither does NYPA, and the Attorney General has to form, contracts to form. So practicality-wise, they would say, "Well, we have a Board of Trustees and they oversee LIPA," but the reality is there seems to be a component where the public is not engaged. And so, to me, this is a moment to give the public some access to public hearings to discuss the pros and cons of what LIPA's doing, particularly if we're talking about the power agreements that are going to be coming due in 2013. They're going to choose whether or not National Grid comes back as our energy provider and in charge of our plants. It is a major, major decision to be made. And so that is the reason why having more eyes on the deal, having more eyes on the corporation that this -- that the authority at this point in time makes a lot of sense, so I thought it was a good idea that we should move this bill forward.

P.O. LINDSAY:

Legislator Barraga, and then Vilorio-Fisher.

LEG. BARRAGA:

Thank you. I certainly can understand the frustration associated with Mr. Romaine's comments with regard to LIPA in general, but one has to remember the context of when the original State legislation was passed back in 1984. The prime sponsor of that legislation was the late Paul Harenberg and he put in an appropriate in-depth piece of legislation. An element of that was calling for the election of trustees, and both sides of the aisle in the State Legislature were supportive, but the final bill did not include that provision; the Governor of the State, for whatever reason, did not include it. There was in-depth discussion on the floor with reference to the role of the Public Service Commission. But remember, in 1984, many of us, including myself, didn't think the PSC was worth a damn, because we were just coming off an extremely negative history associated with LILCO, seven or eight years of seeing a company take Shoreham Nuclear Power Plant, was supposed to run 250 million dollars and in the end was 5.5 billion. That's why we desperately wanted the public authority established. Well, the bill passed and, in essence, there has been very little oversight with regard to LIPA. But we were happy at the time to have LIPA, because in addition to Shoreham, we were also subject as a community, as a County, to huge increases by LILCO. If those of you who might recall, in 1983,

they came out with a 56.2% rate increase. There was even a movement at the time to unplug LILCO for one day here in Suffolk County and that was partially successful.

So, when we take a look at the time frame, Paul Harenberg's bill was a good bill. But in terms of including the PSC and including elected directors, that just didn't happen. Certainly, it was a negative associated with the election of the trustees. But even at the time, there was a great discussion as to how that would work mechanically and technically from an election perspective. As the years went by, it became painfully obvious, when you take a look at some of what's happened with LIPA, that oversight is needed.

I agree with Mr. D'Amaro. I'm not sure it's within our jurisdiction, and I'm not overly enthused about commissions, but the one thing a commission can do, especially if it submits a report to a standing committee, is that they will get public exposure. Public authorities do not like to read about themselves in the newspapers. That's one way you can put pressure on them if this oversight committee is in place. So I'll be supporting it. Thank you.

P.O. LINDSAY:

Okay. Is there anyone else that wants to speak on this subject? Seeing that there isn't anybody, I just wanted to make it clear to the body what Legislator Barraga just said, that this is an advisory board. It's as simple as that, we don't have the authority. I think Legislator Romaine agrees with that, just so you know what you're voting on.

Okay. Madam Clerk, we have a motion and a second. I know it was a long time ago. Oh, I'm sorry, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I apologize. Earlier, I did recall during the lunch break that I need to recuse from any further participation on this bill, so I will -- that's what I'll be doing on the vote as well. Thank you.

P.O. LINDSAY:

It will be so noted. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen.

LEG. SCHNEIDERMAN:

Renee, cosponsor.

P.O. LINDSAY:

And we have one abstention. You got the abstention, right?

LEG. D'AMARO:

Recusal.

P.O. LINDSAY:

Recusal.

LEG. D'AMARO:

Yeah.

P.O. LINDSAY:

Okay.

MS. ORTIZ:

Seventeen.

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

Okay. So that passed.

LEG. KENNEDY:

Mr. Chair, point of personal privilege, please.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

You'll recall earlier this morning I had mentioned that we had a number of residents who were traveling here this afternoon from John J. Foley. I know that they're here in the audience and I'm going to ask if we could have a motion to reconsider closure of the public portion to allow them to go ahead and speak. We heard many, many speakers this morning who brought various perspectives, but I think the residents' perspective is important to be heard here.

LEG. ROMAINE:

Second.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Probably the appropriate motion would be to reopen the public portion, if that's agreeable to you.

LEG. KENNEDY:

I would be happy to make that motion, as advised by Counsel, to reopen the public portion, then.

P.O. LINDSAY:

Is there a second to that?

LEG. BARRAGA:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. I mean, I'll be happy to take a vote and I'll do whatever the wish of the body is. It's just that we've had so much dialogue on this, and -- but, you know, just to make it clear, if it does carry a motion, anybody that spoke this morning wouldn't be eligible to speak again.

LEG. KENNEDY:

Nor would I ask that, Mr. Chair.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

And, as a matter of fact, I make this extraordinary request because, as I said, we have disabled and handicapped individuals who've made the trip here under extreme circumstances to be able to go ahead and speak about the ultimate disposition of their home.

P.O. LINDSAY:

Does anyone want to speak on the motion to reopen?

LEG. MONTANO:

Yeah. Just very quickly, Legislator Kennedy.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Do you have any idea how many speakers you're --

D.P.O. VILORIA-FISHER:

We have the cards.

LEG. MONTANO:

Oh, you have cards.

P.O. LINDSAY:

We took cards just in case and it looks like six.

LEG. MONTANO:

Fine, I have no problem.

P.O. LINDSAY:

Anybody else? Legislator -- no? Eddington, no? Okay.

LEG. BROWNING:

Bill, just -- you know, just real quick.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

You know, they only have one bus, and, as you see, some are in wheelchairs. The reason they couldn't all get here is because there is only one bus to get them here and they had to do it in two trips, and, plus, the Aides have to stay here, the bus has to stay here.

P.O. LINDSAY:

Okay. So we have a motion to reopen the Public Hearing and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen

P.O. LINDSAY:

All right. The Public Hearing is now reopened again. The public comment period. It isn't a public hearing, it's a public comment period from this morning, and I have six cards. Kathleen Yirinec. Maybe I'm mispronouncing the name.

MS. YIRINEC:

My name is Kathleen Yirinec.

P.O. LINDSAY:

I'm not sure that's on, Barb. Is it on?

MS. YIRINEC:

My name is Kathleen Yirinec and I have resided at John J. Foley since October of 2001, which came after -- came about after being in a coma for five-and-a-half months. And during that time, each hospital that I was at really wanted to just pull the plug, they didn't want to keep me in the coma. If my mother hadn't been there with me and arguing in my behalf, I would not be alive here today. From there, I went to John J. Foley, and I was in a state where I could not speak, I had a very, very low ability to remember anything, and I was pretty much in a very sad state. I couldn't walk, but I did have some movements, which helped.

During my time at John J. Foley, I saw a speech therapist, which gave me my speech back. I've been in very active physical therapy. I am able to walk with a walker, which was a big step for me. And I'm looking forward to the possibility of leaving Foley, which is something that ten years ago no one thought I'd be able to do. With that in mind, it's a wonderful place where they really -- their main objective is to get us back into the community, rather than staying in a nursing facility, if it's at all possible. And I do hope that you will rule to let it continue to be in existence.

*(*Applause*)*

P.O. LINDSAY:

Thank you very much. Next is -- I have Richard {Tufillo}.

MR. TUFIELLO:

Tufiello.

P.O. LINDSAY:

Tufiello. I'm sorry. Tufiello, okay.

MR. TUFIELLO:

Thank you, Ladies and Gentlemen, for giving me the opportunity to speak. I arrived at John J. Foley about a year ago. I'm a diabetic. I was unable to walk, I had a disease in my bones. And since that time, not only did they gave me a hand, they gave me back my foot, I was supposed to lose it. And the quality of care is excellent, and without John J. Foley I'd be homeless. So I would like you folks, the good Lord in his infinite wisdom, to grant you the wisdom to make the proper decision concerning this facility. I thank you very much. Applause.

*(*Applause*)*

P.O. LINDSAY:

Ken McDermott.

MR. MCDERMOTT:

How do you do? My name is Kenny McDermott and I'm a resident of John J. Foley. You've seen me before, so the story will be exactly the same, except the joke will end at the end. But, anyway, I reside at John J. Foley. When I first got there, I came from a hospital. I couldn't walk; I had renal failure. I had an abscess on my foot, I had an abscess on my backside. I was in bad shape; lost language, my hands didn't work. Everything was wrong and my family didn't know what to do with me. And I had my own home and I wasn't going back there, and I was on Aunt Loretta's couch. You know, at 55 years old, that doesn't play too good when she's 77. So, it was in the hospital, out

of the hospital, in the hospital, because there was always an infection. John J. Foley was able to save my foot, because the infection in my foot had gone to the bone. People in the hospital didn't even want to tell me that. They just said, "Well, why don't you go to a nursing home to live?" I thought it was old people rocking in chairs. Well, John J. Foley is a different kind of place, we have something for everybody. You know, we have an AIDS wing, and HIV wing, and we got the cheapo wing like me, the people with no money. But because of their Social Work Department, I was able to get my regular retirement, my New York State disability retirement and my Social Security disability retirement. I'm going walk out of John J. Foley and I'm going to get my own place, and I'm going to go back with my wife, and I'm going to get a dog, and I'm going to live a life, however -- whatever's left to me, but there are people there that have nowhere to go, people who are elderly. There's one person, Terry, I won't say her last name, she volunteered for us, now she's a resident there. Where will she go now? What will happen to the people who work there who have sometimes more than 15 years and maybe are going to get boxed out on their retirement?

It's not right. I don't know how -- I don't know how to get the rabbit out of the hat, but something of substance has to happen here and now and today, because you left our back door unlocked. We're worried now, see, we weren't so worried before. We've got people taking heart attacks in the hallway over this, so it's really, really serious, you know. So, if you don't look at it the way it is, it's very real. So thank you for listening.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Ken. Barry Baone.

MR. BAONE:

I'll pass.

P.O. LINDSAY:

Pass?

MR. BAONE:

Yeah.

P.O. LINDSAY:

Okay. Stanley Fabianowitz.

MR. FABIANOWITZ:

My name is Stanley Fabianowitz and I'm a resident at John J. Foley; I have been for the past three years. The reason I got there was I had a stroke and I was paralyzed on my left side. Due to physical therapy, my left side is a little better, the arm is better, the leg is getting better, and I'm walking with a walker with some assistance, and I do that every day to get better. And if it wasn't for John J. Foley and the people over there, I don't know what I would be doing. I couldn't stay home, I couldn't be at home until I get my feelings back in my leg and my arm, and it's a good place, they treat me well. And the aides and nurses are well trained, and especially with different illnesses of the different people there. There's some people that have been there for years, and where would they go now if you close down? So my plea is to ask you to think about keeping it open and letting us continue to get better. That's about all I have to say.

*(*Applause*)*

P.O. LINDSAY:

Judy Pepenella.

MS. PEPENELLA:

Excuse me. I had spoke earlier this morning. You didn't -- you said people that spoke this morning weren't able to come back up.

P.O. LINDSAY:

Okay. Thank you.

MS. PEPENELLA:

I don't want to be rude.

P.O. LINDSAY:

Thank you very much. Chris Kent.

LEG. KENNEDY:

I make a motion to close.

*(*Laughter*)*

LEG. MONTANO:

I thought we were going to hear just from patients.

MR. KENT:

You want me to go at the end after the patients. I can --

P.O. LINDSAY:

No, the patients are done, you're the last one, Mr. Kent.

MR. KENT:

Well, I've heard the patients and they all tell you one thing, they want the nursing home to remain open. The way to have the nursing home remain open is to sell it. The plan, if we do not sell it -- a vote not to sell the nursing home would be a vote to close the nursing home, and I hope you understand that. That's why we put -- we've put forth today, we filed a Certificate of Necessity for I.R. 2054, so that you can consider today the sale of the nursing home so that it can remain open to service these vulnerable patients. And I think it's important that they continue to be served.

The County Executive has been very consistent in his actions on the nursing home since 2007. His actions have been that we cannot continue to subsidize a County-owned and operated facility at eight to ten million dollars a year. And I know there's been some discussion that it's not that much money, it's really not eight to ten million, but if you look at the numbers, we've been relying upon an intergovernmental transfer to close the gap in the operational losses and those monies are very uncertain. The Federal Government is reconsidering whether they're going to continue to provide those intergovernmental transfers. The 2010 budget, the estimate for operating the nursing home included a 7.2 million dollar IGT that still has not been received and it seems that it's not going to be forthcoming. This money will be -- have to be made up by the General Fund.

The 2011 budget includes an intergovernmental transfer of an additional 3.6 million IGT. And if that money doesn't come, we're going to be looking at a 10.8 million dollar deficit, in addition to the operational deficit that we're already incurring as a result of operating the nursing home. We cannot continue to bear these losses. We cannot continue to subsidize the nursing home. If you want it to remain open for the patients, if you want the employees to remain working at the nursing home, you'll vote to sell the nursing home.

The language is very clear under the contract. The employees will be interviewed and they will be kept there, as long as that is what the new operator needs. The residents will remain as long as they are medically appropriate, as long as they can be served medically. If the services they need can be provided, they will stay at the nursing home. Same rules under which the County operates the nursing home, the new owner will have to operate the nursing home. One thing that must end is the hysteria. The residents and employees deserve respect, they deserve to be treated with respect and honesty. They must know that a sale allows them to remain. By not voting for a sale, that will result in closure, which in recall -- which will recall -- is that for me to end?

D.P.O. VILORIA-FISHER:

Yes.

MR. KENT:

Which will cause a relocation of these residents --

*(*Applause*)*

-- and employees to lose their jobs. So we hope that you'll consider and vote to sell the nursing home today. Thank you.

P.O. LINDSAY:

Okay. Legislator Kennedy. I completed my cards. I think I completed what you requested. Could we move on now?

D.P.O. VILORIA-FISHER:

Motion to close?

LEG. KENNEDY:

Absolutely. As a matter of fact, it could have ended about three minutes ago. No problem.

*(*Laughter*)*

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

P.O. LINDSAY:

Okay. I'm just going to take the cards. We've heard so much testimony. I mean, if I open the floor, there's going to be --

LEG. KENNEDY:

No, no, no, no, no.

P.O. LINDSAY:

All right?

LEG. KENNEDY:

I'll make a motion to close. Motion to close.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions? I'm sorry.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 20 -- we're back to the agenda.

Economic Development, Higher Education & Energy (Continued):

2138-10, on page eight, ***Authorizing the purchase of a hangar located at Francis S. Gabreski Airport, for use by the Suffolk County Police Department (County Executive).***

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Who made the motion? Legislator Schneiderman made a motion to approve.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore.

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Could I just ask for, I guess, Counsel's explanation or anybody's explanation? Are we purchasing from a private entity what we actually had owned and gave to somebody? I'm desperately trying to figure this one out.

MR. NOLAN:

Yeah.

LEG. SCHNEIDERMAN:

Well, Carolyn can answer it.

MR. KENT:

Chris Kent again. I could speak to this issue. This was a hangar that originally was -- we ground-leased property at Gabreski Airport to a private developer of hangars. We then leased back from the private developer a number of years ago, this goes back nine years or so, on a temporary basis, it was supposed to be a temporary lease-back, of a hangar for the PD so that we could locate -- have an East End location for our medical helicopters and Police helicopters. We've been leasing that from them on a month-to-month basis for a number of years and right now -- and we bonded a solution to the problem a couple of years ago; \$1.5 million was issued in bonds to come up with a solution to the problem. We've been paying the debt service on the bonds and we've been paying rent on the hangar. We're now prepared to buy the hangar and receive back from New York State \$750,000 in grant money to defease a portion of the bonds that were issued in 2007 and stop the rent.

And since we only need half of the hangar, we'll be able to lease out the other half of the hangar and receive some revenue from a private jet owner or a plane owner. So this is the best option, we believe. It stops the lease-back of the hangar, it allows us to buy the hangar, it allows us to receive \$750,000 from the State of New York, and then we will only have to pay debt service on half of the bond that was issued a few years ago.

P.O. LINDSAY:

Go ahead. Are you done; you've got your answer, Legislator Kennedy?

LEG. KENNEDY:

Some of my answer, but I'm going to try -- I'm going to make an effort with it. Who owns the dirt?

MR. KENT:

Suffolk County owns Gabreski Airport.

LEG. KENNEDY:

No, no, no, no, no. The hangar that was constructed by a private entity is owned by the private entity?

