

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

NINETEENTH DAY

December 21, 2010

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

Verbatim Transcript Taken By:

Lucia Braaten and Alison Mahoney - Court Reporters

(*The Meeting Was Called To Order At 9:37 A.M.*)

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

(Not Present)

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not Present)

LEG. MURATORE:

(Not Present)

LEG. LOSQUADRO:

(Not Present)

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

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. Romaine, Browning, Muratore, Losquadro and Kennedy)

P.O. LINDSAY:

Okay. Could everyone rise for a salute to our flag, led by Legislator Lou D'Amaro.

*(*Salutation*)*

Would everyone remain standing. We have a real special treat this morning. We're going to have the National Anthem sung, and I'd like Legislator Nowick to introduce the group that's going to do the singing.

LEG. NOWICK:

I can do it from right here.

P.O. LINDSAY:

Yes.

LEG. NOWICK:

Good morning, everybody. This morning I'm so happy to bring back the Kings Park High School Chamber Choir. I want to make sure I say it right. And, of course, their Director, Ryan Flatt. Ryan, are you back there? I'd love for you to come up, and while you're coming up -- come on up.

The Kings Park Choir has come here every year since I've been here as a Legislator and it's become a tradition. My former Aide, the late Ed Hogan, brought the choir in many years ago, and we bring them in every year at Christmastime, and you will be treated to a wonderful song -- well, I guess two, we're going to do two. Thank you.

*(*Musical Presentation By Kings Park High School Choir*)*

P.O. LINDSAY:

I'm sorry. I hate to do this to everybody again, but could you rise again? We have our visiting Clergy, which will be introduced by Legislator Lou D'Amaro.

LEG. D'AMARO:

Good morning. This morning it's my privilege to introduce to you the Reverend Larry Jennings. Reverend Jennings is an ordained Elder in the African Methodist Episcopal Church, and is now the Pastor of Bethel AME Church in Huntington. He was a previous Pastor of the Greater Saint Paul AME Church in Brooklyn and Bethel AME Church in Babylon. Now Reverend Jennings is very active in Huntington, in the Huntington community. He presently serves as the Religious Affairs Director for the Huntington branch of the NAACP. He's also a member of the Dolan Family Health Center Advisory Board, the Huntington Ecumenical Ministerial Alliance and Vicinity, and the AME Ministerial Alliance and vicinity, and he's also a member of the Huntington Town Action Coalition Task Force, which I co-chaired, along with the Supervisor and Legislator Cooper. So, Reverend Jennings, we

thank you for your service on that effort as well.

Reverend Jennings's theological training comes from Masters Divinity School, and presently, Payne Theological Seminary, where he's working toward a completion of a Masters of Divinity Degree. He has also attended Wilberforce University in Ohio, and received a BA from the College of New Rochelle.

On a more personal level, Reverend Jennings lives in Huntington with his wife, Valerie, and his ten-year-old son, Larry. His other son, Wendell, resides in Kansas City, where he serves in the United States Army's Infantry Division.

Ladies and Gentlemen, it is again my honor and privilege to present to you the Reverend Larry Jennings.

*(*Applause*)*

REVEREND JENNINGS:

Good morning, Presiding Officer, esteemed members of this Legislative body. I am grateful for the opportunity to share with you today. I want to recognize my Legislative representative, Jon Cooper, as well as to extend special thanks to Legislator Lou D'Amaro for this invitation.

Esteemed members of the Suffolk County Legislature, would you, please, join me in prayer.

Most gracious God, the fountain of wisdom, whose statutes are good and gracious and whose law is truth, we come before you this day asking your guidance and blessing for this Legislative body. Let all things be ordered and settled by their endeavors upon the best and surest foundations, so that peace and happiness, truth and justice, religion and piety, would be established among us for all generations. We further ask that in this holiday season that your spirit of love be showered upon all of us, that we might declare in both word and deed glory to God in the highest, peace on earth, good will toward mankind. So today, with abiding faith, we ask your blessings on these proceedings, that at the end of the day your servants would have done a work which would be pleasing to you and for the welfare of the people of Suffolk County. We ask this in your most holy name. Amen. And happy holidays.

P.O. LINDSAY:

Thank you very much, Reverend. If everyone would remain standing for a moment of silence. Unfortunately, we have a number of deaths.

First, for Southampton Town 24-year veteran Police Officer, Fred Cantrell, who died suddenly last Friday of an apparent heart attack at the age of 50.

For Steven Clark, a Suffolk Police Officer from Shoreham, and the founder of the 9-1-1 Veterans, died of cancer at Port Jefferson Hospice. He started the 9-1-1 Veterans in 2007 by passing a bucket around for donations at the Police Academy. Since then, his organization has distributed more than \$200,000 to needy veterans.

Suffolk County Police Officer Delilah Bustamante's 10-year-old son, Devin Robles, who recently passed away.

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 for us to enjoy the freedoms that we do.

*(*Moment of Silence*)*

P.O. LINDSAY:

Good morning, everyone, and welcome to our last meeting of 2010. I don't really know where the year went. We have an awful lot of business before us today, so I would appreciate everybody's cooperation. And I would remind all Legislators at the lunch break at 12:30, we're going to take our annual picture again, so --

LEG. D'AMARO:

Is that the fourth time?

D.P.O. VILORIA-FISHER:

It's the picture like Groundhog Day, right?

*(*Laughter*)*

P.O. LINDSAY:

Okay. We have a couple of proclamations this morning. First, I'll introduce Legislator Stern for the purpose of a proclamation.

LEG. STERN:

Good morning, Mr. Presiding Officer, and to my colleagues and to everybody who is here with us today. A happy, healthy new year to everybody, and wish everybody an enjoyable holiday season. It is really a pleasure, a personal privilege for me to welcome to the Suffolk County Legislature today the Elwood John Glenn High School Knights, and to welcome their administrators and their coaches and help them congratulate and say congratulations to them, and, really, to the entire community for an outstanding season and for being named the Rutgers Cup champions in high school football. So please join me in welcoming the Elwood Knights.

*(*Applause*)*

Elwood was the Long Island Division IV Football Champions, winning the Suffolk County Championship, the Long Island Championship, after completing an outstanding historic 12 and 0 season, and have been named the Rutgers Cup Champions, which is the outstanding football team in our community. With us today is Athletic Director Lou Tuorto and Coach Shanahan is here with us today. It gives me great pleasure to welcome you today, and with my colleagues through this Legislative proclamation, to say congratulations for all of your good and hard work, the pride that you've brought to our entire community, and to declare today "Knights Day" in Suffolk County. Congratulations.

*(*Applause*)*

MR. SHANAHAN:

Thank you, Steve Stern. This year we had a tremendous year. We were Big Four Champs, County Champs, Long Island Champs, and Rutgers Trophy winners. It's a great privilege for our team and our community to be awarded this, but, most importantly, I think as an educator and a coach, athletics is just a vehicle for your afterlife, that's really all it is. And, hopefully, our young men who leave our program, they learn empathy for each other, for other people, they learn what hard work is really about. Someday, they can become good husbands and fathers. That's what really athletics is all about. Hopefully -- and we have some men on our team, Mike Diesu. Stand up, Mike. Jake Toth. In our building they are presidents, vice-presidents, and someday they have an eye on being maybe in your seat, and they're learning things that really count at the high school level to hopefully some day be in your seat, and they are learning those things through our program.

So, I just want to say again, thank you, Presiding Officer Lindsay. I see you at the Easter Egg Hunt down in Sayville sometimes and it's a great privilege to meet you. I live in Holbrook, so if I see you at the diner, I'll make sure I stay hello now. And, again, thank you for having us, it's a great honor. And we have a great group of young men, and I hope they take the lessons they've learned in football into their afterlife. Again, enjoy your Christmas and your holiday. God bless.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Coach. Congratulations, fellas. Okay. Next, we have Legislator Montano, present proclamations.

LEG. MONTANO:

Thank you, Mr. Presiding Officer and my colleagues in the Legislature. My congratulations to the Knights and their accomplishment. And we're here today also to recognize the accomplishments of another local team here on Long Island. And before I do that, I just want to hold up the December 5th Suffolk edition of Newsday recognizing the State Champs from Brentwood, State Soccer Champs.

*(*Applause*)*

We'd like to welcome the Brentwood High School Varsity Soccer Team. Would you stand up, young men? This is the second time since 1908 that they've been --

MR. MARTINEZ:

'88.

LEG. MONTANO:

I mean -- 1908, wow -- 1989 that they've been the number one team -- no, the second time in a row that they have won the State Championship. In 2008, they were rated the number one team in the nation. This year, they won the New York State Class AA State Championship. Their AA tournament record was an impressive 86-1 and 1. Their season record was another impressive 20 wins, one loss, and two ties, and they're also ranked number seven in the nation by the NCAA poll. I want to congratulate these young men for their accomplishment. I also want to acknowledge the Coach, Ron Eden, the Assistant Coaches, Francisco Herrera, Rich Costello, the JV Coach, Peter Gentile, and the Athletic Director, Kevin O'Reilly, for bringing us an outstanding team, and for instilling in these men the true value of championships. And I'm sure that they will go on to greater things in their career. And with that, I would ask you to extend your congratulations, Mr. Speaker, and the rest of you to the Brentwood Varsity Soccer Team, and to all of you in the audience.