MR. KENT:

Yes, until 2039.

LEG. KENNEDY:

Okay. And we own the ground that that hangar sits on?

MR. KENT:

That's correct.

LEG. KENNEDY:

And we pay that private entity how much per month to keep our helicopters there?

MR. KENT:

Eight thousand dollars a month.

LEG. KENNEDY:

And we've that for how long?

MR. KENT:

It goes back a number of years.

LEG. KENNEDY:

Okay. How many years?

P.O. LINDSAY:

I'm going to guess about five, John. We've only had a helicopter out there for --

MR. KENT:

It was -- this goes back nine years.

P.O. LINDSAY:

Nine?

MR. KENT:

We were paying less at the beginning and it's now increased to \$8,000 per month. But that -- you understand, we ground-leased this property to the private entity. It was a -- an original ground-lease goes to 2029 with two five-year options that could extend it out on his -- at his option through 2039. This goes back a number of years. This goes back prior to 2001 when we started leasing the hangar for the medical helicopter.

LEG. KENNEDY:

So we paid about a million dollars in rent and now we're going to give them about a million dollars to buy it; is that about it?

MR. KENT:

We're paying 975,000 to buy the hangar; the hangar is valued at much greater than that. And our other option was to build our own, but the estimate we got for that was 1.8 million.

LEG. KENNEDY:

I'm -- I have a question as to how the lease went and whether there was any option to break the lease, but I'll yield because I think there's a couple of my colleagues who have other questions.

P.O. LINDSAY:

Legislator Eddington and then Romaine.

LEG. EDDINGTON:

Yeah, I remember going out there a couple of times in the last four years. Is this the hangar that we had all the trouble with about heat? The officers were freezing in there, there was no heat, the landlord wasn't maintaining the building; is this the building we're talking about?

MR. KENT:

The building has been maintained, the problem is the doors. And we're going to -- once we buy it, we're going to replace the doors and we have money from the Fed -- from the New York State grant --

LEG. EDDINGTON:

Okay.

MR. KENT:

-- to replace the doors.

LEG. EDDINGTON:

Okay. Well, the problem may be the doors, but the problem for the Police Officers was there was no heat and the security wasn't that good. If I remember correctly, there was somebody else using it and working on equipment and our helicopter was 20 feet away, so the security wasn't that good at that point.

MR. KENT:

The owner of the hangar had his own aircraft in there also. So the owner of the hangar had an aircraft and then he started to lease out a portion of the hangar to someone else. That's why we want to take control of it. The PD also wants to take control, they're very happy with the solution. And only by buying it can we receive the \$750,000 reimbursement from the State of New York.

LEG. EDDINGTON:

Right. Well, I'm glad -- you know, obviously the Police have been asking for this for four years, so I'm glad to see it happening.

The other question was didn't we construct a modular out there or something for a temporary solution, a modular hangar?

LEG. SCHNEIDERMAN:

It didn't happen.

MR. KENT:

There was some money expended to pursue the construction of a separate, you know, free-standing facility.

LEG. EDDINGTON:

Right.

MR. KENT:

But that did not go forward.

LEG. EDDINGTON:

It didn't happen.

MR. KENT:

No.

LEG. EDDINGTON:

Okay. All right, thank you.

LEG. SCHNEIDERMAN:

Can I just add on the issue of the heat that Legislator Eddington brought in? Not only are we getting the hangar in this, we're also getting another office space with a bathroom, a heated space that will serve as a lounge area for the --

MR. KENT:

That's correct. We're going to own the whole structure at this point.

LEG. SCHNEIDERMAN:

So this is going to solve that heat question.

MR. KENT:

And we'll also -- we can put our own people in there to figure out the heat issue, too. We can resolve the heat issue because we'll own the building.

P.O. LINDSAY:

Legislator Romaine, did you have a question on this?

LEG. ROMAINE:

Yeah. These tales kind of interest me because they go right to how government really operates. So let's start at the beginning and let's walk through this. We own Gabreski.

MR. KENT:

That's correct.

LEG. ROMAINE:

Someone approached us about building a hangar on our land; when did that take place?

MR. KENT:

In 1999 we ground-leased that portion of the property to a company called Sea Empty Aviation which constructed hangars on the ground.

LEG. ROMAINE:

Right. And I -- how many hangars did they construct?

MR. KENT:

They constructed one large 10,000-square foot hangar and ten small, what are called T-hangars.

LEG. ROMAINE:

Right, for the small planes. Okay, so we're looking at the large one. They constructed this in 1999. And how much do we get in terms of land-lease payments to us after we leased it to them, and how long was that lease for?

MR. KENT:

We get about \$7,000 a year on the ground lease.

LEG. ROMAINE:

And at some point we decided to lease part of the large hangar; when did that take place?

MR. KENT:

That occurred in 2001.

LEG. ROMAINE:

Two thousand and -- two years after we leased them the space to build the hangar on our land, we then decide to rent part of their hangar. Okay. Then we pursue and spend money on a free standing modular which we never built; do you know how much money we've spent on that free-standing modular that was never built to explore to build it or not?

MR. KENT:

I believe we expended somewhere around \$277,000 in planning. Is that the right number? Budget Review Office would have that number handy.

LEG. ROMAINE:

But let's stay it's in the ballpark, I won't hold you to exacts. So we spent \$277,000 to plan a building that we decided never to build. Okay, then we go on from there. We now are leasing this building. In 2007 we go to bond; what did we go to bond for and how much did we bond.

MR. KENT:

I believe it was bonded in two -- was it two bonds, Robert?

MR. LIPP:

It was 2006.

LEG. ROMAINE:

In 2006? Okay.

MR. LIPP:

One point five million.

MR. KENT:

One point five million.

LEG. ROMAINE:

One point five million dollars. And what were we going to do with that \$1.5 million?

MR. KENT:

The plan at that time, I believe, was to construct a hangar which was going to cost 1.8 million was the number I believe. I think it was a three hundred --

LEG. ROMAINE:

Okay. We never constructed the hangar; is that correct?

MR. KENT:

That is correct.

LEG. ROMAINE:

But we are paying for the bond.

MR. KENT:

I believe so, yes.

LEG. ROMAINE:

We're paying interest for the bond. Okay. Now we're going we're back to, okay, you want to buy the whole hangar, part of the hangar; what are we buying?

MR. KENT:

We're buying the large hangar, the 10,000 square-foot hangar.

LEG. ROMAINE:

Right.

MR. KENT:

Let me go back to that. The idea to build a hangar was to build a smaller hangar --

LEG. ROMAINE:

Right.

MR. KENT:

-- for that much money. We're now buying a hangar for half the price.

LEG. ROMAINE:

Right. And then we're going to lease out part of that hangar.

MR. KENT:

And we're going to lease out a portion of that.

LEG. ROMAINE:

So now we're going to buy the hangar. How many appraisals did we get? Usually when we buy something we get appraisals.

MR. KENT:

We had one appraisal.

LEG. ROMAINE:

Okay. Usually we get two appraisals when we buy land, we only got one appraisal. And you say that this, the purchase price is below the price, the appraised price; is that correct?

MR. KENT:

Well, the appraised value, yes.

LEG. ROMAINE:

Okay. It just seems to me at the end of the day we've wasted a great deal of money to get what we're eventually going to get, that we probably could have got for a lot cheaper had we made this decision and moved ahead with it. It just strikes me as, you know -- and getting the extra Federal money, it has to come out of some taxpayers pocket anyway.

MR. KENT:

It's State money, but that's 750,000. I can't give you the rationale for the thinking of the County Legislature or the County Executive in 1999 or in 2001.

LEG. ROMAINE:

Right.

MR. KENT:

Steve Levy came in in 2004.

LEG. ROMAINE:

Right.

MR. KENT:

And I can tell you today, the right decision to make at this moment, not going back and looking at all the mistakes made in the past --

LEG. ROMAINE:

Including the bonding in 2006.

MR. KENT:

Going forward, going forward from this point, I can tell you that buying the hangar, stopping the lease, continuing to pay the debt service on a reduced amount of the bond, because the 750 can be used to defease a portion of the bond that was issued.

LEG. ROMAINE:

What are we doing with this bond that we're paying interest for? Obviously we used the money for something.

MR. KENT:

It's sitting there. There's one million --

LEG. ROMAINE:

You mean we went to bond, we went into debt, we borrowed money, that money that we borrowed is sitting there and we're paying interest on it from 2006. And I do believe Steve Levy was the County Executive in 2006.

MR. KENT:

I'm telling you that right now, going forward, the best thing to do would be to buy this big hangar, rent out half of it, occupy half of it, defease half of the bond, it's already been issued, pay debt service on \$750,000 which would be half of the amount in rent that you're now paying in addition to the debt service that you're now paying. So I --

LEG. ROMAINE:

That is the best of what really is a bad deal and has been a bad deal, including borrowing one-and-a-half million dollars four years ago and paying interest on it to this day. I mean, I -- you know, I've got to tell you, I now understand why this administration is so tax conscious; it's got to raise the money to pay for some of the mistakes it's made along the way and I view this as one of them. Thank you very much.

Applause

P.O. LINDSAY:

Okay. Thanks -- oh, wait a minute, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Chris, one thing you said, you mentioned that we were originally going to build a smaller hangar and that I don't believe is true. The plan was to have two Medevac helicopters eventually stationed on the East End, and when we had planned for this new hangar it was to house two. Now, I'm assuming, because this new hangar, we're only using half of it for the Medevac and there's the other half available to rent, that --

MR. KENT:

The plan is still to have two --

LEG. SCHNEIDERMAN:

It is of similar size and one day we won't have a tenant on the other side, we'll have two Medevac helicopters.

MR. KENT:

No, the plan is to have two Medevac helicopters and half the hangar; that's the plan. Five thousand square feet will be enough to house two helicopters, and we'll still be able to rent out half. The plans at the time to construct a hangar were for a hangar of about four to 5,000 square feet.

LEG. SCHNEIDERMAN:

This hangar that we're purchasing is bigger than the one we were going to build then. I'm just confirming; the hangar that this resolution seeks to purchase is bigger than the one we were going to build.

MR. KENT:

That's correct.

P.O. LINDSAY:

Okay? Are you done, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Who has a question now? The glove lady; go ahead.

LEG. NOWICK:

I don't know if I got that wrong, but did Legislator Romaine just ask you if a certain amount of money was borrowed to build a hangar, it was never expended. So what does it do -- did you say it was just sitting there?

MR. KENT:

I never said it was just sitting there, but it --

LEG. NOWICK:

No, I mean --

MR. KENT:

It hasn't been expended, if that's the question.

LEG NOWICK:

Okay. But --

LEG. ROMAINE:

We're paying interest.

LEG. NOWICK:

Well, if it -- where is the money?

*(*Laughter*)*

MR. KENT:

It's not in my pocket, if that's the question.

LEG. NOWICK:

No, I understand that.

MR. LIPP:

The money is in the Capital Fund.

LEG. NOWICK:

The cattle fund?

MR. LIPP:

It's sitting in the Capital Fund.

P.O. LINDSAY:

Capital, capital.

MR. LIPP:

Capital Fund, Fund 525.

LEG. NOWICK:

And just quickly, why didn't we -- if the money wasn't used -- I mean, I think about my own home, if I was to mortgage something and never buy it -- why didn't we just pay it off or take that money and pay it off? Why did it just sit there?

MR. LIPP:

Well, we would have had to close out the project which wasn't done. I think what we're talking about is, to over simplify things, there were a lot of missteps. Here we are at this point where we're seeing that why was the money borrowed back then; in hindsight, clearly not a great idea.

However, that being said, we do have some State aid on the table and we could spend the money now and get the State aid, and at the end of the day it would be a superior situation. Now, the only thing that we are a little concerned about is whether or not we would be able to lease half the space

only because from the security point of view, since it's a Police space, that could be problematic. So we're a little concerned that that part of it might not be the case. But still, even without that, you know, from a financial point of view, it seems like at this point moving forward we shouldn't leave the money on the table.

LEG. NOWICK:

Thank you.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher has a question for Gail.

D.P.O. VILORIA-FISHER:

Gail, I'm very confused. Whenever we have these Capital Programs and we go out to bond, we've always been told that until you have a contract with somebody to go ahead and do the project, we don't start -- we don't take the money and start to pay interest on it. Then why would that be the case in this situation?

MR. LIPP:

Well, I could see, you know, if I look at the 2006 Series B Bond Issue, we had spent 1.5 million on this particular project. Typically what we do when we go out to bond, we bond twice a year. So what we're doing is we are projecting out that we will need the money within six months. In hind -- and that's not always the case. So in hindsight, we wind up there are plenty of cases where there's money sitting there that we did not do the timing right, and that happens.

D.P.O. VILORIA-FISHER:

But we're not paying interest on it --

MR. LIPP:

Oh, no, that's not true.

D.P.O. VILORIA-FISHER:

-- because we have a drawing on that bond, right?

MR. LIPP:

No, that's not true.

D.P.O. VILORIA-FISHER:

No?

MR. LIPP:

What I'm talking about is when we actually issue the bonds --

D.P.O. VILORIA-FISHER:

That money is actually bonded and it's issued.

MR. LIPP:

We are issuing the bonds with the intent to spend the next -- within the next half-year which is when the next bond would be issued and, in hindsight, clearly that did not happen in this case. And for whatever reason, the deal did not happen, I don't know the history of it, and it's been sitting there ever since. We have been paying the interest since 2007 on it. And here we are, we have the opportunity to spend the money now so, you know, it is not a good situation, but at least we're getting some more State aid and we would be able to use the money now is the point.

P.O. LINDSAY:

Okay. Oh, Legislator Romaine has another question.

LEG. ROMAINE:

One quick question. For the record, who is the principal owner of the hangar?

MR. KENT:

Sea Empty Aviation.

LEG. ROMAINE:

Okay. And do you know who the principal of Sea Empty is?

MR. KENT:

Sea Empty?

LEG. ROMAINE:

Yeah, Sea Empty Aviation?

MR. KENT:

Yes, I do know who the principal is.

LEG. ROMAINE:

And who is the principal?

MR. KENT:

Charles Tutt.

LEG. ROMAINE:

Charles Tutt, T-U-T-T?

MR. KENT:

Yes.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Okay, thank you. Everybody's got all their questions answered?

It's been a while. Mr. Clerk, do we have a motion and a second on this resolution?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. All in favor? Opposed?

LEG. KENNEDY:

Opposed.

P.O. LINDSAY:

Abstentions?

LEG. CILMI:

Abstention.

LEG. ROMAINE:

Abstain.

MR. LAUBE:

Fifteen.

LEG. SCHNEIDERMAN:

Cosponsor on that one.

LEG. CILMI:

Abstain for me.

MR. LAUBE:

It's fourteen.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Thirteen (Opposed: Legislators Barraga & Kennedy - Abstentions: Legislators Romaine & Cilmi - Not Present: Legislator Eddington).

LEG. BROWNING:

Okay.

P.O. LINDSAY:

Legislator Browning?

LEG. BROWNING:

Yeah. I see, you know, the majority of the people in this room right now are probably waiting for the vote on John J. Foley, on the CN.

So I'd like to make a motion to take resolution 2054 out of order.

D.P.O. VILORIA-FISHER:

I'll second that motion.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Any discussion on the motion to take it out of order? All in favor? Opposed? Abstentions?

It's before us.

MR. LAUBE:

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

P.O. LINDSAY:

Okay. Do I have a motion?

LEG. LOSQUADRO:

To approve? Yes.

P.O. LINDSAY:

Motion to approve by Legislator Losquadro.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. On the question?

LEG. BROWNING:

Yes, I would like to say a few things.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

You know, for quite some time there's been a lot of discussion. I was at the meeting yesterday when about 30 residents sat and listened to Mr. Avila talk about if we don't vote to sell, that this place would close. I thought it was horrendous that he was sent by the County Executive to go and speak with these people.

I got some information from South Country Ambulance that two of the residents were taken to the hospital after that meeting. I think one of the residents talked about his roommate having had a heart attack, he was at that meeting. These people, most of these residents have advocates, family members who are powers of attorney to make decisions for them, yet they were not invited. And the County Executive, I guess, said I wasn't invited either and I had no right to be there. Each and every one of these resident at John J. Foley are my constituents. John J. Foley is in my district, I have a right to be there and I will continue to be there to support them.