*(*Applause*)*

MR. EDEN:

Legislature, I'd like to thank you for inviting us once again. It is truly a great honor and a privilege to bring the boys here. They bring a lot of pride to the community. But not only do they play outstanding soccer, I would like to mention that our team was rated by New York State Public High School Athletic Association a Scholar Athlete Team. So they did an outstanding job on the field, but also in the classroom.

*(*Applause*)*

LEG. MONTANO:

And we have a proclamation, which we'll be presenting outside. Thank you very much, Mr. Presiding Officer and my colleagues.

P.O. LINDSAY:

That freed up a few sets, huh? Okay. Next, Legislator Cilmi for the purpose of a proclamation.

LEG. CILMI:

Thank you very much, Mr. Presiding Officer. Joining me today at the podium is Legislator Gregory in whose district the recipient lives. I've had the privilege of presenting some proclamations to some outstanding Probation Officers this year. Sometimes -- all of them have had very specific events that they've been recognized for. Sometimes, however, it's appropriate to recognize an employee for an outstanding history of service to the County, and we have one such individual today in Senior Probation Officer Regina Arvon. If I could ask Regina to come up.

*(*Applause*)*

Officer Arvon began her career with Suffolk County Probation Department in 1987. Throughout her more than two decades of service, Officer Arvon has made it her business to go beyond the call of duty, both on the job and in the community at large. In fact, in 1997, Officer Arvon was honored at the Thirteenth Annual Child Abuse and Neglect Family Violence Volunteer and Professional Awards Ceremony -- boy, I can't imagine the size of the plaque for that thing, huh -- for her service.

Most recently, she was a calming force in the Wyandanch community after the shooting of 16-year-old Tyler Daniels, attending many community meetings, as well as Mr. Daniels' wake. As a result of this type of outreach, Mrs. Arvon's personnel file is filled with letters of appreciation from the community. Perhaps the best recent testament to the value of Senior Probation Officer Arvon's work came in the form of a thank you card from one of her former probationers. This young woman, now a parent herself, wrote to say, and this is probably more special than anything we could say here at the Legislature, "Thank you for making a difference in my life, for believing in me and seeing the good in me. You will always hold a special place in my heart. I graduated high school, went to college, and earned two degrees, an Associates in Criminal Justice and a Bachelor's in Security Systems. I am going back for my Masters in Social Work so that I can work with the kids."

We would like to join Officer Arvon's former probationer in saying thank you to a very devoted and very accomplished Probation Officer. Thank you very, very much.

*(*Applause*)*

LEG. GREGORY:

My colleagues, it's certainly a pleasure to be here today to present, to help Legislator Cilmi and myself present this proclamation to Regina. I've known Regina for ten years now, I guess. And we first met when she was part of the Weed and Seed Program and I worked for the Town of Babylon and she was a representative for the County. And, at that point, it was easily determined that she was a caring person, a hardworking person, she was engaged in the community. She's done many things in North Amityville. She's a resident of my district, and it's certainly a pleasure to have her in my community. She's one of those reliable forces out there that helps me get the job done, and we're all appreciative of everything that you've done. So thank you for your service.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Legislator Gregory. Okay. Presiding Officer Lindsay will present proclamations to Miss Denise D'Ambrosia.

P.O. LINDSAY:

I guess it was probably five or six years ago that Suffolk County enhanced the Nursing Program. For years we had a very limited Nursing Program, but teaching nursing was a very expensive proposition, and about five or six years ago we entered into a joint project with many of our local hospitals to increase the training of nurses in our community, to provide much needed professional skilled people in our community, and, at the same time, to provide very valuable jobs for our local -- our local people. And the program really took off to the point now that Suffolk County Community College trains more nurses than any other school in New York State, and that in excess -- in excess (sic) is a very -- success story. But the peripheral benefit is I'm here today to give out, let me see, six proclamations for probably the highest honor anybody could acquire in terms of community service and that's to save another person's life.

Last fall, a young woman became unconscious on our Ammerman Campus, and thanks to the fast action that started with a couple of our nursing students and went on with assist from one of our professors and some emergency medical technicians that were in training on campus, right to the emergency room and they saved this woman's life. So I'd like to call these folks up: Casey Quinn, Dr. Lester Kallus, Justin Sinisi, Rachel Ferlin, and Denise D'Ambrosio. If you could join me, please, at the podium, I'd really appreciate it. I had asked Dr. McKay from the College, but I don't see him in the room. I'm sure his schedule is very busy. But this is a true honor for me to give out these proclamations to someone that saved someone else's life. Congratulations, and thank you for your quick thinking. Thank you.

*(*Applause*)*

P.O. LINDSAY:

And my second set of proclamations today is for the same purpose, it's another lifesaving award, and this goes to members of the Community Ambulance Company in Sayville. And there is -- I don't know how many is here. I know Jamie's here. Come on up, Jamie, bring up the crew.

Again, Community Ambulance is manned predominantly by volunteers. These folks, they spend many, many hours in training at sometimes expense to themselves. They spend at least one night a week sleeping in the ambulance headquarters waiting for an ambulance call to respond to. And they do tremendous, tremendous work. In the greater Sayville community, I think you're on course to do what, 4,000 calls this year, Jamie?

MR. ATKINSON:

We had forty-one hundred.

P.O. LINDSAY:

We had forty-one hundred. That's a phenomenal, phenomenal service to our community.

*(*Applause*)*

And, again, the result of that is the saving of a 71-year-old male who was in cardiac arrest and they brought him back to life and he's doing okay, right, guys?

MR. ATKINSON:

The wife's right there.

P.O. LINDSAY:

Oh, okay. Thank you very much.

MRS. BALLAN:

I thank them all most sincerely. Without them, he would have died, simple as that. I'm very grateful to have that.

P.O. LINDSAY:

Thank you. Thank you.

MRS. BALLAN:

And he's home for Christmas.

P.O. LINDSAY:

Very good. Very good. You've got a great story.

*(*Applause*)*

And I'll turn the program back over to Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Now we will have a presentation by Chief Robert Moore, who will give a report on the Police Department's findings regarding ShotSpotter. Chief Moore? I see him wending his way through the crowd out there. We knew you were here.

CHIEF MOORE:

Sorry. I got caught in the stream there.

D.P.O. VILORIA-FISHER:

Okay. The floor is yours, Chief. Chief, the floor is yours whenever you want to start.

CHIEF MOORE:

Good morning, Ladies and Gentlemen of the Suffolk County Legislature.

D.P.O. VILORIA-FISHER:

On the base. You have to make sure the base of the microphone is on.

CHIEF MOORE:

Good morning, Ladies and Gentlemen of the Suffolk County Legislature. My name is Robert Anthony Moore. I am Chief of Department of the Suffolk County Police Department. Resolution 916-2010 directed the Police Commissioner to study the feasibility of deploying ShotSpotter in Suffolk County, and I'm here this morning to present to this body the results of that feasibility study.

If you have any questions, I'll really leave it up to you, Mr. Presiding Officer. You can stop me at any point, or if you prefer to hold the questions to the end, whatever you prefer. And with that, let's begin.

There were three components to the feasibility study. The first component was what are the candidate communities? What are those communities that could most benefit from deployment of ShotSpotter technology? The second question, how much would it cost to deploy these systems? And the third question, whether or not we'd be able to fund the ShotSpotter systems using asset seizure money. So those are the three questions I will be addressing this morning. So, with that, if I could get someone to help me with the PowerPoint. It's not responding, it's --

P.O. LINDSAY:

Barbara, we need a technical person.

LEG. CILMI:

Try hitting the space bar.

CHIEF MOORE:

Okay. Thank you, Legislator Cilmi, from the 10th District. Okay. The communities. How did we -- how did we determine what communities were candidates for deployment of the ShotSpotter system? Well, there are many factors we used. Known historical perspective, what does that mean? Well, what's going on in the area and how the Precinct Commanders viewed the communities under their jurisdiction.

Secondly, hamlet and precinct demographics, gang membership, because we are -- I think we all realize that there is a high correlation between gang membership and crimes of violence, reported violent crimes, weapons arrest and specific gun crime analysis. And when we did that, these are the communities that became the candidate communities. Now, as you can see, we have them listed by hamlet, population within that hamlet. Now, that population is derived by LIPA, the LIPA stats for January 1st 2009; square mileage of the hamlet, the number of violent crimes in that hamlet. Now, the violent crimes, that's a defined term, murder, manslaughter, forcible rape, robbery and aggravated assault. And the time frame that we used was January 1st, 2010 to September 30th, 2010. The next, the actual number of violent crimes within that hamlet. Weapon offense arrests, these are arrests for weapons, guns. And the last column is something that's commonly used by the law enforcement community. When you have communities with tremendous variations in populations, we need a way to make a comparison amongst those communities.

If we look here, we can see that Brentwood has a population in excess of 55,000, where Wyandanch has a population just under 12,000. So how would you make a comparison between these two communities? Well, the way you do that is with a crime index, and a crime index is a measure of the number of violent crimes per 1,000 people. And you would derive that, you would take the population, so the population of North Amityville, divide that into the number of violent crimes, and then you'd multiply that by 1,000 and you'd get this number, 3.475. So, taking all of these factors, our IRS reports, the homicide reports, conversations with precinct commanders, these became the candidate communities. And I'd like to call your attention to the crime index because you'll see that again.

Then we took the candidate communities and we carried forward the crime indices, and you can see we have the community by precinct. Then we included the population within the entire precinct. The number of violent crimes within the precinct, and, again, it's a defined term, and the precinct crime index. So, if you wanted to compare, for example, North Amityville, the number of crimes per thousand, to the entire First Precinct crimes per thousand, you'd see the difference between the two. The crimes per thousand in North Amityville is higher than the precinct overall, and that's how this chart reads.

Now, for those -- I know that some of you are responsible for communities other than those listed here. So, just for informational purposes, the Fourth Precinct has a crime index of .688, and that's here, I don't know if you can read it, and the Sixth Precinct has a crime index of .786. So, again, these are the candidate communities and they were selected because of the -- because of the crime indices in the communities. Now, don't be concerned about this, we're going to go into this in a much -- in much more detail.

Next, we took the number of gun crimes, because ShotSpotter is not a tool that is used for violent crime per se, it's used for gunshots and gun incidents. So what we did was we took a look at gun crimes within these areas, the First, the Second, the Third and the Fifth Precincts, and we formed them into clusters. And cluster, we defined a cluster as ten or more known gun crimes that occurred within either a one or a two-mile circumference. So that was our definition of what constituted a gun crime cluster. And when we did that -- oh, okay. Next, these are the gang concentrations.

Now, unfortunately, it's a little difficult to tell, but if we were to take a look at -- and you have it in your notes. If you were to take a look at the prior slide and compare it to the gang concentrations, you'd see a very high correlation between the candidate communities and the gang concentrations in those communities. And this is just a dot map of where known gang members live, not where they're committing their offenses, but where they live.

Now we move on to gun crime incidents. And, again, by the definition, ten or more gun-related incidents, these become the candidate communities for ShotSpotter. And you can see that Mastic Beach has dropped out. When we examined Mastic Beach in terms of violent crimes, it is a candidate along with these others, but when it comes to gun crimes, and, again, the purpose of today's discussion is ShotSpotter, Mastic, Mastic Beach drops out, because there is not an area within Mastic Beach that has ten or more gun offenses within either a one or a two square mile circumference.

So the candidate communities, North Amityville in the First Precinct, the number of crimes within one square mile, and we're going to define this very carefully over the next few slides, within one square mile in North Amityville, we had 31 incidents. If we expanded that out to two square miles, it became 38. Now that becomes important from a financial perspective and -- but we'll see later on what that means when we look at it on the map. Wyandanch, First Precinct, within one square mile, 28; two square miles, 37.

In Huntington Station, there are two clusters, and we'll see a little later. Well, actually why don't we move on. We're going to be able to define each of these a lot more clearly when we go into the specific precinct areas, so, if you don't mind, I'll move forward. And, again, you'll have this in your notes. Okay. Here's the First Precinct, and, as we had said before, there are a number of clusters within the First Precinct. We'll talk first about the North Amityville cluster, and in the North Amityville cluster, we see that we have -- it's a little difficult to see in the slide, and I apologize for that, but there's a small one-square -- there's a one-mile circumference within which there were a total of 31 gun offenses. And what were those gun offenses? Well, victims shot. And that doesn't mean -- this is not the number of victims shot, this was the number of incidents in which there was one or more victims, so these are seven incidents, not seven individuals.

Next, trigger pulls, where we are certain that a gun was fired. And, again, it may have been multiple times, but we know that within that one square mile cluster down here, there were at least 14 incidents where a weapon was discharged. And when we add those together, the seven plus the 14, we come up with 21 identified shooting incidents, so that's where that comes from. And then the next column, the gun crime, but no shot, this is an armed robbery where someone says, "I was robbed and the individual had a gun," and, again, these are ten incidents. So, if we add the 21 and the 10, that's where the 31 comes from. So that's what this is a measure of. And I think it's a little clearer in your notes, but there's a diagram. Each one of these little guns represents a particular type of gun incident, the victim shot, a trigger pull, or a gun crime with no shot.

So, when we look at the North Amityville cluster, the determination that would have to be made is would ShotSpotter be placed within this one square mile area -- I mean, this one square circumference area, where there were 31 incidents, or would it be expanded to two miles, capturing another seven incidents, for a total of 38? So that's how that reads.

If we were to look at Wyandanch, we see in Wyandanch the one square mile, which has a total of 28. And, again, reading across is 11 victim -- 11 incidents where someone was shot, ten instances where guns were fired, and seven gun crimes where there were no shots fired, that's 28. If we expanded that from one mile to two miles, the number moves up to 37. So those are the identified areas in the First Precinct.

In the Second Precinct, we see that there are actually two clusters, each of them a one-mile cluster. One has a total of ten, the other has a total of 14, and they don't -- they don't really intersect. However, if -- instead of doing two one-mile clusters, we did a single two-mile cluster, we would capture most of those incidents in the 14 -- in this one-mile area and in this one-mile area, and that would be 21. So that's a decision that we'd have to make, would we do the two mile cluster, or we do two one-mile clusters? If we did the two one-mile clusters, the total of gun incidents that would have been covered would be 24, and if we selected the two-mile, the number of incidents would be 21.

In the Third Precinct, we have several clusters. And to begin, we have the Brentwood cluster, and in the Brentwood cluster it would really depend on how we deployed the ShotSpotter.

P.O. LINDSAY:

You know, Chief Moore, I don't mean --

CHIEF MOORE:

I'm sorry. Yes, sir.

P.O. LINDSAY:

I don't mean to interrupt you, and this is all interesting. I think the logistics of how this technology would be used is something that's totally in the purview of the Police Department. I think what we want to know, do you guys feel this would be a useful tool in making our citizens safer?

CHIEF MOORE:

Well, the Police Department has never argued the technology, sir, and the feasibility study required that the Police address these. If you would prefer, I could move on to the costs. The Police Department is very concerned about the cost of the systems and how to fund the systems.

P.O. LINDSAY:

And, again, I don't mean to give you a rush, this is a very important technology, it's just that, I mean, some of the technology is over my head, and I just think we're looking for the professionals to make a recommendation. Legislator Montano? Maybe I'm wrong. Does somebody have other specific questions?

LEG. MONTANO:

Well, I just have one question, and I agree with you to move on. There's a one-mile cluster and a two-mile cluster. Is that because you limited the study to that, or is there also a three-mile cluster that could be utilized in some areas?

CHIEF MOORE:

When ShotSpotter --

LEG. MONTANO:

Is the technology there?

CHIEF MOORE:

Yeah. When ShotSpotter discusses the systems, it talks about a one-mile cluster, and I think they do -- that is basically for their pricing models. And you can take any -- sort of extrapolate out. A two-mile cluster is less expensive, it's not double the cost of a one-mile cluster. So it's strictly from a financial perspective. We tried to show the Legislature where these clusters exist and which Precincts these clusters exist in. And then from there, we were going to start discussing the probable costs of the systems.

LEG. MONTANO:

Right. But my question is does there exist technology for a three-mile cluster, as well as a one and a two, not with respect to cost, but with respect to technology?

CHIEF MOORE:

I don't have an answer for that.

LEG. MONTANO:

Okay.

CHIEF MOORE:

I think we'd have to ask our friends in ShotSpotter. I can tell you this, that ShotSpotter is basically a system wherein they set up usually 16, give or take, microphones, highly advanced --

LEG. MONTANO:

Right.

CHIEF MOORE:

-- microphones, and the microphones triangulate. So I would imagine that as the area expands, the challenges expand as well. You have the dilution of the sound. You have the appropriateness of where to put the microphones, because the microphones have to be placed, you know, above ground level.

LEG. MONTANO:

I understand.

CHIEF MOORE:

And you need the cooperation of utilities, private sector, whomever would be a candidate for placing one of these units. So the best answer I could get, and again, we'd have to check with ShotSpotter themselves, is that, yes, as you expand the size of the field, you probably dilute the effectiveness of the system.

LEG. COOPER:

Mr. Chair, if I may.

P.O. LINDSAY:

Hold on, I got a list here.

LEG. COOPER:

I just want to say that we have a Senior Vice President from ShotSpotter in the audience. I don't know if it may make sense for him to join Chief Moore, because I think that he could answer some questions that Bob may not be able to answer.