Applause

A little bit of information. You know, we keep hearing that nursing homes are going to close, public nursing homes are being closed all over New York State. There's currently 36 counties with nursing homes. Two of the counties have two public nursing homes. There are 38 private and non-profit nursing homes that have closed. Two counties, Wayne and Chemung, just finished building new nursing homes. These are public, County-run nursing homes. Rockland, Schenectady, Erie, Livingston and Columbia applying to build new. Erie County applied to build a 450-bed facility; the State is telling them they need to build more. You know, the County Executive's press release named four nursing homes that have closed. And like I said, there are still currently 38 and with no movement to close. Oswego had a non-profit nursing home and now they've been struggling to place difficult patients. They're having a very hard time.

The information that many of these people came and said that it's costing eight to \$10 million. With the Presiding Officer and the hard work that he's done with an Oversight Committee, it has been reduced over two years to half of that. That averages out to 31 cents per household per year to run John J. Foley Nursing Home. These are human beings. They are not commodities. They're human beings and they are worth 31 cents. I heard a lady today talk about she has a family member at Holly Patterson and she's trying to get him out here to Northport. Holly Patterson, when she's not supporting the Suffolk County Nursing Home, is a Nassau County, taxpayer-funded nursing home, and plans to send a family member to Northport. I'm wondering if it's the VA Hospital, which is also another taxpayer-funded nursing home.

I think the County Executive, over the years, since he's been the County Executive, has been determined, bound and determined to sell John J. Foley, with not looking at any other alternatives. There are alternatives besides just selling it or closing it, to bring down the revenue -- to increase revenue and bring down the cost. There are things that can be done like an out-patient dialysis, maybe pediatric long-term care, maybe leasing out a floor for a psychiatric ward. And many of the

John J. Foley residents, if we don't keep them in the public nursing home, private nursing homes will not take them, they don't have money. We have Mr. Barnes who came here and told us that he was rejected at four nursing homes because he knew it was because of the money. His son is 37-years old, he's on Medicaid, he's the lowest paid patient, he's not going to get accepted by a private nursing home. It's about money.

You know, recently this year there's been a lot of State money, grant money to buy equipment. Just this year alone there seems to have been a real frenzy to buy all this new equipment for the John J. Foley Nursing Home, and I question whether it's legal for us to be buying all of this equipment to put it into a nursing home that the County Executive plans to sell to Mr. Rozenberg. Is it legal for him to be doing that?

LEG. ROMAINE:

Sweetheart deal.

LEG. BROWNING:

This is definitely a sweetheart deal. Mr. Crannell talked I believe this morning, I didn't hear his conversation but I was told that he said the money was not coming, the IGT money. We're currently owed about \$11 million, he said it's not coming. I checked with Senator Schumer's Office, he has said that's not the case, this money is still possibly coming to us.

So I just want each and every one of you to realize that this is not your average nursing home. The average age is about 50 years old, there are many people here right now, there's an AIDS unit what private nursing home is going to take them? Mr. Rozenberg sat here, and I know Alec who came and spoke, he talked about he sat here and listened to Mr. Rozenberg. You all heard him, you heard him say that he will not guarantee every worker a job and he will not guarantee that every resident will keep their bed. The lady who likes to come and talk about how we don't rate very well; well, we don't rate maybe so well because private nursing homes can cherry-pick their residents. We have hard-to-place residents, we have difficult residents and maybe that's why we're not rating so well, because we have a difficult task at the John J. Foley Skilled Nursing Facility with very difficult patients.

There's a gentleman who loves to come up and talk about how it's a tax burden on the residents. You know, I checked and I found out that this person who thinks that they're a burden, seems to me I find out he's a retired teacher on the State Pension Plan.

UNKNOWN AUDIENCE MEMBER:

Nice.

LEG. BROWNING:

And it's all about me, "Forget about everybody else, I've got mine," and that mentality about that mind, "Forget everybody else," I think is shameless. What the County Executive did yesterday was shameless; shameless, heartless and --

UNKNOWN AUDIENCE MEMBER:

He's a bully.

LEG. BROWNING:

-- cruel, downright cruel. And the fact that two people went to the hospital after his conversation with them is just unforgivable. These are human beings, they are not commodities. And I'm asking each and every one of you to dig down into your heart. And can you go to bed tonight and sleep if you vote to sell and allow this place to close?

I hope you can really dig down deep, because I know when I go to bed tonight, I will not vote to sell this facility. I will not support the closure of this facility and I will continue to push for the State. And also, the Mary Hibberd Law, did we get approval? Because before you sell or before you move any resident, under the Mary Hibberd Law you have to have State approval; that has not been done yet.

Applause

Like I said, I know tonight when I go to bed I can sleep, because I won't support to sell and I will not support a closure, because there are people there who need us and who need their support. There are people who have come on hard times and a private nursing home will not take them. So please, don't sell this facility, keep John J. Foley as a public-run nursing home.

Applause

P.O. LINDSAY:

Thank you, Legislator Browning. Legislator Eddington.

LEG. EDDINGTON:

Yeah. In April, 2005, John Foley asked me to come meet with him. And at that time, our conversation basically changed the direction of my life; I was happy as an adjunct professor at Dowling College and doing some clinical social work. He said to me that he would like me to fill the position of the Foley seat in the 7th Legislative District. After I said no a couple of times and he continued to talk to me and I agreed that I would try to live up to the standard, he asked me to swear that I would continue to fight for the Foley center, for the health care of our citizens, and his son continued to remind me in the last five years.

You know, I've been here for five years and I've been very disappointed because I really believe your word is your bond, and I don't often see that. I saw see money and politics being more important. Well, you know what? I learned a long time ago and I try to live by sometimes the good you do doesn't do you any good, but you should do it anyway. And my word is my bond and I will never support the closure or the sale of John J. Foley. I hope you're listening, John.

Applause

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

For a good three years now I think we've all sat here and we've heard testimony from employees, the residents, as well as a great deal of dialogue from my colleagues concerning this particular issue. It has been the primary issue on our agenda for two-and-a-half, three years. And there are many statements and many speeches, but the reality is we're down to really two alternatives.

Right now, the fate of the John J. Foley Nursing Home is sealed; it's sealed. This nursing home will close. This nursing home will close. Now, the only way another option develops is if this Legislature interjects itself and agrees to the sale. If we choose not to do that, this nursing home, based on the vote of a couple of weeks ago, will close.

Now, if we make the decision to sell it, what's the option there? Well, we've been told it generates \$36 million. Fine, I understand the revenue aspect, I understand the expense side associated with saving X amount of dollars per year. But my primary concern -- because closure to me is a terrible failure if we close it. But if we sell it, then the question is what happens to the residents? I don't like to call them patients, they're residents. And what happens with the employees? Closure, that's

it, everybody's gone; employees are gone, the residents are gone, it's finished, it's over, it's just bricks and mortar and land. The sale? I think the overwhelming majority of those residents will stay exactly where they are.

As far as the employees go, I pushed Rozenberg as far as I could without making him a hostile witness that day. I tried to get him to commit that every single employee would stay at that facility, he wouldn't do that. But I also knew at the time, for those of you who were there, this goes back three or four months ago, that the option there was that if the facility was sold back then, 40 or 50 employees would be eligible for what? The Early Retirement Program would now go to them. And I felt that was a great proposal because you could have a situation where the facility is sold, 40 or 50 people put in for the early retirement from the County, they're getting a monthly check from the County and they're now employed by who? The new owner. But now, even though lots of people said lots of things were going to happen, there were lots of other proposals that never came about, nothing has happened and that proposal is gone.

The other avenue with reference to the sale was the transitional aid. It took a lot of work on the part of several of us here, so that if it was sold, there were certain provisions where the employees could benefit. One of them I pushed for was the differential between what they were making as a County employee and what they would be making with a new owner and 1199, and I was told it would be like a 25% differential. But for the first 12 months after the sale, those employees, if they stayed at Foley, would continue to get the equivalent of their County sale. Plus there were a number of other options if people left or shifted to other departments.

Bottom line, no one here on this side of the horseshoe wants to see the place close down, residents dispersed, employees basically gone. The only other option, if we take it today, is to sell it; then almost all of the residents, many of the employees stay exactly where they are. The early retirement I guess is permanently gone, unless somebody petitions the State to reopen it, because when we did have it, we only opened it up for 30 days, other areas it was open for 90 days. Maybe it still can be opened. The transitional aid on the sale, I would press the administration to put that back on the table so that the employees would have the option. But in the end, no matter what our hearts feel, you have to deal with the reality. If we don't vote to sell this facility today, then it will close, everybody loses, we fail, and we don't want to do that.

This is not an easy decision. We have been postponing and postponing, and now it's time to fish or cut bait. And I will tell the administration something. This vote's going to take place today. At the end of the vote, if this facility is not sold, don't come back here on the 21st; it's done, we've had enough of it. The only way anything is going to change if this Legislature meets and changes their point of view by the 21st. But your role is done, it's finished. I don't want to see you back here. There's no more to be said on this issue. You made it very plain, now we've got to make a decision, and that decision has to be made one way or the other today. Thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. You know, we can disagree philosophically over things, but when I hear, you know, these nebulous claims of under-handed dealings and, you know, just things thrown out there with nothing behind them, it's disappointing.

We have facts that we need to deal with here. The facility is not funded coming through next year. We sell it or we close it, we know that; I mean, Legislator Barraga just made that very clear. And we know the situation that we're in. We know that continuing to operate this facility is going to cost this County money. The only way we can do that would be to raise taxes or cut other services, you know, we've gone through this a hundred times. We're competing for the exact same pool of money

as the private sector. We're providing the same service as the private sector. We've all been through this, and we can differ in our opinions the position that we take. But looking at this based on the facts, we know we have to make a decision. In my opinion? Closure of this facility is a terrible one, a terrible decision; we should not let that happen.

Now, I've been an advocate for the sale of this facility, everyone knows that, but we've come to the point where we actually have to make a decision. And to allow this to go down a path of closure, I certainly would hope would not be the choice of anyone in this body, because it doesn't make any sense for the residents, for the employees that everyone purports to want to support, and it doesn't make sense for us as far as our fiduciary responsibility to this County and the taxpayers is concerned. That's just my final thought on the situation that's been obviously ongoing for several years now.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I seriously debated whether I was going to speak today or not, and I'll try to keep my comments brief.

First, I owe my colleagues an apology, I believe. I think each and every one of you received a copy of a letter that was sent to me by an agent of the County Executive accusing me of criminal and unethical conduct in my advocacy for a solution for John J. Foley. I categorically reject that and say that it has been my great privilege in life, short of being married to a wonderful woman and having four children, to be a Legislator and to have had the great privilege to advocate for my constituents.

Having said that, I have always been impressed with the resourcefulness of my colleagues and of this body. In the 40 some-odd years of its existence, it has been the impetus for great legislation, not just in our County but actually throughout our whole nation. And at a time where we are presented with great strife, Legislators have always risen to provide great solutions. And I refuse to accept that we have only a choice to sell or a choice to close. There are a number of choices that are available to us that many of us have worked tirelessly to try to examine, despite the fact that there has been a penchant for malfeasance and misfeasance and mismanagement of the place that these people live.

There is abject, unmet need in our County that the Health Department is charged with attempting to remedy, and all we hear is defining silence. Psychiatric beds are in dire need, there is no pediatric care, and God help you if you need dialysis. And what do we have? Some deal to sell our County asset to a profiteer. It is appalling, absolutely appalling that we are presented with that. And I will offer to each and every one of you our County Executive, in 1986, challenged in court an illegal budget, just like the 2011 one we have before us now. So I refuse to accept that we are defined by today. I will vote no and I will continue to work to keep Foley open as a provider of resources. Thank you.

Applause

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I wasn't planning on weighing in on this issue today, but as most of you know, a little over four weeks ago I suffered a life threatening illness, a ruptured appendix which led to peritonitis. I came as close to dying as you can get. The surgeon told my husband Rob that there was a good chance I wouldn't survive the surgery. I found out from my 25-year old son just yesterday that I was on life

support for two days; I was oblivious because I wasn't conscious at the time. So I went through a very tough 12 days in the hospital. I honestly didn't know whether -- when I went to bed at night, whether I would wake up the next morning and get to see my five kids and my husband again. But probably even worse is what my family went through and their concern that I wouldn't survive.

Anyway, long story short, I got some fantastic care, I did survive and I'm on my way towards a full recovery, but it absolutely changed my priorities in life and put things into perspective for me. And I have tremendous empathy for the Foley residents that came here to speak and their family members, because I know how difficult it was for my loved ones and what they went through the nearly two weeks I was at Huntington Hospital. And they had enough to worry about just hoping that I would survive and hopefully get better, they didn't have to worry that next week I might be out on the street or I might have to relocate to another facility. And unfortunately, the Foley residents can't say the same thing, and I don't think it's right.

I honestly don't think that we're faced with only two alternatives today of either selling or closing. I agree with Legislator Browning, Legislator Kennedy, that there are alternatives out there, and if we think out of the box and if we work together cooperatively and in a bipartisan fashion, I think we can find a third way. So I am not going to be supporting this CN. I urge you to join with me in not supporting the sale. Let's give this another shot, let's work together and I believe that we can come up with a creative solution that will allow Foley to remain open and allow the residents to remain at their home.

Applause

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Thank you, Jon, for sharing that. Legislator Browning spoke about the value of life, and I think whether or not we've been on our death bed, we know to value life. And when we talk about putting a dollar sign on it and saying that we can't continue to subsidize the quality of life for people in Suffolk County, it just flies in the face of what the mission of government is which is to provide for the health and safety of all of its residents.

I'm still a little bit emotional over what you said, Jon, sorry. I have a problem, and have had for a number of years, with governance by press release that we see coming from the County Executive's Office. Where because he puts out a press release saying that counties all over New York State are closing nursing homes, he says it and repeats it and puts it out in bold print and, therefore, it must be true, and yet it's not. And when we have County Executive representatives coming before us and tell us that they don't need State approval to close, that's not true. And of course they'll spin it by saying, "Well, we have to have a plan" -- the plan to close has to be approved, and I don't see any plan that has been approved by this Legislature that they could take to the State.

And we do have the Mary Hibberd Law. And this is still a County that is -- whose policies are set by two branches of government, not just one. We can't have rule by the fiat of the County Executive and we need to vote for closure, and I for one am not -- I will not vote for the sale of John J. Foley and I will not vote for the closure of John J. Foley. That's a moral decision.

Applause

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. In my short time here in the Legislature, I would have to say that this is probably the most difficult vote that I'm going to have to cast, and rightfully so, we're talking about people's lives. You know, in politics we go through a lot of political shenanigans and games and gamesmanship and sometimes you're the winner, sometimes you're the loser. But in this case, I think, you know, we have two hundred and some-odd patients that certainly have been in turmoil for the past two years, I'm sure they want closure.

Either scenario may be to their detriment, I don't know, it depends. But certainly, you know, when you hear stories that the County Executive's administration is telling them that they're going to be put out on the street and you have people having heart attacks and things like that, it's obvious that they're feeling the physical strain from this process. From a County Executive and administration I think that has conducted themselves in, I would think, an unsympathetic fashion, to put these patients or residents through this process and to bludgeon this body over and over again for two years already with the closure and the sale of this facility is just unconscionable.

To make a decision on an issue such as this, of this importance, with one bidder -- I mean, coming from a procurement background, that just raises red flags for me personally. I find it difficult that we've only had one bidder that qualified or had interest, or I guess there were multiple bidders. But as a body, we -- you know, I don't think we had an adequate ability to have our questions vetted. I would like to see Mr. Rozenberg come before us again to see, you know, what he -- you know, we posed some questions to him that he said he would consider, he never came back to us and gave us information as to if he reconsidered his initial thoughts about how to proceed if he were to get the license. Did you say something?

LEG. LOSQUADRO:

No.

LEG. GREGORY:

Oh, okay. So I would like to see -- because Legislator Barraga had asked some questions about the employees, would he reconsider that. There are certain things I think I would like to find out if he changed his mind. And every year, you know, Mr. Rozenberg purchasing, you know, nursing homes of smaller capacity, less acreage for twice the price; that raises a red flag for me.

You know, I had an opportunity just briefly, just a short while ago, to look at Legislator Browning's letter to the Attorney General about the procurement process and the Mary Hibberd Law and all the different questions that have been -- that have risen because of the way the process was conducted. You know, I would like to see how that -- you know, if there's some legal opinion that would come out from that.

So I think there are a lot of questions that are still in the balance that need to be addressed before we can actually make a decision, because the decision that we make here may not be legally -- you know, it may not be at the appropriate time. As Legislator Fisher pointed out, without proposing, sending the plan to the State to get the approve for a closure without even having the approval for closure or the sale from the Legislature I think may be inappropriate and the Attorney General should rule on that.

So I have some questions. And it's going to be difficult for me to make an informed decision. I'm against the sale, but I still would like to have the facts. And unfortunately, you know, I don't agree with, you know, a vote against the sale is a vote for closure, because everyone knows here that the County Executive twisted arms to get people to not support the veto override. This is his -- this will lay on his conscience, regardless of whatever happens. If that building closes, it's on his conscience, it's not on anybody's conscience here, unfortunately.

So, you know, if we vote to not support the CN, we're going to see it in two weeks because it's going to have to go through the committee process, maybe we can get some of the questions answered that I have and some of my other colleagues have. But on the other end of it as well, I just -- you know, the employees, what are they going to do? You know, just a report yesterday that the unemployment went up two-tenths of a percent. Are we going to put two hundred and some people out on the street? Social Services, you know, an increase on the aid and the assistance. You know, we're going to complain about, you know, about how much it costs; well, how much are we going to pay to put these people on Public Assistance, unemployment benefits, all the conservative people out in the audience. They're going to go straight to unemployment and they're going to get all this assistance that they talk against, they're going to be qualified to get that.

So I'm going to vote no and I suspect I will continue to vote no, as I have committed myself to. But I think it's appropriate and important that as a Legislative body that we have all the answers to the questions that we have and I don't think we have that.

Applause

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Yeah, I'm going to make it quick. I just don't even know who to ask the question to because from one side I hear it either closes or it sells. There is not -- from what I'm understanding, and I'm going to have to direct it, I'm sorry, to Budget Review because I just don't get the answer. If we don't vote to sell it, then come April -- and none of these new ideas are brought to fruition, if we didn't -- if we don't put in any new x-ray machines or kidney dialysis or anything like that by April, what happens -- I'm assuming April 30th. What happens then? We don't vote to sell it, we don't vote to close it, we just stagnate; what then happens April 30th?

MS. VIZZINI:

Well, the biggest problem is that there's only \$3.1 million in available appropriations to pay the employees, so there has to be some consensus between the two branches of government in terms of what is going to happen with the nursing home. The budget would have to be amended. The County Executive can move 10% of appropriations to run it a little longer or close it a little sooner. But the issue is the way -- the way the budget is currently constructed, it is based on a closure scenario and appropriations to pay the staff would expire, unless the budget is amended again, probably by about April.

LEG. NOWICK:

And then at that point, it would close and those patients -- now, this you may not know and I don't know who can answer -- let's say it closes; where would those patients go? I assume, from what I'm told, that they would go into other nursing homes by law.

MS. VIZZINI:

The answer to that would probably be best directed to the representative from the Health Department or the County Executive's Budget Office with whatever their respected plan is for that.

LEG. NOWICK:

Is there a representative from the Health Department?

UNKNOWN AUDIENCE MEMBER:

You have a social worker here.

LEG. NOWICK:

All I want to know is April 30th rolls around, it's not sold, we don't have any other ideas, we don't have any other money; what happens to the patients?

MR. MARCHESE:

On the final day -- you would begin a discharge plan, basically, at some point, and it would happen certainly before then. So if the decision was made to close, you would gradually discharge patients to the point where you would start with 250, say, then you would drop to 200, you know, and the staff would also be reduced by that amount.

LEG. NOWICK:

Well, so then that would be April 30th and it would continue a few months?

MR. MARCHESE:

No, no.

LEG. NOWICK:

No.

MR. MARCHESE:

The budget provides for a scale-down until April.

LEG. NOWICK:

So that would start -- so January 1st comes around, we didn't vote to sell it, we didn't vote to close it, so by January 1st we're going to start scaling down.

MR. MARCHESE:

Correct.

LEG. NOWICK:

So we would then -- patients would be moved to other nursing homes, employees would be moved out of there starting January 1st.

MR. MARCHESE:

As soon as the State approved our closure plan, yes.

LEG. NOWICK:

And from what I understand, that doesn't take terribly long for the State to approve it.

MR. MARCHESE:

Correct.

LEG. NOWICK:

Okay. Thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I just wanted to point out that when we talk about the budget that has put us in this situation that we're in, we adopted that budget. I know there was, you know, a veto and it was sustained, but the bottom line is we had our opportunity as a body, we disagreed amongst ourselves and we adopted the budget that put us in the situation that we're in right now. So I just wanted to point that out. We talk about this as if it's something we had no part of.

P.O. LINDSAY:

Okay. I want to talk, but go ahead, Legislator Schneiderman and then Cilmi.

LEG. SCHNEIDERMAN:

This clearly is a difficult and emotional decision. You know, I don't like the idea of closing it, I don't like the idea of selling it. You know, it's a valid County facility and it's done its job.

It's an honor for me to serve with this Legislature. I think collectively there's an enormous heart here that always wants to do the right thing and help the people of this County. You know, we're faced with this -- if it's framed in this way, between closing and selling, obviously selling it is better than seeing the place shut down. I wonder, though, you know, I'm often told we're a coequal branch of government, which I would imagine that to get something done you'd have to go to the County Executive as well as this body. Now, I know we have this budget that doesn't include the funding through the year. I was one of those Legislators that voted to override the veto to put the money back in. There were six of us, though, who didn't support that veto override; six is only one-third of this body, that's not a majority. That's not -- the Legislature never voted to close it. If somehow we did, I guess I would say, "Yeah, we'll have to sell it. Selling it is better than closing it." But I don't understand how we've gotten to the point where we're forced between closing and selling because we never voted to close it.

Maybe my question -- I have one other question for BRO as well, but maybe for Counsel; how is it that six members of this body can determine the closure of a facility, a County facility?

MR. NOLAN:

Well, it's an interesting question, but as Legislator Losquadro just said, that's the way it works. Because, you know, the County Executive proposed a budget that didn't include the money for Foley and all he needed was seven Legislators to go along with him, so you do have the -- it plays out that effectively, a majority of Legislators can make that happen -- a minority.

LEG. SCHNEIDERMAN:

I understand there's not adequate funding. But, you know, if let's say midway through the year it turned out that the money that we plugged in to run the jail, let's say it wasn't sufficient, does the County Executive then have the right to close the jail or does it come back to this body to figure out how to amend the budget to get through the year?

MR. NOLAN:

Well, I think with the jail, he'd have to find the money. In this scenario, he's going to the Health Department, the State and they're going to ask for permission to approve a plan to close it down and discharge the people, and that's with -- because the money was not in the budget, I think as things stand right now, that's within his purview.

LEG. SCHNEIDERMAN:

And if he can't get State approval, then he's got to go and find the money to continue its operation.

MR. NOLAN:

I think he'll find the money.

LEG. SCHNEIDERMAN:

Let me ask BRO a question. Because when we had done the Budget Amendment related to Foley, there was an offset there and the offset was a BRO projection, I believe, a primary offset regarding sales tax. Your number crunchers determined, I believe, that there would be approximately four million or so more sales tax dollars coming in next year than the County Executive's team had projected; is that roughly correct?

MS. VIZZINI:

Yeah, we thought it would be a prudent presentation to show a transfer from the General Fund, and we estimated that to be in the three and a half to \$4 million area. So the increase in sales tax was dedicated for that transfer from the General Fund.

LEG. SCHNEIDERMAN:

And do we have any preliminary numbers on sales tax for this year versus where we projected it? Because the last numbers I saw looked fairly promising, so.

MS. VIZZINI:

Robert will get to that in a second. I just wanted to point out that if there is another policy direction other than privatization or closure as proposed in the Operating Budget, the Operating Budget can be amended.

LEG. SCHNEIDERMAN:

So one possibility, in terms of finding the money come April, might be because sales tax revenue has come in millions of dollars ahead of where we projected it. And then there's also potential reserves and a fiscal emergency that could be tapped as well?

MS. VIZZINI:

Precisely where that offset would come from, whether it would be the additional Medicaid revenue associated with running the facility for the extended period of time, whether it would be some other budget transfer, that's yet another policy decision. It certainly is not easy. The budget is very tight and the funding for the serial bond which was what we used when we did our amendments to the budget is mandated, and you cannot transfer at this juncture, now that we have an adopted budget -- changing it from one designation to another when you adopt a budget is one thing, but we can't take that mandated, those mandated expenses and transfer them to discretionary appropriations. We would have to come up with some other alternative.

MR. LIPP:

In terms of sales tax, clearly the anecdotal evidence is very positive with the holidays and all that kind of stuff. We are still running below what was adopted in the budget in 2010, and we think we may be able to make that but it's going to be difficult. So, you know, we won't know that answer till February because we have some of the money being accrued back to 2010. So I would not count on any windfalls.

LEG. SCHNEIDERMAN:

Okay. So just lastly in summation, I question whether the County Executive actually has the authority to close it based on the vote. But if he does, I'm going to have to take him at his word, that if we don't sell this thing he's going to shutter the place, and I think that's unfortunate. But, you know, that will certainly be part of my decision as we go around with the vote.

LEG. LOSQUADRO:

I know you want to finish up.

P.O. LINDSAY:

Legislator Cilmi is on the list and then I'll be happy to call on you.

LEG. CILMI:

Thank you, Mr. Chair. I just have a question or two. And please don't mistake these questions as being leading in any way, but being new here, relatively new here, again, certainly as Legislator Gregory said, this is probably one of the most difficult issues that we'll probably ever face.

I'm told that it's been three years or so since this issue has been before this body. I know there is a Legislature -- there's some sort of an Oversight Committee that's been looking at ways to improve efficiencies at the facility and make -- you know, help the facility run better. And it seems to me that there is a desire, which has been very apparent here today at least, and certainly from all of the conversations that I've had, and I've had many, with many of the members of the Legislature over the past several months, it seems that there's a very sincere effort or willingness to find solutions so that we wouldn't be faced with this decision.

So my two questions are this; one is to, I guess, the Presiding Officer. If Bill, if you could just sort of summarize some of the work that the committee has done, because I know the committee has done quite a lot of work, some of it very, very productive, to address these variety of issues. And two, what will change? If there are issues that have prevented this body and the County as a whole from improving the situation at the facility in all these three, or however many years it's been, what's going to change from here forward that will enable us to work on those solutions and get the job done?

P.O. LINDSAY:

Well, the -- when the Oversight Committee was first formed, we made an awful lot of progress. We had a very dynamic administrator with us for two years that watched the day-by-day process. We established some real savings in how we purchased prescription drugs. We made -- again, with the administration -- made some changes in work shifts that saved some money. But the biggest thing is we filled up the beds. We were on bed-hold for almost two years; bed-hold means you have 95% of the beds filled. And when you have that status, if someone goes to the hospital, which happens frequently, we still get paid for that bed from the State. We had bed-hold I believe up until August when Mr. Fine left, and since then we've probably lost, I don't know, 40 beds. We've had four different administrators, one after the other that, you know. I'm not qualified to question their abilities, but none of them were very impressive. I mean, that's -- that's what the Oversight Committee did.

I admit that -- first of all, whatever this body decides to do today I'll abide by and try and work with, but what's before us is either to sell it or not sell it. I will continue, if this body decides not to sell it, to come up with some kind of compromise to keep it operating. I don't want to see it closed, I don't think any of us want to see it closed. We don't want to see anybody out on the sidewalk.

Applause

And it is a very, very difficult issue. You know, we get into issues between the Executive Branch and the Legislative Branch that becomes not a game, but it's back and forth. And we're all in this profession and it's press conferences and press releases and who's right, who's wrong. This is one of those decisions that people are going to get hurt. And I just hope that there's an openness, if the sale doesn't go through, to work towards some kind of compromise to keep the place operating that we don't put people out on street.

LEG. CILMI:

If I could just follow-up. What sort of compromise would you envision; I mean, what are the options?

P.O. LINDSAY:

I've heard a lot of ideas. I think until this is voted on, I don't -- you know, I think they're all moot unless the sale goes through.

LEG. CILMI:

Well, as somebody who's -- and I would invite my colleagues to answer the question as well. I mean, as somebody who's got to -- who's going to be a part of that decision today, I'd be very

interested in knowing what some of the options could potentially be to make this work.

And, I mean, certainly with all of those -- and the other question I have is that if we were off bed-hold and if we had a hundred percent filled facility, how does that -- how does that impact -- in a specific sense, not in a general sense, but in a specific sense, how does that impact the bottom line?

And with respect to the administrator of the facility, which, you know, we could all probably argue that that person has the -- has the accountability to make the facility run efficiently. Do we have any authority to oversee that process of putting in an administrator that we think is going to do the right thing by the facility? So I would ask any of my colleagues, number one, what are the other options? And number two, how can we effectively, as a body, assert those options or can we not?

LEG. GREGORY:

Mr. Chairman?

LEG. LOSQUADRO:

Bill?

P.O. LINDSAY:

Go ahead, Legislator Gregory.

LEG. GREGORY:

I think, you know, something that we should consider is have we done everything that we could as far as saving monies to help this facility operate effectively and efficiently? One idea that I had, and I had broached Legislator Kennedy, was, you know, how can we use our power as a nursing home? Why don't we build a consortium, as we have done with purchasing for other things, build a consortium with other nursing homes, whether County-run or privately run throughout the County, throughout New York State, because there are services and things that we all need and that we have in common. What can we -- what kind of savings can we gain from that?

You know, what about the employees who have agreed that they would, you know, agree to some concessions? You know, so there are certain things that we can -- I think that we can look at that's not going to save four million, eight million or \$10 million, but certainly is going to save some monies. I think it will be -- it won't be pennies, but it won't be the whole amount. You know, what other options or what other things haven't we done to eliminate the "burden", quote/unquote, if you will that the County Executive says that's there? We hear stories about them purchasing new equipment for a building that they're going to sell; does that sound fiscally responsible? I don't think so. We've heard stories about the budget and the Health Department, you know, the budget and the nursing home is -- you know, they're being charged for personnel that don't even work in the nursing home. So it seems like this facility is, for the lack of a better term, being set up to fail. You know, have we really --

Applause

So when you go in from, you know, an accounting perspective, you say, "Well, of course you want to sell this thing; this thing is an albatross." But are those numbers real? You know, we need to get in there and dig in. And I said this when I first came on, you know, with the Oversight Committee. You know, you're foolish if you think they're going to turn things around in six months or twelve months. It's going to take a while to do it. It took us a while to get into this mess, if I can use this term; it's certainly going to take a while to turn things around and to look at all the options that I believe that we should be looking at.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Well, I just wanted to point out, I'm under no allusions here that most people don't have their minds made up one way or the other. But I just want to point out that one of the possible alternatives that people have been holding out hope for would be the idea of creating a Public Benefit Corporation. And I can just tell you that the Governor, members of the Senate Majority, members of the Assembly Majority and Minority all ran this year on reducing the number of Public Benefit Corporations in the State, which now stand at over eleven hundred, holding over \$170 billion in debt.

I can tell you that there is not a chance. I've spoken to the State Senators from Long Island Delegation and they said there's not a chance they are going to create a new Public Benefit Corporation in light of the \$9 billion deficit this State is facing. The last thing we want to do is create another thing just to let a level of government get something off their books that they can't fix, which is how New York State got itself in trouble in the first place by allowing that to happen. This is on us.

Now, based on the question that Legislator Schneiderman asked about something procedurally? I have a procedural point to make. Maybe to Budget Review; when is the first time that we can amend the budget next year, would that be March, the end of February.

MS. VIZZINI:

Our cycle is February -- is February, it starts in February.

LEG. LOSQUADRO:

We're on a truncated timeline as it is. Based on the testimony that we've been hearing, patients will already have begun to be moved, employees will already have begun a process of transitioning out. I just want to point out, once again, the reality of the situation that we're in. And burying our head in the sand and hoping that there's going to be some last-minute miracle or some Hail Mary pass that's going to get caught in triple coverage, I don't see happening. This is the reality of the situation that we face. We've put this off for a long, long time, not just this Legislature, previous Legislatures. And I think it's incumbent upon us to actually address it instead of just hoping against hope that some miracle is going to take place. Because if we're counting on New York State to come in and save the day, that's not going to happen. I willingly have put myself in a position where I'm going to be dealing with that budget nightmare that is New York State, and I can tell you the State is not going to be interested in helping any local level of government add to that debt that they have already imposed upon people of this State, given things like the MTA, given things like LIPA which we're talking about additional oversight of. These are all Public Benefit Corporations, look how well they've turned out for us.