LEG. MONTANO:

Well, could he answer my question?

LEG. COOPER:

Yes, he can.

P.O. LINDSAY:

Go ahead, Legislator Montano.

MR. ROLAND:

Good morning.

P.O. LINDSAY:

Sir, could you introduce yourself for the record, please?

MR. ROLAND:

Good morning. My name is Gregg Roland, and I am Senior Vice President with ShotSpotter, Incorporated, from Mountain View, California.

P.O. LINDSAY:

Gregg, can you answer that question? Do you have a device that will work in a three-mile radius?

MR. ROLAND:

Yes, sir, I can. So the way the technology is set up is it can actually be configured in numbers of a half square mile, technically, all the way up through 10 or 15, 20 square miles with contiguous coverage. The largest current coverage area we have is 10 square miles in a city or county in the United States.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

Actually, Mr. Chair, I wanted to thank the Chief, because what you've presented us, particularly in the first part of your presentation regarding the data and the -- just the empirical data, which is helping us to choose the areas where we might use this, I believe helps all of us, because there's a tendency to look at one's own district. This certainly would support us in supporting this technology in districts other than our own based on the data that you've given us on how those are going to be chosen. I think that's important moving forward with this. Thank you.

P.O. LINDSAY:

I'm sorry, Chief Moore, to interrupt you before. You know, I'm just -- we have a such a full agenda today that, you know, I mean, the stuff that you're telling us is really valuable stuff, but a lot of it is technical. And we're looking for the answer, is this -- you know, will this help us to deter crime in our county?

CHIEF MOORE:

Any technology is a benefit. Unfortunately, the police departments throughout the country, not just in Suffolk County, had made some very, very difficult choices. Because of the initial setup costs and the recurring costs associated with ShotSpotter, despite the phenomenal technology -- and we've been looking at ShotSpotter for five years, we didn't just start looking at it. We had been aware of ShotSpotter when it was largely a military application and they were struggling with ways to bring it to public safety in America. Given the choice between the -- funding ShotSpotter systems, and you can see from your notes that there would be quite a number of them throughout Suffolk County, in

the First, Second, Third and Fifth Precincts, I would rather have the cars and cops, no offense.

P.O. LINDSAY:

Does anybody have any questions?

LEG. BROWNING:

Yeah.

P.O. LINDSAY:

Legislator Browning.

LEG. COOPER:

And Bill, me as well.

P.O. LINDSAY:

Okay.

LEG. BROWNING:

I think we all agree we need cars and the cops, but we don't have that either. As far as the cost is concerned, you know, I see my district, I have Mastic Beach, I have the North Bellport area, unreported gun crimes. You know there is gun crimes occurring that are not being reported, and I think having ShotSpotter is certainly going to make a big change.

You didn't talk about the cost. Let's say you have a community, you know, Huntington Station, I can see you've got two square miles that you're looking at, but say there's only one square mile that you're looking at. Am I correct in saying that if you were to do one square mile in, say, Huntington Station and then go to, say, North Bellport and do the second square mile, it's less expensive for the second square mile, or do you pay the same price for Huntington Station?

CHIEF MOORE:

You'd pay the same price. ShotSpotter is a static geographic system, static in that once you put it there, it stays, and geographic in that it's designed to work within a specific defined area, and that area is defined by the microphones. And, please, feel free to help me. So, to answer your question directly, no, those would be two separate stand-alone systems. And ShotSpotter was very generous in supplying us with data information -- with financial information. And, as a matter of fact, they did present a 17-page proposal for Huntington Station and that coverage area was 1.5 square miles. But, if we look at this first -- this slide that I have up right now, you can see that if you're talking about one square mile of coverage, your initial installation cost is \$300,000. Beginning in the second year, your maintenance costs would be 15% of the initial installation cost. This 75,000 assumes a two square mile area, because most of the areas we identified were two square mile areas. So 75,000 would be half of that for one square mile. And then they recommend a contingency fund, almost an escrow fund, and that is to fix any damaged or broken equipment due to circumstances beyond the contract. So the -- a two-year system would be 500,000, so it's less than -- two one-miles would be 600, but ShotSpotter does give you a discount, if you will, for the two square miles. Instead of it being 600, the installation is 500,000. And then the yearly maintenance cost would be \$75,000 a year, and there's a contingency fund of 25,000, or about \$100,000. So the two square miles would be about three -- 500, plus 100,000 per year. The one square mile would be 300,000, and, what, thirty-seven-five and twelve-five.

LEG. BROWNING:

I did meet with Mr. Pontius and I did remember him saying that if they do Huntington Station, it's going to be at the initial startup cost, but going to Bellport would be less. And I guess we have a representative from ShotSpotter.

MR. ROLAND:

Yeah, if I may help.

LEG. BROWNING:

Is the Chief correct in what he's saying?

MR. ROLAND:

Well, the Chief is correct in that there is a startup cost. But, after the first square mile, it is 200,000 a square mile, no matter where you put it.

LEG. BROWNING:

Okay. Thank you.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I had a couple of questions for Mr. Roland, but before I ask that, I wanted to take an opportunity to thank the Police Commissioner, because when I first spoke with Commissioner Dormer and County Executive Levy regarding ShotSpotter, the Commissioner was not supportive of the technology at all. So I'm appreciative of the fact that now that they've completed the study, he's changed his position.

Mr. Roland, I think, if you would give it a minute or two, you could probably give a brief synopsis about -- for my colleagues that maybe were not on Public Safety of the advantages of ShotSpotter. But if you could also address as far as funding is concerned, I know that Nassau County, which I believe has ShotSpotter in either four communities now, or perhaps it's five, my understanding is that they use police asset forfeiture funds to pay for it. But many other communities around the country have used Federal grants, Homeland Security grants. And both Senator Schumer and Senator Gillibrand have offered to help Suffolk County obtain Federal funding. They're actually very anxious to work with us on this. But ShotSpotter, I know that you also have experts that are available to local municipalities to guide us through this process. So maybe you can, just in a couple of minutes, explain succinctly what ShotSpotter can do for Suffolk County and address the funding issue.

MR. ROLAND:

Thank you for the opportunity to speak. A couple of things. First of all, asset forfeiture is probably the number one funding mechanism for technology today, other than the nasty word "earmarks". A lot of earmarks have been used over the years to fund our technology. But now, getting creative, there are a number of other Federal funding grants, as well as foundation, foundation support across the United States for funding our technologies, as well as Homeland Security. So there are a number of different mechanisms and ways to fund it, not only from a purchase standpoint, but from a life cycle standpoint.

So the life cycle technology like this, we are -- we've been in some cities for more than ten years and are still going. It's a long-term partnership. The idea is to help the department develop the tool for them and use it properly to not only reduce violent crime, but to prosecute people, to use the data from our system to better learn from an intelligent policing standpoint where the real crime elements are, where the real gunshots are going on. Nationally, our system detects more than -- 50% more or better of gunfire than was known to the Police Department before, so we say you can't -- if you can't measure it, you can't fix it. We give the Police Department a means of measuring the true crime problems, get a better idea of indexing, and then do more targeted enforcement around that, thus being able to drive the actual homicide rates and, of course, arrests up in terms of use of

firearms.

LEG. COOPER:

So my understanding, Mr. Roland, just very succinctly, three things that ShotSpotter brings to the table for a municipality like Suffolk County is reduces gun violence, increases the number of arrests, and it saves lives. Can you just maybe provide, again very briefly, some statistics reinforcing those points?

MR. ROLAND:

Well, again, the technology is a tool, so the results vary by, you know, organization that's using the tool, and how large our coverage area is in the year. But impact-speaking, we see a minimum of about a 20% reduction. We've seen numbers of higher of 40 or 50% reductions, and that's because the tool is pointing the Police Department to where the crimes are happening very, very quickly and then they take advantage of that.

From a lifesaving standpoint, being able to know where a gun is discharged and know where somebody that might have been shot within a few seconds after the crime took place helps people render aid to innocent people that have been shot during the crimes.

The other part of it is -- I'd like to mention, is that we've been helping D.A.'s and detectives find critical forensics information that may not be known to them before, helping them prosecute these people that are shooting the guns, putting the information back in the hands of those detectives, and then actually playing that information to juries. And we've seen multiple convictions across the United States using our technology to develop what happened, the information, and then taking that to a jury. And it's very impactful when you can hear and see the circumstances around the crime. Most of the time very few witnesses, if any, come forward on those. We become sort of a witness for the Police Department as to what really happened, who was standing where, you know, how many shots were fired, all that critical information in terms of being able to take people or persons to trial for those elements.

LEG. COOPER:

Thank you.

CHIEF MOORE:

If I could offer just --

P.O. LINDSAY:

Go ahead, Chief Moore.