P.O. LINDSAY:

I don't think anybody mentioned the Public Benefit Corporation during this debate.

LEG. LOSQUADRO:

I was pointing it -- Legislator Cilmi asked what the possible alternatives were, that's one of the possible alternatives that has been discussed.

Applause

P.O. LINDSAY:

Anybody else? Okay. Let's vote; roll call.

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

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

Yeah, this is to sell. A yes vote is to sell.

LEG. BARRAGA:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. HORSLEY:

No, I don't think we're in a worse situation yet.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

Recuse.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Six.

P.O. LINDSAY:

Okay, it fails.

Applause & Cheers From Audience

I know everybody is applauding, I just hope it comes out okay.

IR 2078-10, back on page eight, ***Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Saint Martin Estate property - Mud Creek addition - Town of Brookhaven - (SCTM No. 0200-973.60-04.00-011.001)(County Executive).***

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. GREGORY:

Abstain.

LEG. MONTANO:

Abstain.

MR. LAUBE:

I'm sorry, I have one --

LEG. MONTANO:

Two abstentions, Montano.

MR. LAUBE:

Sixteen (Abstentions: Legislators Montano & Gregory).

P.O. LINDSAY:

Okay, ***2079-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Haber property - Mastic/Shirley Conservation Area II - Town of Brookhaven - (SCTM No. 0200-983.50-02.00-026.000)(County Executive).***

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. MONTANO:

Abstention.

LEG. GREGORY:

Abstain.

LEG. MURATORE:

Opposed.

LEG. MONTANO:

Did you get that, Tim?

MR. LAUBE:

Sixteen. Oh, fifteen.

LEG. MONTANO:

You can get me on all of those.

P.O. LINDSAY:

Folks, the Clerk is having a hard time hearing with the dialogue.

I'd appreciate it if you could clear the room as quickly as possible. Thank you very much.

P.O. LINDSAY:

Okay, page nine. You called that vote, right?

MR. LAUBE:

I did.

P.O. LINDSAY:

Okay. *IR 2080-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Campo Brothers property - Beaverdam Creek - Town of Brookhaven - (SCTM Nos. 0200-931.00-05.00-020.000 and 0200-961.00-03.00-026.000) (County Executive).*

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by --

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

LEG. MONTANO:

Abstention.

LEG. GREGORY:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

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

IR 2081-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Marist Brothers of Schools, Inc. Property - Beaverdam Creek County Wetlands addition - Town of Brookhaven - (SCTM No. 0200-976.10-03.00-027.001 p/o) (County Executive).

LEG. BROWNING,

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

2082-10 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Harbes Farm Riverhead West, LLC property - Town of Riverhead - (SCTM No. 0600-008.00-03.00-004.000 p/o) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Legislator Romaine has made a motion.

LEG. LOSQUADRO:

Second.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ROMAINE:

Cosponsor, please.

MR. LAUBE:

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

P.O. LINDSAY:

2083-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Peconic Land Trust, Inc. Property as contract vendee - Catcove - Peconic River County Park addition - Town of Southampton - (SCTM Nos. 0900-118.01-01.00-002.000, 0900-118.00-02.00-014.000, 0900-118.00-02.00-015.000, 0900-118.00-02.00-016.000, 0900-118.00-02.00-017.000, 0900-118.00-02.00-018.000, 0900-118.00-02.00-020.001 and 0900-118.00-02.00-025.000) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. CILMI:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

I just want to ask, and I'm not quite sure, maybe to Legislator Schneiderman. This resolution and the subsequent resolution, the per acre cost on the land, this one is \$175,000 per acre and the subsequent resolution is \$115,000 per acre? And we just spent I don't know how many months talking about closing a nursing home. Could you explain the cost per acre for these for us?

*(*The following was taken & transcribed by
Diana Flesher - Court Reporter*)*

LEG. SCHNEIDERMAN:

I don't know about the one before. I can explain this one a little bit, I mean. You know -- I'm sure you're familiar with the County's process. It's pretty exhaustive review process including multiple appraisals as well as appraisal review going through and trying to reconcile those appraisals.

This is waterfront property on the Peconic River. It's developable property, some of it. And this is what the value is. And I think an important preservation for water quality of that estuary system which is a federally protected estuary system. It does -- this funding is coming from the 477 fund. It can't be used to run the nursing home. It can only be used to purchase land and --

P.O. LINDSAY:

Okay.

LEG. CILMI:

How many acres is this? So what's the overall cost, Budget Review, if I can just ask on this resolution?

LEG. SCHNEIDERMAN:

Over 20 acres on this one.

MR. LIPP:

This is 2083. It's 20.1 acres. \$3.5 million the total.

LEG. CILMI:

Three and a half million dollars?

MR. LIPP:

Uh-huh. Or 175 per acre. And as Legislator Schneiderman said, it's from a dedicated Quarter Cent sales tax.

LEG. CILMI:

Right. Do we do comparable to see where --

D.P.O. VILORIA-FISHER:

Yes, we do comparables, we do highest and best use. And there are two appraisers. And both appraisers have to come in with comparables. And then those comparables are carefully examined by our Appraisal Review Unit in our Real Estate Department. It comes before us. In ETRB we go through the appraisals, we look at the comps, we look at the highest and best use. And we listen to the arguments by our professionals in our appraisal unit.

LEG. SCHNEIDERMAN:

You know, 175 an acre, and I'm not on ETRB, but for waterfront property 175,000 an acre does not strike me as a very high price, at least on the east end. It's waterfront property.

LEG. CILMI:

Okay. Thank you.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Yes, and I guess this question goes to BRO. Do we have any idea what the impact is for the loss of property tax revenue?

MR. LIPP:

We've never done an analysis of that. Clearly there is a small loss just like it would be for any other exemption like the seniors, veterans, that kind of thing. Basically we are reducing the tax base.

LEG. GREGORY:

Right. Yeah, absolutely. So it was --

MR. LIPP:

It is something that, I guess, we can look into, but, you know, the data isn't readily available to make it easy to do.

LEG. GREGORY:

Right, okay. I'll follow up with a letter to your office.

MR. LIPP:

Okay.

LEG. GREGORY:

All right, thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Just through the Chair, if I could just address that, Legislator Gregory. Legislator Gregory? No, I just wanted to address that through the Chair. Having served as the Chair of that Committee and being on the Environmental Trust Review Board, this question's come up a number of times. And it's very difficult to quantify because there is the speculative portion that would say what if the property was developed, what type of house would be in place, how many children would be entering and using the school district. Basically every school district across Long Island will tell you that they physically cannot tax a new house that gets constructed nowadays enough, that every new house that is built is actually a loser for the district. And everyone else in the district winds up bearing the burden of that. So there are many who would actually take the contrary viewpoint of saying that land preservation actually stabilizes the existing tax base.

Now that's an argument. I encourage you to follow up with Budget Review and look into it yourself, but there's a lot of different aspects to it instead of just looking at the vacant land property tax that's paid without any usage versus what the developed property tax would be and what that would cost in terms of the infrastructure necessary to support it. So, just wanted to point that out to you.

LEG. GREGORY:

Okay. Thank you.

P.O. LINDSAY:

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

LEG. CILMI:

Abstain.

P.O. LINDSAY:

Tom, are you voting for this land?

D.P.O. VILORIA-FISHER:

This is land acquisition.

LAUGHTER

LEG. BARRAGA:

No.

P.O. LINDSAY:

Okay.

MS. ORTIZ:

Fourteen. (Opposed: Legislator Barraga. Abstained: Legislators Montano, Cilmi and Gregory)

P.O. LINDSAY:

You're lucky we didn't slide something more damaging through while he had your ear.

LAUGHTER

2084, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Pefcos Realty Corporation Property - Woodhulls Landing Woodlands - Town of Brookhaven - (SCTM Nos. 0200-028.00-05.00-012.000 p/o and 0200-028.00-06.00-001.000 p/o). (Co. Exec.)

LEG. LOSQUADRO:

I'll make the motion and just point out this is one of the few 50/50 partnership acquisitions and it's with the Town of Brookhaven.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

Second by Legislator Browning. On the question anybody? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Abstain.

MS. ORTIZ:

Fourteen. (Opposed: Legislator Barraga. Abstained: Legislators Montano, Cilmi and Gregory)

P.O. LINDSAY:

IR 2085, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the D'Onofrio and Behr property - Beaverdam Creek - Town of Brookhaven - SCTM Nos. 0200-961.00-03.00-061.000 and 0200-961.00-03.00-062.000) (Co. Exec.)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Fourteen. Fifteen. I'm sorry. (Opposed: Legislator Kennedy. Abstained: Legislators Montano, Gregory)

P.O. LINDSAY:

Okay. Do you have the count right?

MS. ORTIZ:

Fifteen.

P.O. LINDSAY:

Okay, Mr. Zwirn, I understand, wants to point out something on a reso that we've already passed. So please, Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Presiding Officer. On IR 2083 we would ask that to be tabled. You just considered it and adopted it, but there was some matter found on the property that the County wants to investigate before they go through with the acquisition. So we just ask for that to be tabled for one cycle so they can do that.

D.P.O. VILORIA-FISHER:

Was it discovered in the Phase One Environmental Assessment?

MR. ZWIRN:

It was just -- just going through the final. Right before acquisition they sampled it and they just -- they questioned it and they said let's just hold up on it before -- and I was just in the other room, and I'm sorry, I apologize. I was going to get up and ask for it just to be tabled until the last meeting.

D.P.O. VILORIA-FISHER:

I'll offer a motion to reconsider.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Okay, we have a motion to reconsider and a second. It's just so unusual -- where was the review on this? I mean it went through so many layers of review that nobody picked it up.

MR. ZWIRN:

I just got a call, just said, please, can you just hold it. And I --

P.O. LINDSAY:

We're not going to shoot the messenger. So we have a motion and a second to reconsider. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

LEG. ROMAINE:

Opposed.

MS. ORTIZ:

Opposed? Seventeen.

P.O. LINDSAY:

2083 is back before us. (Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Peconic Land Trust, Inc. Property as contract vendee - Catcove - Peconic River County Park addition - Town of Southampton - (SCTM Nos. 0900-118.01-01.00-002.000, 0900-118.00-02.00-014.000, 0900-118.00-02.00-015.000, 0900-118.00-02.00-016.000,

0900-118.00-02.00-017.000, 0900-118.00-02.00-018.000, 0900-118.00-02.00-020.001 and 0900-118.00-02.00-025.000) And I'm going to make a motion to table.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Seconded by Legislator Barraga.

LEG. SCHNEIDERMAN:

On the motion. We have heard nothing in terms of why this should be tabled. Is there any information? What did you find?

MR. ZWIRN:

All I got was a phone call at the very last minute while the debate was going on with other matters before the Legislature today asking -- Carrie Meek-Gallagher asked me if we can just ask this be tabled 'til the meeting of the 21st. Because they found something on the property that they were concerned about and they just wanted to investigate it before -- to make sure everything was all right. And that's all I have.

D.P.O. VILORIA-FISHER:

A body.

LEG. SCHNEIDERMAN:

A body? I mean what did they find?

D.P.O. VILORIA-FISHER:

I was joking. I was joking.

LAUGHTER

MR. ZWIRN:

They did not find Jimmy Hoffa or Judge Crater. Neither one was found on the -- I'm just asking for one -- just the one cycle and I'll get the information to you as soon as I can get it. We certainly don't want to buy something if there's a potential problem, but I agree with Legislator Viloría-Fisher that we should have found it before now. I'm just repeating what I heard.

P.O. LINDSAY:

Well, I mean I made a motion to table for two weeks. If you's want to go with the approval, you know, I don't really care. They're asking for it to be tabled 'til the next cycle. I made a motion to table and it's second. If you's disagree, then we'll --

LEG. SCHNEIDERMAN:

You know, I'm somewhat familiar with the process.

LEG. MONTANO:

We'll table it in perpetuity if you want.

LEG. SCHNEIDERMAN:

This allows the County Executive to enter into a contract. That contract typically has all kinds of provisions. If there are concerns, that's a way out of the contract. So I don't see any reason why you couldn't move forward with this. If there are circumstances that were not uncovered in the review process, the County Executive is not obligated to continue through the acquisition.

P.O. LINDSAY:

So do you want to make a motion to approve?

LEG. SCHNEIDERMAN:

I'll make a motion to approve, absolutely.

P.O. LINDSAY:

Is there a second to the approval?

LEG. ROMAINE:

I'll second it.

P.O. LINDSAY:

Okay, Legislator Romaine. So we have a motion to approve and a motion to table. Yes, on the question, Legislator D'Amaro.

LEG. D'AMARO:

Yeah. I just wanted to ask Mr. Zwirn, do you know if the reason for the request to hold up for two weeks goes to environmental concerns on the property.

MR. ZWIRN:

Yes.

LEG. D'AMARO:

It does?

MR. ZWIRN:

Yes.

LEG. D'AMARO:

Well, you know, I would urge everyone to table this, give them the two weeks. I mean we don't want to buy a liability and a lawsuit.

MR. ZWIRN:

I'll get additional information to the Legislature as soon as I can.

D.P.O. VILORIA-FISHER:

May I say something?

P.O. LINDSAY:

Legislator Vilorio-Fisher; and then Montano.

D.P.O. VILORIA-FISHER:

I do have to say, Legislator D'Amaro, about what you just said, that if it is a Phase One Environmental Assessment discovery, then Legislator Schneiderman is correct, that even if we were to approve it, they wouldn't have to go through with the sale, the closing -- the closing. But my argument is he's asked us to table it for two weeks. I don't really see the harm in tabling it for a two week period. CEQ is meeting tomorrow. So if there's a Phase One issue with this property, it'll probably be before CEQ as well.

MR. ZWIRN:

Yes, that's true.

D.P.O. VILORIA-FISHER:

So I think we're getting more information as we speak. So, let's see.

LEG. BROWNING:

I'm just curious, when did this phone call come?

MR. ZWIRN:

Early this afternoon. I mean before we got -- I just stepped in the back for a moment after the debate we had on the nursing home issue. And then I realize we got back to the calendar right away, and I just didn't get back here quickly enough.

D.P.O. VILORIA-FISHER:

Did he tell you anything new?

MR. ZWIRN:

No, it's just that there's something on the site that they just want to investigate.

P.O. LINDSAY:

All right. I want to really move this forward one way or another. We have a motion. We have a motion to table and a motion to approve. The tabling goes first. Yeah, come on, pay attention. 2083, we approved already, John. We reconsidered it at the administration's request because they found something on the property, which is just bizarre but we reconsidered it. It's back before us. We have a motion to table. We have a motion to approve. Tabling goes first. I'm going to call the roll. Roll call.

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

P.O. LINDSAY:

Pass.

LEG. BARRAGA:

Yes.

LEG. COOPER:

Yes to table.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes, they found something.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes, why not.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes to table.

MS. ORTIZ:

Fourteen.

MR. ZWIRN:

Thank you.

P.O. LINDSAY:

Okay. We're up to **2086, authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(B)] - for the Fasano, Dragotta, Cullum and Grau property - Pine Barrens Core - Town of Southampton - (SCTM Nos. 0900-283.00-01.00-034.000 p/o and 0900-284.00-01.00-028.000 p/o).**

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Fifteen. (Opposed: Legislator Barraga. Abstained: Legislators Montano, Gregory)

P.O. LINDSAY:

2097, Amending the Adopted 2010 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2010 Capital Budget and Program, and appropriating funds in connection with investigation of predators on bay scallops in the Peconic Estuary (CP 8710) (Co. Exec.)

Let's get a motion.

D.P.O. VILORIA-FISHER:

I make a motion to approve.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher to approve. Do I have a second? Second by Legislator Losquadro. And I recognize Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Okay. This is the scungilli thing that was that one page article in Newsday. And they're trying to see where there's a big problem with the whelks eating the scallops so that they don't use those for the seeding areas.

LEG. KENNEDY:

Can I just ask, Legislator Viloría-Fisher, do we know who's going to conduct the study at this point? Do we have any occasion? Is it Stony Brook, is it -- does anybody know?

D.P.O. VILORIA-FISHER:

I'd have to pull it up. I thought it was -- well, the Health Department testified and so did Department of Environment and Energy. I'd have to pull up the legislation, Legislator Kennedy. It could be Cornell, who's continuing because they're doing the scallop program to begin with. So I think it might continue to be Cornell; although it's a different piece of the program. But I'll look at the legislation.

LEG. KENNEDY:

I'll pull it up.

P.O. LINDSAY:

Okay. We have a motion and a second. And I know this is a little problematic. The problem is we've invested so much money in the scallop reseeding, you know, it would be criminal if we don't follow through on that. The scungilli is eating the scallops. If you can put them all in the sauce at once with the pasta it isn't a bad dish.

LAUGHTER

This falls under the category *we know very little about many things and not a lot about anything*.

D.P.O. VILORIA-FISHER:

Right.

P.O. LINDSAY:

I believe it was Cornell that came before us, Vivian, that talked about the problem. Legislator D'Amaro.

LEG. D'AMARO:

Yes, I think it was Cornell. I was on the Committee as well along with our Chair, Legislator Viloría-Fisher and the other members. But I did have questions at the Committee level on this bill and the next bill. And, you know, on this one, 2097, I was questioning whether or not this capital

project 8710, which is substantially funded and the Presiding Officer's exactly right, we've made a huge investment and rightfully so, whether or not this study could be funded from the existing capital project. And I did support this to get it out of the Committee. I'm not sure I'm going to support it today, because I think that the entities that are running this capital project need to go back and find the money within the project itself.

You know, this is an amendment to the adopted budget. This is, I would assume, using 477 funds or additional 477 funds. But I don't see why, you know, at this point given the state of our finances that when a request like this is made there should at least be some assertion made that, you know, we went back to the actual capital project itself and we can find a way to come up with the funding for this type of investigation, especially that -- from what I understand, the need for the study is based on what they call anecdotal evidence. Some people believe there's a chance that this is happening, they're not really sure. And, you know, again, I don't have any qualms with studying the issue; but I think when you have a substantial capital project, you really need to find this type of funding from within the project itself. That's what it's there for.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I don't quite agree with the way you're framing the testimony that we heard -- and by the way it is Cornell. The testimony was that there was -- yes, it was field reports from the baymen. And if anyone remembers when we have had other issues with our shellfish industry, it has been the industry that has alerted us to problems. And what we're trying to do here is to be responsive to protect the investment we've made in the scallop seeding programs, which by the way have been a tremendous economic boom to our shellfish industry. If you read the article on the whelks and the scallops, you'll see that the tons of scallops or the number of scallops have increased tremendously.

The seeding project paid for certain equipment and it pays for certain processes. It's not really appropriate to say *go in and take money out of that program to fund this which has a different purpose*. It probably uses different equipment. There was -- there was testimony from both the Health Department and the Department of Environment and Energy; and both said that this is an important program if we're going to try to protect the very large investment that we've made in the protection of bay scallops. So I encourage my colleagues to support this. The 477 monies are there for precisely this kind of program.

LEG. D'AMARO:

Very quickly.

P.O. LINDSAY:

Go ahead.

LEG. D'AMARO:

I don't disagree with the importance of doing studies, especially to protect our investment. I don't agree with any of that. But what this resolution is saying is that the money's not available in the existing capital project and, you know, again I don't see how that could be. This is substantially funded by the Legislature in our budget.

MS. VIZZINI:

There is no money in 2010. You can see from the resolution that the current 2010, there's nothing. So 8710 this capital project is typically, the revenue is from the 477.

LEG. D'AMARO:

So are you saying that there's an existing capital project but for 2010 this year it's zero because the money's are already exhausted from prior years?

MS. VIZZINI:

Correct. Those monies are funded in other years.

LEG. D'AMARO:

In other years?

MS. VIZZINI:

Yeah.

LEG. D'AMARO:

Okay.

MS. VIZZINI:

Yeah. So there isn't other money. The money would be coming from 477 and an inter-fund transfer to 2010 in the capital.

LEG. D'AMARO:

I see. What's the balance of the 477 account roughly?

MS. VIZZINI:

It's about 2.7 million.

MR. LIPP:

I believe we had 3.8 million coming in from the old and new programs to start -- to end the year rather. So that's the money that's available. And there are a lot of competing projects that really equal up, if you passed everything, it would use up that money and perhaps a little more than that. By passing everything, I mean everything that was approved by the Walter quality Review Committee.

LEG. D'AMARO:

Okay. Well, if BRO is confirming that there's no funding left in this capital project, then I'm all for it and we need to amend the budget. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second to approve. Am I correct, Madam Clerk?

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Legislator Montano not present)

P.O. LINDSAY:

2098, Amending the Adopted 2010 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2010 Capital Budget and Program, and appropriating funds in connection with a Water Quality Monitoring Station in the Peconic Estuary (CP 8711) (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Romaine. On the question, Legislator D'Amaro.

LEG. D'AMARO:

Yes. Thank you. Just the same question to the Budget Office: Is this another situation where the funding is exhausted in the capital project?

MS. VIZZINI:

Well, in this case this is project 8711. It's water quality monitoring. There currently is no 2010 funding for that.

LEG. D'AMARO:

All right. Thank you.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2099, Amending the Adopted 2010 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2010 Capital Budget and Program, and appropriating funds in connection with enhanced groundwater protection equipment at Suffolk County Fueling Sites (CP 8710) (Co. Exec.)

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Vilorio-Fisher. Any questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

HEALTH AND HUMAN SERVICES

P.O. LINDSAY:

Health and Human Services 2063, Amending the 2010 Adopted Operating Budget to transfer funds from Alternatives Counseling Center, Inc. Alternatives for Youth Program to the Project Outreach Alternatives for Youth Program (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Vilorio-Fisher.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2073, Establishing an automated calling policy prior to distributing rabies baits in Suffolk County. (Stern)

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2105, authorizing and directing the Department of Social Services to enter into agreement to house sex offenders (Romaine).

LEG. ROMAINE:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Romaine, second by -- is that Legislator Kennedy?

LEG. KENNEDY:

That would be me.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1978, Naming the Blockhouse in Theodore Roosevelt County Park "The Hilda Lindley House". (Schneiderman)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. And this went through the Naming Committee. Yep?

LEG. STERN:

(Nodding head yes)

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2090, Naming a trail at Lakeland County Park as "The Suffolk County Veterans Purple Heart Trail". (Co. Exec.) Motion by Legislator Cilmi, second by Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2135, Appropriating funds in connection with improvements at County Golf Courses - West Sayville (CP 7166). I'll make that motion. Second by Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

On the accompanying bonding resolution **2135 A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$275,000 bonds to finance a part of the cost of improvements to County golf courses - West Sayville) (CP 7166.313)** same motion, same second, roll call.

MS. ORTIZ:

Legislator Lindsay?

P.O. LINDSAY:

Wait, on the motion, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

How much is the bond for? I'm sorry. I don't have it.

MR. NOLAN:

275.

D.P.O. VILORIA-FISHER:

275? Thank you.

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

P.O. LINDSAY:

The answer is yes. You called my name. Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Okay **2136, Appropriating funds in connection with Computerized Reservation System (POS) in County parks (CP 7169) (Co. Exec.)** Who's the Parks Chairwoman?

LEG. NOWICK:

I am.

P.O. LINDSAY:

You want to make this motion?

LEG. NOWICK:

Yes.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

On the accompanying bond resolution **2136A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$50,000 bonds to finance the cost of planning in connection with the computerized reservation system (POS) in County parks((CP 7169.111)** same motion, same second, roll call.

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

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2143, Authorizing transfer of surplus County equipment to the Railroad Museum of Long Island (Romaine)

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1863, Adopting Local Law No. -2010, A Local Law to reduce minors' access to spray paint. (Browning)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning. Do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

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

LEG. LOSQUADRO:

Abstain.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

1939, Adopting Local Law No. -2010, A Local Law to require Homeless Sex Offenders to report their overnight locations. (Eddington) Motion by Legislator Eddington.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Please list me as a co-sponsor.

LEG. STERN:

Me as well.

LEG. GREGORY:

Me.

LEG. D'AMARO:

Me.

LEG. ROMAINE:

Everybody wants to co-sponsor.

P.O. LINDSAY:

2010, Adopting Local Law No. -2010, A Local Law to strengthen the Social Host Law in Suffolk County (Cilmi)

LEG. CILMI:

Motion.

P.O. LINDSAY:

Motion by Legislator Cilmi.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by -- Legislator Kennedy, was that?

LEG. KENNEDY:

Yes.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

I actually don't care if this passes or not. But this amends the Social Host Law. But all it really does is change the penalty stage. And I'm trying to find a rationale for doing this because I don't think under the existing law we have even gotten to the point where we have a repeat offender. So I'm trying to understand what the rationale for making the second stage more punitive and more financial -- you know, when we haven't even had one case under the existing law that would in my mind call a need for increasing penalties. I'll address that to the sponsor and the co-sponsor and whoever else.

LEG. CILMI:

Through the Chair?

P.O. LINDSAY:

Yes, go right ahead, Legislator Cilmi.

LEG. CILMI:

The intent here is simply to -- at a time when underage drinking has become -- has reached epidemic proportions. And according to children in high schools, literally 75% of those kids in high schools at all ages, at all grade levels are drinking on a regular basis. And what used to be college level drinking is now in the high schools. And what used to be high school level drinking is now in the middle schools.

So to me it's a matter of setting a standard. And while the current standard was once very good, I applaud Legislator Montano for sponsoring that bill, today I think we need to send a stronger message. And that message would be that at the very least \$500 is the minimum penalty that somebody should be burdened with if they are serving alcohol to minors. And you only get two

strikes and you're out. I think \$250 is minimal and insignificant. And I think that to set a standard whereby you have three chances to deal with this before you end up potentially in jail, I think, is not a strong enough standard. So that's the intent of the law. I hope my colleagues support it. Thank you.

LEG. MONTANO:

If I may?

P.O. LINDSAY:

Go right ahead. I'm sorry, Legislator Montano.

LEG. MONTANO:

I'm sure they will. My only point is that the way of dealing with -- first of all, this issue was vetted prior to your election, Legislator Cilmi, and it was passed. And I don't disagree with you in terms of sending the message. I think that's why we passed the bill. But the message really in my mind is in the enforcement and not the penalty particularly since we really don't have the cases that -- particularly on the second offense that indicate -- I don't think we have any empirical data whatsoever that says the penalty in and of itself is not adequate. Maybe you're saying that there isn't adequate enforcement or whatever and I'm fine with that.

You know, just in hindsight I think we did this with another law. And I think it was the Marcelo Lucero Law where we doubled the penalties on a statute where we in fact had never collected any money on the first statute so we doubled the penalties. And the problem is that two times zero is still zero so it really doesn't get you anywhere. But having said that, if you want to vote on it, that's fine with me.

P.O. LINDSAY:

Okay, go ahead.

LEG. CILMI:

Just as a very quick response, I agree with you that the enforcement of the law needs to be approved. And I'm going to be working on that beginning immediately. Thanks.

P.O. LINDSAY:

Okay, just to get it straight we got a law.

LEG. MONTANO:

We got a law; we have penalties.

P.O. LINDSAY:

But we don't know who's enforcing it?

LEG. MONTANO:

Well, we know who's enforcing it. The DA's enforcing it. The question really is, is there sufficient enforcement. And there have been some very high profile cases in Nassau where -- and you've had some egregious situations where one came out in Newsday where an adult was basically having a wild teenage party in the house and she was arrested. She was charged. Yeah, she was charged and it received a lot of press. In Suffolk I don't know how many arrests have been made. Would you know, Legislator Cilmi? I think we're in the category of five.

LEG. CILMI:

I'm not sure.

LEG. MONTANO:

But my point is we have a law; we have a penalty. We have a penalty for a subsequent offense. But we've never had anyone arrested. Well, I don't think we've had enough people arrested on the first offense. And we certainly have not had one case where we've had a subsequent repeater, but we are increasing the penalties. And I don't know that we have a justification. I don't think that the Whereas Clauses and the empirical data justifies increasing penalties because we don't know if the law as it exists is a deterrent enough. But if you want to increase it, that's the privilege of this Legislature. We can triple it. We can quadruple it. But if we don't enforce it, it becomes meaningless.

I thought that when we vetted this bill the first time that we had agreed that the penalties were such that that's what we approved. We're now amending it, but in my mind I see no -- quite frankly I see no real basis because we don't have any empirical data that says, *hey, this law's not working*. So without that, I question why we need to amend it.

Now I have an amendment on -- that's coming up subsequent but there is a reason to amend that in my mind. And the reason was that there was a question as to what constituted domicile. So in order to clarify that, we -- myself and Counsel didn't really think that there was a question, but since it had been raised by the Parks Department and the County Executive, we figured we would broaden the definition. This deals with the penalty aspect of it.

So, you know, I bring that because -- my point is that if we have a law that's not working, we should change it. If we have a law that we don't know if it's working or not working, to change it unilaterally sounds good. I'm not sure it accomplishes anything when the issue is enforcement and not whether or not we have sufficient penalties in my mind. Did that answer your question or your proposed question?

P.O. LINDSAY:

Mine?

LEG. MONTANO:

Yeah. I know you were starting so --

P.O. LINDSAY:

I'm fine.

LEG. MONTANO:

You're fine, okay.

P.O. LINDSAY:

Whenever we get around to enforcing the law for repeat offenders, we're ready.

LEG. MONTANO:

Right. Okay. We don't enforce them. We just write them.

P.O. LINDSAY:

Okay. We have a motion to approve and a second; am I correct?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

That's the only motion?

LEG. MONTANO:

That's the only motion.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. MONTANO:

I'll abstain.

LEG. EDDINGTON:

I would abstain.

LEG. KENNEDY:

Abstain.

MS. ORTIZ:

Fifteen.

P.O. LINDSAY:

2013, Adopting Local Law No. -2010, A Local Law to establish minimum standards for Breath Alcohol Ignition Interlock Devices. (D'Amaro)

LEG. D'AMARO:

Motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion to approve by Legislator D'Amaro and seconded by Legislator Cooper.

LEG. MONTANO:

I have a question.

D.P.O. VILORIA-FISHER:

I have a question.

LEG. MONTANO:

Did you want to go first?

P.O. LINDSAY:

Okay. How about we let the ladies go first?

LEG. MONTANO:

Absolutely, go ahead; it might answer my question.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Lou, there was a man who spoke this morning during the public portion. And he indicated that if we raised the bar, so to speak, and demanded a higher level of technology, that each monitoring device would cost more than \$80 a month. And I'm sure you were listening to what he was saying because this is your bill.

LEG. D'AMARO:

Yes, he was at the Committee, also.

D.P.O. VILORIA-FISHER:

I'm not in the Committee so I hadn't heard him. But I'm wondering who would absorb that cost? If it's the County, how much would that add up, how many devices are we using and what kind of budgetary impact it would have.

LEG. D'AMARO:

This is outgrowth of -- August 15th is now a requirement that if you're convicted driving under the influence, you have to have an ignition interlock device. The short answer is, no, the County would not absorb the cost because costs are paid by the convicted individual. They are required to purchase the device and pay for the monitoring of the device.

D.P.O. VILORIA-FISHER:

But then -- you know, you're right. He said that. But he said the result might be that folks who can't pay for this and won't pay for it, then will wind up losing their license and driving without a license.

LEG. D'AMARO:

Well, yeah, that's not accurate; because if you cannot afford the device, all of the vendors are required to meet a demand for those that cannot afford to pay for it. That's part of the deal doing business and providing the device itself. I think there's a ten percent requirement or set aside for each vendor to provide 10 percent of the devices to those what cannot otherwise afford; and the Court will make that decision after some kind of financial review.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Actually I was asking the same question. But the one thing I did question was, if there is that cost, is added onto the manufacturer, is there anything in place that would prevent the manufacturer from raising the cost to the people who do pay?

LEG. D'AMARO:

Yeah, I think you rely on the competition there. The good news here is that there are several companies and more and more coming on. The Director of Probation was here. We were fortunate to have the State Director here during the Committee process. And he even mentioned that there's now a seventh company that's coming on line. And he seemed to be saying that, you know, competition among the vendors is fierce; because it's just not here in Suffolk County. This is happening nationwide. And these companies see a huge opportunity here in the private sector, as they should. So I don't think that -- I think, if anything, you'll see the cost go down. The technology, some of it is relatively not new and some of it is relatively new. But I think as time goes on like everything else, when it comes to this type of technological advancement I think you'll see the cost actually come down.

LEG. BROWNING:

Okay. Thank you.