CHIEF MOORE:

Oh, I'm sorry. If I could offer just one caution. We did reach out to the Nassau County Police Department, and we spoke with Deputy Commissioner William Flanagan. One of the unfortunate realities of technology, or even advanced patrol tactics, is it's extraordinarily difficult to quantify what doesn't happen as a result of patrol tactics and technology. And, as a matter of fact, when we put the question to the Nassau County Police Department, Deputy Commissioner Flanagan, we asked how many arrests have resulted from utilizing the system, and his response was, "That's impossible to quantify." Now, that's not an unusual response. We asked him how many weapons had been recovered as a result of this system, and his response was, "At least six guns, but again, it's impossible to quantify." So I'm not sure that a community is going to be able -- a law enforcement community is going to be able to say, "Well, you know, we put this in and that has been the result." It's one of the frustrating realities of public safety.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Presiding Officer. And thank you, Chief, for coming here today and making this presentation. Very curious about the numbers and this technology. But I'm curious to find out, of all violent crime, how much does gun crime make up of that total calculation?

CHIEF MOORE:

Well, I wasn't really prepared to address that, but you have it in your notes. If we were, for example, to go to the beginning where we talked about the number of violent crimes in, say -- well, let's say Wyandanch. We saw that in the Wyandanch community there were 80 violent crimes within that nine-month period. If we moved forward to the gun crimes and we looked at Wyandanch, in the target areas of Wyandanch, it's not the entire community, we saw there were as many as 37. So violent crimes are not all gun crimes.

LEG. GREGORY:

Right.

CHIEF MOORE:

You know, begun crimes are almost always violent crimes.

LEG. GREGORY:

Right.

CHIEF MOORE:

So that number, 37, is contained within the 60.

LEG. GREGORY:

Right, and that's what I was getting at.

CHIEF MOORE:

Yeah, it's not in addition to.

LEG. GREGORY:

Right, right. Yeah, because as we're -- you were -- we're sitting here and you're making your presentation, I got a message from your office, your public -- your public announcements that there was another death in my community in North Amityville by a stabbing last night. So that's why I wanted to make the distinction of violent crimes, how much of it is gun crimes, as opposed to other types of violent crimes within that.

CHIEF MOORE:

Yes.

LEG. GREGORY:

Okay. So -- and I haven't heard yet if the Police Department is supportive of this technology. I think you raised some questions about funding. You did say that you'd rather have more boots on the street, but you didn't say if the Department supported the technology.

CHIEF MOORE:

Well, you know, for our purposes, the jury's out. We have reviews of ShotSpotter that are very, very positive and very favorable. We -- and forgive me. We have reports that are less favorable. Even the questions that we posed to Nassau County are actually confusing. When we asked how

many hits there were in the area that ShotSpotter was deployed, and that's the Uniondale, Roosevelt area, they said there were 11,000. Of those 11,000 hits, how many were actually gunfire, and they said approximately 600. Now, I have to tell you, 600 shots fired within a community in Suffolk County, I wouldn't deploy ShotSpotter, I'd call the National Guard. That's a tremendous number of shootings. And these are -- again, Nassau County says they are actual shots fired.

Now I'm sure, I'm sure that when a system is first put in, especially a sophisticated system like this, they're most probably, and help me with this, smart systems, so they evolve, and at first they're very sensitive.

And I'm sorry if I digress. I mean, when Swezey's was down in Patchogue Village, I was a Road Sergeant at the time, and he brought me into the place and he was very proud, because they had put in this motion detector, and he proclaimed that this very expensive motion detector could detect a mouse walking across the floor. And I reminded him that we don't charge mice with burglary, and that every time a truck goes by it sets off his system. So the system was very sophisticated, it was very expensive, but overly sensitive, and it was actually having an adverse impact in our ability to serve the community. Now ShotSpotter is very good at that sort of thing and, you know, they fine-tune their system.

So we're not sure. The last information we had, ShotSpotter is deployed in about 65 communities. Is that worldwide or just in the United States.

MR. ROLAND:

It's now worldwide, we're in three countries.

CHIEF MOORE:

Yeah, they're in three countries, 65 systems. They are constantly evolving. When we first became aware of them, they weren't putting the laptops into the police cars, so there was a -- yeah, you knew the shot was fired, but by the time you got there -- now they've closed that up. So they're doing -- they're doing a terrific job. For our part, we'd rather they experimented somewhere else, and once they had a system that was more highly evolved, we'd take advantage.

LEG. GREGORY:

Now, because --

P.O. LINDSAY:

Could --

LEG. GREGORY:

Just one more question.

P.O. LINDSAY:

Yeah, but let me just say this, is we haven't even started with the public portion yet. We have so much work in front of us today. Chief Moore, in all due respect, they told me your presentation would take ten minutes, you know. What I would suggest is that, you know, either this conversation be continued, that we have more time to do our proper diligence with this subject, or if you want to keep going, it's just that --

LEG. MONTANO:

I'll be brief.

P.O. LINDSAY:

All right. Do you have anything else?

LEG. GREGORY:

Just one more question, that's all.

P.O. LINDSAY:

Real quick, please.

LEG. GREGORY:

Now, because of the mixed results that you find with the technology, would the Department be supportive of a pilot program?

CHIEF MOORE:

I believe that the Department would be supportive of a pilot project, yes.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Very quickly, Chief, your study dealt with one-mile and two-mile clusters, but I'm looking at the information here. It seems to me that there are two areas that would be more appropriate for a three-mile cluster, Huntington Station and Brentwood, because in Huntington Station, if you included the cluster to three miles, you would have 24 shots, as opposed to 21 recorded, and in Brentwood, you would have 26 as opposed to 21.

CHIEF MOORE:

Yes.

LEG. MONTANO:

Could you revise those figures in terms of what the cost would be? Because, as I understand, the larger the geographic area --

CHIEF MOORE:

The less expensive.

LEG. MONTANO:

-- the lower the cost per --

CHIEF MOORE:

Yes.

LEG. MONTANO:

-- square foot, or whatever you want to do. And number two, very quickly, your crime stats were -- your violent crime reporting is for a nine-month period.

CHIEF MOORE:

Yes.

LEG. MONTANO:

All right. And the crime index is reported correspondingly. Could we get a -- sort of like last year's crime, violent crime figures in comparison to this year? In other words, expand the number of the reporting periods so we get an idea of whether or not violent crime is going up, or going down, or staying the same.

CHIEF MOORE:

Sure.

LEG. MONTANO:

At the next --

CHIEF MOORE:

Absolutely

LEG. MONTANO:

At the next presentation.

CHIEF MOORE:

Absolutely.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Legislator Horsley. Quickly, okay?

LEG. HORSLEY:

Yeah, I'm going to make this very quick. Legislator Gregory asked a question. The basic question that I had in my mind is, you know, are you for it or are you against it? Now that we learned that you're not sure, when do you -- when do you anticipate that the Department is going to give us a yay or nay on this issue so that we can start to make plans, if it is a yes, for funding it and the like? What is this next year going to bring us as far as the Spot Spotter?

CHIEF MOORE:

Well, I think we're going to continue to monitor the success of ShotSpotter. We hope to visit some of the sites. We have -- went to Nassau, we've spoken to Nassau County. We'd like to visit some more of the sites. We -- because of the cost of the system, we are a lot more sensitive to deploying the system than we might be if it were a better economic environment, or if the Police Department was better positioned to fund the technology.

LEG. HORSLEY:

So we're -- I'm not sure you answered my question. Are you looking over the next six months? I mean, you might -- a pilot program is in the offering, but you're thinking -- what time period do you think you'll have an answer back to us on this --

CHIEF MOORE:

Well, I think we --

LEG. HORSLEY:

-- because a lot of communities are very concerned.

CHIEF MOORE:

I think sometime during 2011 we will have a definitive answer as to whether or not we're going to move forward on a pilot project and where that is going to be.

LEG. HORSLEY:

Okay. One year, then?

CHIEF MOORE:

Yes.

LEG. HORSLEY:

Got it.

P.O. LINDSAY:

And I remind my colleagues and the Chief that there was an allocation put in the budget for technology in 2011, so -- okay. Chief Moore, I am -- I apologize that I -- and the gentleman, I don't remember your last name, from -- I apologize for cutting this presentation short. It's just that I have such a large agenda today. And I would very much like to have this discussion resumed in January.

CHIEF MOORE:

Well, sir, when you're ready, you just let us know when and where and what forum and we'd be happy to.

P.O. LINDSAY:

Thank you very much. Thank you very much. Before I go to the public portion, and I -- again, I apologize to the public that are here to speak, the agenda went on a little bit longer than I anticipated. Originally, I had a request from someone from the D.A.'s Office that wanted to speak about a CN, but he had to go to court, so I hope he can come back later. And I know some of our independent elected officials wanted to talk to us. But what I want to do right now, and, Adam, are you in the room?

MR. SANTIAGO:

Yes.

P.O. LINDSAY:

I passed out a sample letter to my colleagues, and, you know, we've been talking here about pension reform, which really isn't within our purview, and we don't have the ability of any kind of resolutions asking the State government to do anything, so I authored a letter that I would like to send to our State elected officials. And I'm so glad that Legislator Losquadro is still here. So, if he approves, maybe he can carry it personally.