P.O. LINDSAY:

And we have a long list. But the approval for these devices are on a State level; right? The State approves the devices?

LEG. D'AMARO:

That's correct. The State has initially vetted and approved vendors, but giving the localities the ability to set standards, which is what this bill does.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yes. Thank you for redirecting me. To the sponsor, this is -- as I'm reading the requirement, it says the Director is hereby authorized, power directed to require all offenders sentenced to a period of probation or given, that includes. So that tells me that this applies where the Judge makes the recommendation or does this imply that the Judge must make a recommendation?

LEG. D'AMARO:

The Judge is required to impose the requirement.

LEG. MONTANO:

Under which statute?

LEG. D'AMARO:

Under the State law.

LEG. MONTANO:

Is that for a repeat offender or is that on the first offense?

LEG. D'AMARO:

I believe it's first offense. It's a very tough law.

LEG. MONTANO:

So that's a new one.

LEG. D'AMARO:

Okay.

LEG. MONTANO:

I'm not aware of that.

LEG. D'AMARO:

And the court does not have any discretion.

LEG. MONTANO:

Okay.

LEG. D'AMARO:

All right? So what we're saying is in those instances where state law is mandating the use of this device, we just want to make sure we get the best and most advanced device into the vehicles.

LEG. MONTANO:

Okay.

LEG. D'AMARO:

That's what we're doing.

P.O. LINDSAY:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I just wanted to just point out this isn't the only technology available or at the disposal of the courts. We've had great success with our probation using the Scram, the remote alcohol monitoring devices that actually read through the skin. That is something that can also be utilized. To Legislator Montano's point, I don't think the Judge has to necessarily require this; but if they do, to Legislator D'Amaro's point, we just want to make sure we're getting the best of whatever technology is going to be imposed by the courts, whether it be the Scram, whether it be the interlock, whatever it may be.

LEG. D'AMARO:

I believe that the ignition interlock device is going to be mandatory. I'm not sure that that discretion exists. I don't know the answer to that.

LEG. LOSQUADRO:

I know that there used to be the discretion. And if that is the case, that's sort of disappointing because one of the reasons we went to the Scram device is they provided for behavior modification not only in instances of people driving, but in their day to day life-style as well regardless if they were using public transportation, having somebody else drive them, whatever it may be. The interlock devices might provide a false sense of security. Someone might not be driving their own vehicle. But treating the actual illness of alcoholism the Scram devices were a great success.

LEG. D'AMARO:

The State Probation Director addressed that point, just not to get off on a tangent, but the convicted individual also has the ignition interlock requirement noted on their license as well. So you're running a real high risk, you know, if you're caught driving without the device in place.

P.O. LINDSAY:

Okay. A lot of interest in this. Legislator Eddington.

LEG. EDDINGTON:

Yes. And the Director of -- the Probation Director did talk about the behavior modification factor, if you recall, Legislator D'Amaro, and said that it's like 75 to 95 percent reducing recidivism. So it has been proven out.

The other thing is as of August, I believe, 15th it is, it's mandated that the court assign this now. It's not optional. And as Legislator Losquadro said, there were other options out there, but the State has now focused on this. And in my Committee we heard a great deal of information, very informative. And I think Legislator D'Amaro spoke about how we want to look for the best out there, because everyone of the manufacturers were saying that they're all in competition. And any day now we're going to have a device that can do this and this and this. And another one said, oh, yes, and we're working on this and this. And they showed us. I mean you could actually see the person in the car in Texas they were showing us so that we want to strive for the best out there now. Because by the time we're doing this, it's probably not going to be the best. And we may have to look at it again. But we don't want to reduce the capability so we're going for the top. And now there's a number of companies that qualify. And I would say probably in two months they'll be ten more. So I agree with Legislator D'Amaro, that we want to start at the top -- what the top is now.

P.O. LINDSAY:
Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I guess my question goes to the sponsor, there's a requirement that the 911 emergency response capability be a part of the device. Now I have a question. What would happen if there's a person who is driving under the influence of alcohol on the parkways and what do you foresee the coordination being between 911 system being alerted? Let's say there is someone on the Southern State Parkway, do we have an agreement with troopers or how would that work?

LEG. D'AMARO:

Well, it would go through the normal channels. My understanding is that the device will on its own initiative, if there is a -- if it detects that someone's driving under the influence of alcohol, will automatically dispatch a call to the normal 911 channel; and that the -- they would take the normal procedures, however a call is given out, whatever roadway it is, you know, I'm not that familiar with that. But, you know, certainly the advantage here would be that the call is made in the first instance. And I think that's important. It's not going to help in every case, you know. There are several different features on these devices. But what you're hoping is that one time one of these features will successfully alert the Suffolk County Police Department or wherever that 911 call happens to be going, and I believe it would be the PD, and perhaps you would have a cruiser intercept a drunk driver, you know, in time before a tragic event.

But as far as the call itself, not only would the call be made, but there is technology in the device that will locate the car and send that along with the fact that someone's driving while intoxicated and hopefully give the police enough information to not only respond, but to respond effectively and quickly. So it's -- you know, I don't take credit for any of this. There's just amazing technology out there and I think we need to put it to good use.

LEG. GREGORY:

And just to follow up, I think the bill's a great bill. And I just want to make sure that we don't provide a sense of security, as I said in the Committee, a sense of security for the general public that something's going to happen, that may not happen at least as quickly as people think that it may; but I think certainly with a device like this we can certainly capture incidents that we're not doing now.

LEG. D'AMARO:

I agree with you. And I did weigh, you know, whether or not this false sense of security would be generated. But I guess I can answer that question with just an observation, that -- and I'll put this in a little bit more emotional terms, which I normally don't do, but, you know, how do you say to someone who's perhaps lost a loved one in an accident that we had technology available that perhaps could have made a difference, but yet we chose not to implement that technology?

Now, I don't want to really go down that road. My hope here is just that if there's a risk of creating a false sense of security, I don't think people get in their automobile and drive and say I'm more safe today because there's an interlock ignition device in some of the vehicles. But what I do believe is that this device given the state of technology and the monitoring, the real time monitoring, the GPS and the 911 call, along with the photo and all the other options of the driver, has a real opportunity to save some lives. And that's my goal.

LEG. GREGORY:

And I just -- I just bring up that question because I know at least some history with, at least with the State Troopers and the Suffolk County PD, and everyone's fighting for more officers, you know, I just -- I guess what I'm really asking is that, I know you will, you're a diligent law maker, that you'll follow up and make sure all the details are ironed out so that it's as effective and as efficient as

possible, you know, because I had a resident that asked me, what would happen, would the Suffolk County Police Department be dispatched through Southern State Parkway? And in no instance I would think that the Troopers would appreciate that, they would call for more Troopers as any bargaining unit would, or union. So just, you know -- and then -- so that leads to a possibility of some type of disconnect between the device contacting 911, the dispatch, then the dispatch to at least one or two other dispatchers, you know, there's an opportunity for this to fall through the cracks. And I know you'll follow up on it.

LEG. D'AMARO:

Yeah, I agree with you. And, you know, perhaps the call -- the 911 call may be made directly to the jurisdiction who is patrolling the road. But one thing I can assure you, I'm sure that Suffolk County has a protocol in place already where calls come in, if it's something that's more appropriately responded to by another jurisdiction, it would be the same channel.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Thank you. I strongly support Mr. D'Amaro's bill. This nation on an annual basis approximately 13,000 people are killed by drunk drivers who have a blood alcohol level in excess of point 08. But I'd like to offer a bit of a different slant. Mr. D'Amaro's legislation is dealing with the issue after the fact, which is totally appropriate based on the current research and technology available in 2010.

A better solution in my judgement would be to deal with the issue before the problem of DUI or DWI ever arises. And that is to have automobile manufacturers pre-install non-invasive breathalyzers so that every new car sold in the United States comes with the unit already installed; similar to what we have with air bags, seat belts and all sort of technologies.

There is a measure before Congress that includes raising funding for research of non-invasive in car breathalyzers. Currently there is a cooperative venture underway between motor vehicle manufacturers, the federal government and the Institute of Highway Safety to develop advanced in-vehicle detection technologies that would be suitable for all drivers, all drivers, not just convicted offenders. The goal is to have a device that quickly, accurately and un-intrusively measures alcohol blood content through sensors, s-e-n-s-o-r-s, sensors.

Examples would be sensors placed if the technology warrants in door handles of automobiles, in brake shifts, in steering wheels. It would be nonintrusive so it doesn't hassle the sober driver. The calibration would be done predicated on the legal limit in the given state. So in New York it's point 08. Anyone trying to start a vehicle who registers by way of the sensory in excess of the state's limit would be unable to operate the vehicle.

It seems inevitable that within a few short years this technology will be available. And the federal government will step in almost mandating that automobile manufacturers pre-install these units in every car that's sold in this country. That will dramatically cut down on the whole question of drunk driving in the United States.

And as with raising, for example, the drinking age, a number of years ago from 18 to 21, the federal government will pressure states to adopt local state legislation dealing with this issue less they lose highway funding or something else. So in a matter of three to five years, many of these so called technologies that we're utilizing now, which Mr. D'Amaro has in his particular bill, may in a way be obsolete prospectively. Thank you.

P.O. LINDSAY:

Okay. I think we beat that to death.

LEG. D'AMARO:

That would be nice to have the police force monitoring everything single person in the country, where you're going and --

P.O. LINDSAY:

No, I don't think it's monitoring but the car just wouldn't start.

LEG. D'AMARO:

No, no. Okay. But they also -- okay.

P.O. LINDSAY:

The car just wouldn't start.

LEG. D'AMARO:

But if the car does start you need --

P.O. LINDSAY:

But it wouldn't start.

LEG. D'AMARO:

But if the car did start and you're not driving intoxicated, there's still now a device in your car that's monitoring where you're going at all times.

LEG. MONTANO:

No, no, that's not what he's saying.

LEG. D'AMARO:

The device is there, whether they have it turned on or not is another issue but --

P.O. LINDSAY:

Well, that's a whole other issue.

LEG. MONTANO:

If I may.

P.O. LINDSAY:

I mean you have that in a lot of cars now. Every General Motors car has On-Star. They know where you are. Okay. Let's -- we have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

LEG. D'AMARO:

Okay, thank you.

P.O. LINDSAY:

And forgive me, I'm remiss to the people here from the Community College, we have people that have been waiting here for three CN's that has to do with appropriating federal grants. So if you'd please indulge me, I would like to take 2220 out of order, 2221 and 2122. Is that -- that's all of them, right? I got 20, 21 and 22, no?

D.P.O. VILORIA-FISHER:

And 2223. 22 is DSS.

P.O. LINDSAY:

Oh, okay. I'm sorry. 2020 -- why don't we just do all the CN's, okay? There. So if you permit me, I'm going to make motion to take the CN's out of order to accommodate the people that have been waiting here. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, it's before us now. First up is **IR 2220, accepting and appropriating a grant award of American Recovery and Reinvestment Act (ARRA) Funds from the New York State Energy Research and Development Authority (NYSERDA) to Retro-Commission and repair HVAC Control Systems 80% reimbursed by Federal funds at Suffolk County Community College. (Co. Exec.)** Motion by Legislator Montano, seconded by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Next up **2221, Accepting and appropriating a grant award of American Recovery and Reinvestment Act (ARRA) Funds from the New York State Energy Research and Development Authority (NYSERDA) to install High-Efficiency Condensing Boilers 80% reimbursed by Federal funds at Suffolk County Community College. (Co. Exec.)**

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2222, Accepting and appropriating 100% funding from the New York State Office of Children and Family Services to the Suffolk County Department of Social Services for Supplemental Child Care Subsidy allocations under the American Recovery and Reinvestment Act (ARRA) and authorizing the County Executive and the Commissioner of Social Services to execute a contract. (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion. And, Mr. Chair, there's something I'd like to say about this.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, seconded by Legislator Browning. And Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Mr. Chair, this is associated with the legislation that we skipped on page 8, 2096, which was moving that money from child care to --

P.O. LINDSAY:

That's your question this morning. This is where it's gone.

D.P.O. VILORIA-FISHER:

And so there had been another ARRA -- there had been monies that was provided through ARRA for the Child Care Program at Social Services. They had a \$33 million budget and they had that surplus of a million dollars so they were able to do that. This provides another \$1.7 million through ARRA; 300,000 goes to a training program that Child Care Council is providing, and the rest of it goes into the programs.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

IR 2223, Accepting and appropriating a subaward from Hudson Valley Community College for a United States Department of Energy Program supporting a Northeast Photovoltaic Instructor Training Network 100% reimbursed by Federal funds at Suffolk County Community College. (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion, motion. Who made the motion? Motion by Legislator Horsley, Losquadro. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2235, Authorizing execution of a sewer easement agreement by the Commissioner of Public Works with the Town of Babylon over County Road 2 – Straight Path for installation of sewers in connection with Wyandanch Commercial Corridor Connection Agreement (BA-1477.1) (Co. Exec.) I'll make a motion, second -- the guys from Babylon -- yeah, motion by Legislator Gregory, second by Legislator Horsley. Any questions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, Mr. Anderson can go home now, too. Sorry about that guys. If I saw you earlier, I would have done it earlier.

D.P.O. VILORIA-FISHER:

Mr. Chair, can we go back to page eight to do 2096?

P.O. LINDSAY:

We had skipped one this morning about that question, 2140, about where the money came from.

D.P.O. VILORIA-FISHER:

Right, 2140.

P.O. LINDSAY:

And the federal money just gave us the idea where it came from.

D.P.O. VILORIA-FISHER:

Okay, so I'll make a motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Viloría-Fisher, **2140, Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2010 Adopted Mandated Budget from the 2010 Adopted Discretionary Budget. (Co. Exec.)**

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, getting back to the regular agenda, we're back on page ten down the bottom, **2037 Adopting Local Law No. -2010, A Local Law to expand the scope of the County's Social Host Law. (Montano)**

LEG. MONTANO:

I'll make a motion.

LEG. CILMI:

Second.

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Cilmi.

LEG. MONTANO:

On the motion very quickly.

P.O. LINDSAY:

On the motion.

LEG. MONTANO:

By way of explanation, this simply expands on the definition of residence. I'm not sure I think that we needed it, but there was a question raised as to what a residence was so we wanted to clarify it. One thing that is not spelled out but I want to be crystal clear that it applies would also be a dormitory room at a college. So while it's not specified in the statute, it is covered -- am I correct, George? It should say -- it doesn't have to say dormitory. It's certainly the intent and it falls within the definition. Counsel, would you --

MR. NOLAN:

Well, it doesn't spell that out expressly. You're stating that on the record --

LEG. MONTANO:

Right.

MR. NOLAN:

-- as part of the intent is helpful in that regard.

LEG. MONTANO:

Okay. So other than that, that's it.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. **2074, Accepting and appropriating a grant in the amount of \$105,570 from the State of New York Governor's Traffic Safety Committee, to target speeding, aggressive, and distracted driving, with 83.79% support. (Co. Exec.)** Motion by Legislator Eddington.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2075, Accepting and appropriating Federal Funding in the amount of \$90,000 from the United States Department of the Treasury, Internal Revenue Service, for the Suffolk County Police Department's participation in operation STEPP (Suffolk-Treasury Enhanced Prosecution Program) with 84.94% support. (Co. Exec.)

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2076, Accepting and appropriating a grant in the amount of \$100,000 from the United States Department of Justice, Office of Justice Programs, Office for Civil Rights, for the Suffolk County Police Department to participate in a Human Trafficking Task Force with 66.22% support. (Co. Exec.)

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:
1979 Amending the 2010 Capital Budget and Program and appropriating funds in connection with off-street parking off CR 80 in Patchogue (CP 5534) (Eddington) Motion by Legislator Eddington. I'll second that.

LEG. CILMI:
Question.

MR. NOLAN:
We didn't get the bond.

P.O. LINDSAY:
Legislator Eddington, I'm just being told we didn't get the bond so we're going to have to table it.

MR. NOLAN:
I can't really -- I don't know.

P.O. LINDSAY:
Unless you want to pass the resolution and wait for the bond. We still have to take it up again at the next meeting. So you want to change your motion to table?

LEG. EDDINGTON:
Let me change the motion to table.

P.O. LINDSAY:
Good idea.

LEG. MONTANO:
Second.

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

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
1979A, the bond resolution is moot at this point.

2101, Appropriating funds in connection with energy conservation at various County facilities (CP 1664) (Co. Exec.) Legislator Horsley, I'm sure you'd love to sponsor that. You make that motion?

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley of the Energy Committee.

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

P.O. LINDSAY:
Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

On the accompanying bond resolution **2101A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$4,183,825 bonds to finance the energy conservation improvements at various County facilities) (CP 1664.116 and .318)** same motion, same second, roll call.

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

LEG. HORSLEY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Okay, **2121, Authorizing and directing the Commissioner of Public Works and Administrative Head of Sewer Districts to enter into a Memorandum of Understanding with the Town of Brookhaven for the disposal of Brookhaven leachate at Sewer District No. 3, Southwest, and the County's disposal of various waste materials at the Brookhaven Horseblock landfill. (Co. Exec.)** Do I have a motion?

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

IR 2122, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 5 - Strathmore Huntington (CP 8115) (Co. Exec.)

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

On the accompanying bond resolution **2122 A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$400,000 bonds to finance the cost of improvements to the facilities of Sewer District No. 5 - Strathmore Huntington) (CP 8115.313)** same motion, same second, roll call.

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

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

IR 2123, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 14 - Parkland (CP 8118) (Co. Exec.) I'll make the motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. Sorry, eighteen.

P.O. LINDSAY:

2123 A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 bonds to finance the cost of improvements to the facilities of Sewer District No. 14 - Parkland) (CP 8118.312) same motion, same second, roll call.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2124, Appropriating funds through the issuance of Sewer District Serial Bonds for Improvements to Suffolk County Sewer District No. 7 - Medford (CP 8150) (Co. Exec.)

Motion by Legislator Eddington. Sewer district in Medford.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

At on the accompanying bond resolution **2124 A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of improvements to the facilities of Sewer District No. 7 - Medford) (CP 8150.311)** same motion, same second, roll call.

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

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, **IR 2125 Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 - Southwest (Expansion) (CP 8183) (Co. Exec.)** Motion from Legislator Horsley, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

On the accompanying bond **2125 A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$65,000,000 bonds to finance a part of the cost of expansion of the facilities of Sewer District No. 3- Southwest) (CP 8183.310)** same motion, same second, roll call.

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

LEG. HORSLEY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, **2126, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 - Southwest (Infiltration/Inflow) (CP 8181) (Co. Exec.)**

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Horsley. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

On the accompanying bond **2126 A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$3,000,000 bonds to finance a part of the cost of improvements to the facilities of Sewer District No. 3- Southwest) (Infiltration/Inflow)**

(CP 8181.112 and .311) same motion, same second, roll call.

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

LEG. HORSLEY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

IR 2128, Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 Southwest, and 3500 Sunrise Highway (IS-1432.2)

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern. Let me ask the Chair of Public Works, is 3500 in the district or out of the district, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Hold on. 2128?

P.O. LINDSAY:

It's right on the border?

LEG. SCHNEIDERMAN:

Your question is it in the district of Southwest?

P.O. LINDSAY:

Yeah, do you recall any testimony?

LEG. SCHNEIDERMAN:

I believe it is in the district. Just give me one second.

P.O. LINDSAY:

Okay. I'm being told by Counsel it's outside.

LEG. SCHNEIDERMAN:

It's between -- it's 3500 Sunrise Highway, 492,700 square feet commercial office space, 34,000 gallons per day. You want to pass over it and I'll find out -- it says it's in Southwest Sewer District. I believe it is.

P.O. LINDSAY:

Okay. We still have a motion and a second.

LEG. D'AMARO:

I believe it's in Great River, outside the district.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

If I may, the Whereas Clause says it's outside the boundary.

LEG. SCHNEIDERMAN:

It's outside the boundary?

LEG. MONTANO:

It's the first Whereas clause.

LEG. SCHNEIDERMAN:

Connecting into Southwest Sewer District.

LEG. MONTANO:

3500 is located outside the boundary of the --

LEG. SCHNEIDERMAN:

So the money comes into the district from the connection.

P.O. LINDSAY:

Okay. We have motion and a second.

LEG. MONTANO:

It's in the Whereas Clause.

LEG. SCHNEIDERMAN:

I'm sorry about that.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2131, Amending the 2010 Capital Budget and Program and appropriating funds for the acquisition of lands and related expenses for intersection improvements on CR 100, Suffolk Avenue and Brentwood Road/Washington Avenue, Town of Islip (CP 5065).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

On the accompanying coming bond resolution 2131 A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$275,000 bonds to finance a part of the cost of intersection improvements on CR 100, Suffolk Avenue, at Brentwood Road and Washington Avenue, Town of Islip) (CP5065.211) same motion, same second, roll call.

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

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

IR 2133, Amending the 2010 Capital Budget and Program and appropriating funds in connection with installation of sidewalks on CR 4, Commack Road, vicinity of Nicolls Road to vicinity of Polo Street, Towns of Babylon and Huntington (CP 5567). (Co. Exec.) Motion by Legislator Stern, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

On the accompanying bond resolution **2133 A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the cost of the installation of sidewalks on CR 4, Commack Road, Towns of Babylon and Huntington) (CP 5567.311)** same motion, same second, roll call.

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

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

IR 2134, Amending the 2010 Capital Budget and Program and appropriating for the acquisition of lands for improvements to CR 80, Montauk Highway Between NYS Route 112 and CR 101, Town of Brookhaven (CP 5534) (Co. Exec.)

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

The accompanying bond resolution **2134 A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance a part of the cost of improvements to CR 80, Montauk Highway, between NYS 112 and CR 101, Town of Brookhaven) (CP 5534.211)** same motion, same second, roll call.

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

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

IR 2137, Amending the 2010 Capital Budget and Program and appropriating funds in connection with the Sewer District No. 21 SUNY, Phase I - improvement project (CP 8121) (Co. Exec.) Legislator Viloría-Fisher, would you like to make that one?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1866, Adopting Local Law No. -2010, A Local Law to register non-profit veterans' organizations in Suffolk County (Cilmi)

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Cilmi, second by Legislator Stern. All in favor? Opposed? Abstentions? On the motion.

LEG. MONTANO:

Yeah. Just looking at the penalty stages to the sponsor, it says any non-profit that violates any provision shall be subject to a civil penalty between 500 and a thousand for each violation. And each violation shall be one separate day. Is there -- that's harsh. Is there a particular reason or is this for a wilful violation or is this when you encounter fraud? Because if an organization simply refuses -- I mean not refuses, neglects to file by April 1st, they file a week later, it's a \$7,000 penalty.

LEG. CILMI:

The key provision here is that all congressionally chartered veterans' organizations are excluded from the provisions of this bill. And there is 50 some odd of those congressionally chartered organizations. So this really addresses the sort of --

LEG. MONTANO:

This doesn't address the VFW?

LEG. CILMI:

No.

LEG. MONTANO:

Okay.

LEG. CILMI:

No. And in fact it was those organizations that actually approached me and asked me if I would consider sponsoring something like this. I worked very closely with Tom Ronayne --

LEG. MONTANO:

Okay.

LEG. CILMI:

-- in crafting the bill. And, so.

LEG. MONTANO:

I guess what I'm asking, this is designed for those, we would say, less than legit or those that solicit money where they don't necessary have --

LEG. CILMI:

That's exactly right.

LEG. MONTANO:

-- the full support of --

LEG. CILMI:

That's exactly right.

LEG. MONTANO:

Thank you.

LEG. CILMI:

And not only does it do that but it takes the penalty money and puts it into a fund for homeless veterans.

LEG. MONTANO:

Okay. Thank you.

LEG. CILMI:

Yep.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

IR 1976, Adopting Local Law No. -2010, A Local Law to broaden eligibility for senior citizens tax exemption. (Stern)

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern, second by Legislator Romaine. And this is the thing with the reverse mortgages.

LEG. STERN:

This is the thing with the reverse mortgages. This is -- you know, so many seniors who have, you know, financial challenges are obtaining reverse mortgages to be able to meet their monthly expenses. But for purposes of determining property tax exemptions, the income that they get from the reverse mortgage is countable as income, kind of going in the wrong direction. This would exempt that income from being counted for purposes if determining these property tax exemptions.

P.O. LINDSAY:

Very good, very good. Whereas if they just re-mortgage the house, the chunk of money they got wouldn't come into effect for their -- right. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2087, Designating the Honor and Remember Flag as the County of Suffolk's emblem of the service and sacrifice by those in the United States Armed Forces who have given their lives in the line of duty. (Co. Exec.) Motion by Legislator Stern, second by Legislator Losquadro. I think, you know, the -- Legislator Viloría-Fisher was asking where it's going to be flown. I think we already got that answer, didn't we?

LEG. STERN:

Yeah. It's going to be flown on a flag pole on the east side of the Dennison Building. On the east side of Dennison building there's the American flag, underneath it on the same flag pole is the POW/MIA flag; and then this will be flown on the same flag pole underneath it specifically not part of Armed Forces Plaza, however.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2048, Sale of County owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-344.00-03.00-003.000) (Co. Exec.)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2059, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Majella Enterprises, Inc. (SCTM No. 0100-099.00-01.00-047.003) (Co. Exec.)

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2060, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Shahrokh Zebardjadi (SCTM No. 0200-978.10-01.00-071.000) (Co. Exec.) Do we have a motion.

LEG. MURATORE:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2061, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-344.00-03.00-018.000) (Co. Exec.)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2062, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-229.00-02.00-013.000) (Co. Exec.)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Same motion, same second, same vote.

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
2094, Reappointing Commissioner of the Suffolk County Board of Elections (Anita S. Katz) (Lindsay)

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro. I'll second. Go ahead, Legislator Montano second.

LEG. D'AMARO:
Just on the motion, Mr. Presiding Officer.

P.O. LINDSAY:
On the motion, Legislator D'Amaro.

LEG. D'AMARO:
Yeah. Just as Chair of Ways and Means, I just wanted to point out that Commissioner Katz has come before the Committee several times. And in my own opinion she's done a marvelous job of informing us, keeping us up to date. When we went through the whole process of the new voting machines, she was there from day one, worked with the Committee and even providing a hands-on demonstration to the public. And when she comes in for other reasons, or if we request an appearance by her before the Committee, you know, she's always 100 percent up to speed and very informative so I'm happy to put that motion forth today. Thank you.

P.O. LINDSAY:
And Legislator Vilorio-Fisher would like to say something, too.

D.P.O. VILORIA-FISHER:
Yes. Many of you received a memo from the County Executive today regarding resolution 2055, which I sponsored regarding the elected officials hiring within their own department. And one of the points that he made was that departments that can do their own hiring have great cost-over runs, and that this occurred with the Board of Elections. And I think that was a very unfair hit to the Board of Elections who had to deal with ramping up with the federally mandated machines. They had a tremendous amount of overtime, had to hire a lot of temporary workers. And that was an unfair hit. I believe that the people at the Board of Elections had to work really, really hard to prepare the electric -- for these new machines and still are working hard because of them.

P.O. LINDSAY:
And it was caused by a couple of close elections.

LAUGHTER

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

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
2120, Approving the appointment of a relative of a District Court Judge in the Suffolk County Clerk's Office (Losquadro).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Could we go to the manila folder? There's two manila folders. No, I don't want to do the vetoes yet. I want to do the other ones first. How come I only got one? All right. Counsel's telling me we have to go to **2215** first if you could sort through that. Okay. **Approving the return of the fund balance of the general fund, police district fund, and District Court District Fund to the taxpayers of the towns of Suffolk County. (Lindsay)** There's three altogether. And these are corrections to the levy we passed last time. And they're really just technical corrections; am I right, Mr. Clerk?

MR. LAUBE:

That is correct. That is correct.

P.O. LINDSAY:

Okay. So I'm going to make a motion to approve 2215. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. And Counsel is going to explain it in a better way than that I can.

MR. NOLAN:

Well just so everyone understands what we're doing, the County Executive vetoed a couple of the levying resolutions we did last time because they were incorrect. So instead of doing overrides of those vetoes, we're doing correcting resolutions claim and we will not -- if we pass these then we won't have to deal with the overrides.

P.O. LINDSAY:

And just so everybody knows, you know, when we pass a budget and then we adjourn for a little while or recess for a little while, when the Clerk goes in the back room and he's rushed, you know, there's mistakes made, there's no two ways about it. The clerk picked them up the very next morning, already put these in. And I have to say in these types of -- well, let me ask Budget Review. Has the Executive branch ever made these types of mistakes?

MR. LIPP:

Well, we prepare the levy resolutions so they would not have the opportunity to do that. But of course there are dozens of technicals corrections done every year, dozens of correction of error resolutions done every year.

P.O. LINDSAY:

I mean I can remember many times when the Executive branch says *we forgot something in the budget, could you guys put it in because we made a mistake.*

LEG. MONTANO:

Didn't they make a mistake earlier on that environmental bill?

LEG. ROMAINE:

You don't send a press release out.

P.O. LINDSAY:

I mean my point is we don't make a big deal over it. We correct the mistake, you know. Do you want to say something, Ms. Vizzini?

MS. VIZZINI:

No, just that doing the budget or amending the budget, inherent in that are some degree of errors. And hopefully we work cooperatively. They sometimes find our errors. We often find theirs. And we actually include that in our report to the Legislature, even the 2011 budget a filled position was inadvertently abolished, revenue in Consumer Affairs was double counted, revenue for -- the telephones at the jail is in two places and therefore double counted. But to the extent that the Legislature is willing to remedy these things and make corrections, we correct them. Other years there have been similar errors, some of significant magnitude, but they're errors and they get corrected.

P.O. LINDSAY:

Okay. So if that's clear, we have a motion on 2215 and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2216, Approving the tabulations of Town Charges and fixing the tax levies and charges to the towns under the County Budget for fiscal year 2011. (Lindsay) I'm going to do same motion, same second, same vote, all right with everybody?

2217, Amending Resolution No. 1061-2010, Determining Equalized Real Property Valuations for the Assessment Rolls of the 10 Towns. (Lindsay) I'll make a motion. Do I have a second? Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, going back to the beginning of that packet now that I got them taken care of, **IR 2211, Levying Unpaid Water Rents (Lindsay)**. I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2212, Implementing Budget, Staff, and Taxes for the year 2011 (Discretionary) (Lindsay). This is discretionary. I'll make a motion, second by Legislator Gregory. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2213, Implementing Budget, Staff, and Taxes for fiscal year 2011 (Mandated) (Lindsay), same motion, same second, same vote, all right with everybody?

2214, Authorizing that the Tax Warrants be signed by the Presiding Officer and Clerk of the County Legislature and that they be annexed to the tax rolls for the collection of taxes (Lindsay) Same motion, same second, same vote. All right.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

And that finishes that packet, right? We have **procedural motion number 28, authorizing funding for community support initiatives.** I'll make that motion, second by Legislator Montano. Did everybody find that? Procedural number 28? Are we up-to-date? We have a motion and a second, right? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Okay. We have a veto message of **Resolution No. 924, a Local Law approving tourism promotion in Suffolk County.** No motion.

LEG. SCHNEIDERMAN:

I'm not going to make a motion.

P.O. LINDSAY:

Okay. So it's sustained. And the other vetoes in there have already been corrected with the procedural -- with the motions that we did already so they weren't needed. So I think we voted on everything, right?

D.P.O. VILORIA-FISHER:

Late Starters. Bite your tongue.

P.O. LINDSAY:

Okay, I'm going to make a motion to waive the rules and lay the following late starters on the table: 2224 to Ways & Means; 2225 to Public Safety; 2226 to Education, Economic Development -- Economic Development, Education & Energy; 2227 to Economic Development, Education & Energy; 2228 to Public Works; 2229 to Labor, Workforce & Affordable Housing; 2230 to Parks; 2231 to Public Works; 2132 to Budget & Finance; 2233 to Parks and set a public hearing for 12/21 at 2:30 at the Rose Caracappa Auditorium in Hauppauge; 2234 to Public Safety and set the public hearing for 12/21 2:30 at the Hauppauge Auditorium; 22 -- this is No. 35, right? 2236, declaring to Ways & Means; 2237 to Parks & Recreation; 2238 to Parks & Recreation; 2239 to Parks & Recreation, and that's it. So I make the motion. Do I have a second?

LEG. ROMAINE:

Second.

D.P.O. VILORIA-FISHER:

Say hallelujah.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

LEG. ROMAINE:

Motion to adjourn.

P.O. LINDSAY:

Motion to adjourn by Legislator Romaine. I'll second it. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

We stand adjourned.

*(*The meeting was adjourned at 6:33 PM*)*

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