LEG. LOSQUADRO:

I certainly will.

P.O. LINDSAY:

The pension issue is something that is out of control. You can't see the chart because it's too small. Kara, you can't blow up that chart? Because that is useless to me, I can't see it. I'll explain what it says, okay? Maybe you can turn that around and show it to the -- now that the audience has seen it, show it to the electeds.

Our pension costs have went up from 89 million dollars this year to 136 million dollars next year, and it's projected to go to 178 million dollars in 2012. Folks, it's unsustainable. We cannot sustain that kind of increase. And there -- you know, when I first started here in about ten years ago, it was 20 million dollars. So it went up so dramatically. We could do everything right in government about holding down costs and laying off people, and, you know, we can't sustain those kind of increases. I mean, just -- if you just look at this year, to pay the cost this year, we took 30 million dollars out of our reserve funds. We had a long discussion about taking another 20 million and we didn't want to do that, so we bonded it at 5% over the next five years in order to pay this cost. You don't have to be a great mathematician. We're going to run out of things to sell, we're going to run

out of reserve funds. We can't tax people that much. We only collect 49 million dollars in real estate taxes for the County. You would have to like double that in one year to pay one of these increases.

And the talk has been about pension reform, pension reform, pension reform. And some of the things that I've read in the paper are so uninformed. They compare our pension fund, our State common retirement pension fund to Social Security. They're two different types of pension vehicles. Social Security is a system that the ones that are paying in now pay the people that retire. Our pension fund has the money in the bank.

The other chart I thought you would find interesting, we operate by a system, I think it's called aggregate funding. What is it?

D.P.O. VILORIA-FISHER:

Yeah, aggregate funding.

P.O. LINDSAY:

Aggregate funding. New York State is -- has the best funded pension plan in the country. At one point last August, we were 107% funded. I'll just give you some examples. I think California is 87%, Jersey is 73, Illinois is last at 54%. Right now, and I talked to the Comptroller's Office the end of November, we have 137 billion dollars in the fund, and the benefits we're scheduled to pay out this year is seven billion dollars.

And all I'm saying with this letter is, by all means, let's look at the benefit. You know, I mean, I think there are certain abuses in the system. You know, the computation of overtime towards your final retirement package I think is something that absolutely the State Legislature should look at. But I don't want them to ignore the funding end of it, because there's two problems with the funding. Number one is I don't think that it has to be 100% funded.

The government accounting office has a standard of -- for municipal pension funds of 80% or higher is a fund that's in good shape. I operated as a trustee on a pension fund before I was in public office. When I first took over, I was the Chairman of the pension fund. It was about 69% funded. It wasn't a good thing. We built it up to 89%, which -- but everybody got their benefits every year. This -- I don't know what you call it, but it's almost counterintuitive. A pension plan is a worker benefit, and in order to fund the worker benefit, we're laying people off, so it doesn't become worker friendly anymore.

Forgive me if I get passionate about this, but I don't see any way out of this dilemma. I don't see anything that we can do to prevent this tsunami coming down on us. And I don't know -- you know, I don't know where we're going to get the money from.

So all -- you know, during the course of the day, you could read over this letter that we drafted. I'm certainly open to any changes, if anybody wants to make any changes. And if you would tell Barbara whether you're willing to sign on to it, she'll pass around a sign sheet later on. And I intend to send this not only to our Comptroller, but to our new Governor, to the Head of the Senate, to the Minority Leader in the Senate, to the Head of the Assembly, to the Minority -- to all of our government leaders saying, "Guys, you got to do something with this problem, because it's rolling down on us."

The other problem with the funding side is -- and we know this from being here, it's messed up, it's market driven. When the stock markets and the financial markets are doing well and the interest is rolling in, the cost to local government is very low. But, hey, guys, when that's happening, local government's doing well. But when the markets are down, our costs go through the ceiling like they

are now, and it's at a time when we don't have the capability to pay for these additional costs, so -- and it can absolutely be done, some kind of level funding system through the years with caps. I mean, you could go from 80% to 100%, you know. When it hits 80% maybe you need to jack up the rates some more. When it hits 100%, maybe it should be lowered. But to continue this insanity of insisting on 100% funding I just -- I just think is a mistake, because I don't think we can afford it. All right? And that's my story, and I'll keep moving. Did you want to say something? Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I just wanted to comment on this briefly. I agree with you wholeheartedly. I have read through this letter already and I will be supporting it. I will be signing it, and I'll put a copy right in my jacket pocket and bring it up to Albany with me. You are correct in saying that we are in better fiscal shape than most local levels of government. This -- the pension tsunami that we face affects all levels of local government, the biggest one, obviously, being our school system.

The stimulus money is gone. Last year this problem got punted out for one cycle because the Federal Government artificially put money into the system. It's gone, it doesn't exist anymore. You know, to take -- you know, to extrapolate to the next point, from what Legislator Lindsay was saying, to me this is about the protection of the public workforce. This isn't about being injurious of the public workforce, this is about their protection. This is about the future of the public workforce, because if we don't change the way this system operates, the Presiding Officer is exactly right, you will be talking about the mass privatization of portions of government that were unthinkable. I mean, how does the privatization of Child Protective Services sound? How does privatization of law enforcement sound?

You know, I said earlier this year, you know what, I don't want Black Water, I want the U.S. Military. There is a place for the public employee in our society. This is not vilifying anyone, this is not saying people are doing a bad job, this is saying the way that we operate and the way that we fund our system, and the way that we force local levels of government to fund this is an unsustainable business model. Any business creates a three or five-year business plan when they hire an employee. There's an employee -- a salary and a hiring model that you use. It's impossible to do. You have no idea what an employee is going to cost you if you hire them as a level of government. We have to change that.

And, you know, I'm not necessarily a cockeyed optimist, but I think we have reached a point in the financial position of our state where even if people don't want to do this, they're going to have to make changes this year. So I look forward to support from this body and from every other local level of government in helping the members of the Assembly and the Senate who want to see these changes take place. So thank you, Mr. Presiding Officer, and I will be supporting this.

P.O. LINDSAY:

Thank you. All right. So during the course of the day, if you could read over the letter, if anybody has any questions, please ask me about it. Quick, quick.

LEG. GREGORY:

Yeah. I just wanted to say that I wholeheartedly support your efforts. If anyone didn't get the opportunity to see, just this past Sunday on 60 Minutes, there was a conversation just about this, that Governor Christie, as the Chair of Budget and Finance, he reached out to a woman who was on there, Meredith Whitney, who's a Wall Street analyst, who predicting the housing burst, who predicts within the next 12 months that the pension funds was going to cripple municipalities throughout the country and you're going to see record number of municipal bond defaults. So we're reaching out to her. Should I be the Chair next year of Budget and Finance Committee, we'll have her here, or whoever will be the Chair. But this is certainly an issue that's come on everyone's radar.

P.O. LINDSAY:

Thank you. Okay. Again, my apologies to the public. First thing I'm going to do is ask to extend the public portion that we haven't started yet. Motion and a second. All in favor? Opposed? Abstentions? Adam, maybe you could put those charts --

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

-- off on the side, that people could just see them. Okay. First up is Richard Koubek.

MR. KOUBEK:

Good morning, Mr. Presiding Officer, members of the Legislature.

D.P.O. VILORIA-FISHER:

Make sure you're pressing the base.

MR. KOUBEK:

My name is Richard Koubek. I'm Chair of the Welfare to Work Commission of the Suffolk County Legislature.

MR. LAUBE:

I'll raise the mic.

MR. KOUBEK:

Thanks. I'm Chair of the Welfare to Work Commission of the Suffolk County Legislature. We're charged with advising the Legislature on policies that affect welfare recipients and those who have left welfare for work. And in that capacity our Commission has asked each of you to support I.R. 2092, that would raise the full or base Suffolk bus fare from \$1.50 to \$2 in order to finance a Sunday bus service pilot project.

We did not reach this decision lightly. Many of you and we were concerned about a 33% increase in the bus fare that would most heavily fall on low income riders. However, after a lot of analysis, our Commission voted overwhelmingly to support the resolution, and these are our reasons:

One, the lack of public transportation is one of the leading barriers to self-sufficiency for current and former welfare recipients who are trying to work. Many of those folks are low income people and they're working at jobs like home health aides that require Sunday service, Sunday hours. The lack of Sunday bus service requires these workers to pay expensive taxi fares to go to and from work, and these fares could be triple, if not more, than the \$5 a week that would be the increase resulting from the change in the basic fare.

I just want to say on a personal note, I got involved with a taxi in Montauk in September, 14-mile ride, \$20 to go 14 miles. Now that's the East End and it may have been a little higher, but even if you take a ten-mile ride, that's cutting -- that's double what the increase would be of \$5 for the 50 cent increase. And so this is why a majority of the riders who spoke at public hearings supported the increase in their own fare.

This resolution will also end the isolation of disabled people and senior citizens and other vulnerable folks who are trapped in their homes on Sunday because we don't have bus service. And, finally, I point out, as you've heard, and I've seen, I'm sure read, the increase will be the first in 16 years. We will go to \$2, which is still 25 cents less than the basic fare in Nassau County. It's on par with New York City.

We have one important caveat as a Commission and that is we support the creation of at least 12 routes in the pilot project, and we're calling on the Department of Public Works to select routes that serve low income communities, that's critical. So our Commission formed an ad hoc Sunday Bus Service Committee, we're looking at those routes, and we look forward, as the pilot project goes forward, of working with the Department of Public Works to create routes that support the largest number of residents, and particularly low income residents. So we thank you for your attention, and, hopefully, you will support this resolution later today.

P.O. LINDSAY:

Thank you, Mr. Koubek. Linda Armyn.

MS. ARMYN:

Good morning, Legislators. My name is Linda Armyn. I am Senior Vice President of Bethpage Federal Credit Union, and I am just here representing Bethpage Federal Credit Union in the naming rights resolution that will appear before you today. I just wanted to note that 2011 marks Bethpage's seventieth year serving Long Islanders. We believe in giving back to the community in a meaningful way, whether it be through volunteerism, charitable works or sponsorship such as this. And we are proud and pleased to be able to have the opportunity that is before us today to not only partner with the Legislature, the County, the Long Island Ducks in giving back to Central Islip and the Suffolk County residents with this naming rights opportunity.

I'm here today, if anyone has any questions, and, hopefully, later this afternoon when you vote on it. That's it.

P.O. LINDSAY:

Miss Armyn, I -- we can't ask questions under the public portion.

MS. ARMYN:

No, I understand. I'm just --

P.O. LINDSAY:

But if you're around later, we'd be happy to --

MS. ARMYN:

Yes. I'm just saying that I'm here in case.

P.O. LINDSAY:

Thank you very much.

MS. ARMYN:

No. Problem. Thank you.

P.O. LINDSAY:

Fred Gorman.

MR. GORMAN:

Good afternoon. Merry Christmas. I'd like to just address the police coming here with shots fired just for a second. I don't think that should have been in a public sector, or anything where the public knows what's going on, because I assure you that those criminal gangs will know exactly where those are and they'll just move to another area.

Also, as it respects to police stats, I have the stats that you are looking for. I will fax them over to Mr. Kennedy. He will be able to give it to you. I have the CGS, as well as the Suffolk County Police stats for the years of about -- actually going all the way back to '74, so that may be able to help you. But, again, those things should be really private. Whatever you decide to do should not be in the public forum where the people you're trying to protect us from can find out about them.

Secondly, I support what you're suggesting, Mr. Lindsay. I also suggest that we talk about having the retired New York State employees pay State tax, just like everybody else. That adds a very nice number and can certainly help balance the budget. There is no reason for it.

I've heard Legislators Upstate say, "Well, you know what happens, they'll move out of the state." No, they won't, they're no different than any other homeowner. They can't move anymore than we can, and I think that that would be a good idea to add to your thing.

Now, if you recall back in September, I came before you because I was very concerned with referendum. You gentlemen decided to clean house or clean referendum that really required the people's vote to repeal. I was very disappointed that you did it, I think you know that, and I think the action that you're taking against the Executive is very similar. The Executive is the Executive for a reason, he has the power to control his department heads. It really doesn't belong in the hands of 18 people that need a Presiding Officer in order to get them in line. There is too much of an opportunity for politics, as well as I think it is an affront to the people that voted for the Executive.

We can certainly get into the financial matters of whether or not we should have two more cops here, or three more people here, or four more people there, but that's really not what this is about. This is about Levy trying to make government smaller and you trying to make government more friendly, and that's something that should be done in debate, you shouldn't be taking his power. That's all I have to say. Thank you. And, again, very happy holidays.

P.O. LINDSAY:

Thank you, Mr. Gorman. Dan Tomaszewski.

MR. TOMASZEWSKI:

Thank you, Mr. Presiding Officer, and I'd like to thank each and every one of you for your service. I've had the opportunity for the last couple of years to watch you do your business, I think you do it well. And, Dan, I look forward to working with you in Albany. And you're absolutely right, Mr. Lindsay, we have to work on that pension reform. But, Dan, as you know, we have to work on a lot more things than that. And so you've jumped out of the frying pan into the fire. So I look forward to -- you'll be seeing me in Albany, and we have a lot of work to do.

I'm here today to speak to you about I.R. 2055, which is the pending legislation that you have to allow our five elected, County-wide elected officials to be able to hire their own people. Now, I assume they're back there. I don't know these people, they don't know me, they have no idea who I am. I am a taxpayer, I live in Middle Island. I was here last Wednesday, I believe, to speak to the Ways and Means Committee about another issue, and I happened to run into that. I had been following it in the papers, kind of, and it really got my attention, because I got an earful of some very, very good information, and I was quite taken aback. These people are responsible for essential services, critical, and when I heard the D.A. sit here and say that he literally had to beg for replacement positions, of critical positions, particularly a member of his Gang Unit, that really, really got to me. I'm going to use a couple of stories just to kind of tell you where I'm at here.

Back in the early 1970's, when the Pius murder case was going on in Smithtown, that little boy, John Pius, when they stuffed rocks down his throat and they stomped him, I was a criminal justice teacher and I had my kids in that courtroom for most of that trial; I would go back in the afternoon. I sat next to Mrs. Pius when she had to listen to the prosecutor and the medical examiner describe

how they stomped that little boy's head with the rocks in his throat and the word "Puma" was stamped right across his -- right across his forehead from those beasts that killed him. And I sat next to her and she went ballistic. I didn't know what to do, I hugged her. What are you going to do? What do you tell someone whose child gets killed brutally that way? Do you tell her, "Mrs. Pius, I'm sorry, we don't have the resources to put the animals in jail who did this"? That scares me.

And then let's fast-forward to this year, Huntington Station. Jack Abrams -- is it Jack Abrams Intermediate School had to be closed. I sit on the school board. If I had to go to my community and tell them we got to close -- we got to close a school because people are being shot in a parking lot, I don't know what I'd do. Incredible.

So, you know, you sit in a tough spot. You've got to make critical decisions, but I don't see this as a tough one, I see this as a no-brainer. This is not going to add burden to taxpayers, it's already allocated services. I put my money on those people back there, who are best qualified to make those kind of decisions about what essential services are. All due respect to Mr. Levy, I know he's working hard to keep taxes down, I don't want to pay taxes either, but you know what, there are some things we just got to flat have and I believe that's one of them. And I think this is no-brainer. I'm looking forward to an eighteen-nothing vote today. This is -- this is critical. This is critical to the people, and we certainly need -- we need those kind of services.

P.O. LINDSAY:

Thank you.

MR. TOMASZEWSKI:

And I take my hat off to you people. You're doing a good job. The dysfunction in Albany that we have and the dysfunction that we have in Washington is not here, because you like each other, you work together. You don't always agree, but you're doing a good job and you keep talking to one another, and have a good year. Thank you.

P.O. LINDSAY:

Thank you. Harold Moskowitz.

MR. MOSKOWITZ:

Mr. Presiding Officer, there's a gentleman here who has more of a time constraint than I do. Could I switch places with him?

P.O. LINDSAY:

Did he fill out a card?

MR. MOSKOWITZ:

Yes, sir.

MR. WHITEHURST:

Yes, Brian Whitehurst.

P.O. LINDSAY:

Okay. Come on up, Brian.

MR. WHITEHURST:

Yes. Hi, Legislative Body.

P.O. LINDSAY:

Brian Whitehurst?

MR. WHITEHURST:

Yes, Brian Whitehurst.

P.O. LINDSAY:

Okay.

MR. WHITEHURST:

Smithtown, Long Island. With all the things that are on our minds this holiday season, I'm up here to speak about I.R. 1916, which is the resolution to restrict the use of airguns. I'm a little disappointed that the boys who were here this morning, this is actually for them, weren't here to witness this part of the Public Hearing. But I just want to address the Legislature and just get a little idea as to what your intent would be with this kind of legislation.

If you could just ask yourselves, do you really intend to stop Long Islanders, good Long Island citizens from removing pests from their property? Is your intent with this restriction of airgun use to stop boys or miscreant behavior in Long Island, or are you really looking for sort of a slippery slope to continue to restrict the use of guns and firearms on Long Island? If you think that this particular piece of legislation, this resolution is going to, you know, stop homeowners from killing pests in their property, I would ask you to kind of consider if you, yourself, would use poison in your -- on your property with your children and pets around to get rid of pests? Would you use a trap to maybe get rid of a raccoon? Have you ever seen a raccoon in a trap? I dare you to go pick up a trap that's got a raccoon in it.

Pellet guns are a very safe way of removing pests, especially ones that you might find on your property. Yes, there are a lot of good citizens on Long Island that know how to properly use pellet guns. I've looked through the legislation and it actually talks about the caliber of the guns. The calibers that you're restricting are actually the most humane calibers that people can use for pet -- or pest eradication.

Also, did you know that the pellets that are used in these guns kind of fly like badminton birdies? They fly through the air for a very short distance and then they drop off very quickly. The speed that -- the velocity that you're restricting in this legislation, did you know that a pellet gun that shoots at 1,000 feet per second in 25 yards, it drops below the distance. That's not even the width of my property. The pellet will drop below the restriction zone in the -- on this resolution. So pellet guns are an extremely safe way of getting rid of pests.

Now, the one thing that I really find that you should question yourselves is that are you going to be with this resolution restricting the miscreant behavior of our youth? And just in closing, I would just say, what have you done in order to improve marksmanship and to sponsor marksmanship programs for youth so that they have an outlet, so that they're not going to go around shooting birds and squirrels, but they'll actually have a way of exercising this free right and being able to use that responsibly? Thank you for your time.

P.O. LINDSAY:

Thank you. Frank Casiglia.

MR. CASIGLIA:

Good morning, Mr. Presiding Officer, honorables all. My name is Frank Casiglia and I am Executive Vice President of the Association of Municipal Employees. Firstly, on behalf of President Cheryl Felice and the rest of the board, we'd like to welcome Legislator Cooper back. Your presence was -- your absence was notable and your presence was sorely missed.

LEG. COOPER:

Thank you very much.

MR. CASIGLIA:

AME is here in support of I.R. 2055, which would allow our elected officials, District Attorney, Tom Spota; County Comptroller, Joe Sawicki; County Clerk, Judy Pascale; County Treasure, Angie Carpenter, and the Sheriff, Vincent DeMarco, to do the jobs that they were elected to do.

This resolution does not allow these elected officials to create positions, but, rather, to fill positions that have been budgeted and already paid for by we, the taxpayers. They need these tools to get the job done. We elected them to do specific things, to provide services for us. We need to give them the tools to do it.

And there's additional importance to both public and employee health and safety. Just recently, out at the jail, one of your nurses, an AME member, was attacked by an inmate and almost killed. She was choked to the point where she could no longer breathe and gave herself approximately 60 seconds to live. But thanks to the correction officers out there, of which it took five to remove this individual from her, she's alive today, and we visited her and she's doing well.

If the Sheriff needed additional correction officers to provide the safety to both the public and the -- our members, he should have the tools and the latitude to hire, to fill the positions that have already been paid for. We are paying for these positions, they are in the budget, this body has approved those positions, but our elected officials have come before you before and -- and Legislator -- Legislator. I apologize. District Attorney Spota has publicly said he's tired of begging for positions. Our elected officials should not be begging for positions. We're not asking that they be able to create the positions, but just fill the positions that you have already approved. So we're in full support of I.R. 2055, and we would hope that you all would pass it.

And additional, regarding John J. Foley, President Felice has asked me to reiterate our position. We would not take legal action in the closure or sale. We do not represent brick and mortar, we represent these employees, and we will fight to ensure that each and every one of them gets a job within this county. We hope you will assist us in that fight. And to all, I wish you a merry, merry Christmas, a happy holiday, and the best for you and your families. Thank you very much.

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

P.O. LINDSAY:

Thank you. Jeanne Anzalone.

MS. ANZALONE:

Thank you very much for the opportunity --

LEG. LOSQUADRO:

Pull the mike down.

MS. ANZALONE:

I have to press, okay. Thank you very much for this opportunity for me to address you. I am Jeanne Anzalone from Oakdale, New York. My husband presently is in a nursing home long-term. I've had the privilege to use the SCAT system and this is why I am here. I am here hopefully that you vote yes for Sunday bussing.

If I now want to take my husband home, I have to take -- use a private carrier which is \$200. For Christmas I had made a reservation for four hours to have my husband transported four blocks from 311 Ockers Drive. I here speak for the physically challenged and the people that use the SCAT system that Sunday bussing and this pilot increase for Sunday fare go forth.

I thank you very much. And it is still my privilege to address the best body of legislation in the United States. I thank you and you all have a good holiday.

LEG. COOPER:

Thank you. You, too.

P.O. LINDSAY:

Thank you very much, Mrs. Anzalone. Harold Moskowitz.

MR. MOSKOWITZ:

My statement is going to be based upon the --

MR. NOLAN:

Use the mike.

MR. MOSKOWITZ:

Wait, wait. Before I go.

D.P.O. VILORIA-FISHER:

We need you on the mike.

MR. MOSKOWITZ:

Before I go, the interrelationship between sections two, three --

MS. MAHONEY:

You need to use the microphone.

MS. LOMORIELLO:

Use the microphone, sir.

LEG. LOSQUADRO:

You have to put it on the record.

P.O. LINDSAY:

Mr. Moskowitz, you have two different cards filled out. Our rules only allow every individual from the public to speak once for three minutes, so maybe you could combine your two topics together.

MR. MOSKOWITZ:

I won't be able to do them both into three minutes, sir.

P.O. LINDSAY:

Well, try and do the best you can.

MR. MOSKOWITZ:

Good morning. My statement today is going to be based on Section 2, 3 and 4 of IR 1916.

IR 1916 has serious flaws. Section 3 prohibits discharge of any Section 2 defined device within 150 feet of a residential structure. Section 4 allows their use within one-zone property boundaries. Most

plots being longer than wide, even discharged toward the rear, would likely occur laterally within 150 feet of a residence. Does incompatibility exist between sections 3 and 4? Assuming danger from Section 2 defined air guns used within 150 feet of a residence, is such use deemed safer when discharge originates on one-zone property? Do Section 4 exceptions extend from title holders to immediate family or guests? What about a lessee renting a residence or tax exempt fraternal organizations and ministries in residential areas? Can a compressed gas device not within Section 2's definition be discharged within 150 feet of a residence when not occurring on the owner's property?

1916 implies danger from muzzle velocities of 700 FPS and above. Are we to infer that a 177 pellet gun pumped to achieve between 650 and 700 FPS is safe? Is a projectile launch from an archery bow or even a golf club any less dangerous once set in motion by an irresponsible user? Enforcement would be impeded by models lacking indication of FPS ratings. And would complaint responders in incorporated jurisdictions be public safety officers, local Police or Sheriffs Deputies? Based upon lack of requirements for safety training, responsible adult supervision, abuse by minors or penalties to deter irresponsible use, it appears that the actual goal is not the stated goal of safer use, but rather it's discouragement and eventual de facto prohibition.

We should strive to encourage responsible behavior, not impose hard to enforce restrictions. Due to serious questions concerning language, scope, enforcement and jurisdiction, the resulting statute has a low probability of sufficient enforcement for effectiveness, while probably becoming an albatross of expensive litigation. In that case, even Section 7's boiler plate severability clause would not guarantee viability.

Legislators, you can be proactive by preventing this potentially counter-productive bill with its counter-productive results by -- if you enact 1916. So you can avoid all of that by not voting for 1916 this afternoon.

Regarding the second issue of 2055, which I've been told I can't really address to the full length I wanted to --

*(*Timer Beeped*)*

There you go.

D.P.O. VILORIA-FISHER:

Your time is up.

MR. MOSKOWITZ:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Moskowitz. Our next speaker is Bill Raab. And Bill, you know you filled out several cards, but you still have the three minutes. But I know you can do it.

MR. RAAB:

Not a problem. Good morning, everyone. I'm here first as a representative, a Director for the Sportsman's Association for Firearms Education speaking about 1916. For reasons that I have illustrated to this body several times before, I urge you to vote against it. Again, we get into the how are you going to enforce it, are we going to train our officers, give them another job, give them more equipment, train them in use of {bichrometers} and chronographs and all kinds of other things. The original complaints that brought this bill about are all unfounded and the provision -- the exception that's noted earlier negates that whole thing for coming about. So we really don't

need to have this. So I urge you, as the Director of SAFE, to not support it. I also urge you, as a I work with the Boy Scouts, I train young men and women in the venturing program, I urge you to not support it for them.

The other things I needed to speak about was the John J. Foley Nursing Home. It's just -- I just want to express my sadness that we have gotten to this point where there's just two choices that seem to be not palatable to anyone.

And we've heard a lot about drunk driving and that kind of thing. My other card was about interlocks. Before you make any decision on interlocks, I would suggest that each Legislator go and try one. I was involved in the auto service industry for quite some time and I had the opportunity to work on many vehicles that were owned by people who had to use them. So before you rule on something, go try one. It's very disturbing. Some people have said every car should have one; well, no, you don't want that.

And that's about it. I'll speak later on the other portion. I want to keep this brief and move on. Thank you all. Have a happy holiday. And as my son says, "A happy Chrisma-hana-quanza-don" to cover all the bases. Thank you.

*(*Laughter*)*

P.O. LINDSAY:

Thank you, Bill, for being so politically correct.

*(*Laughter*)*

Carol Hart.

MS. HART:

Good morning. As the Director of the Suffolk County Vanderbilt Museum, I'm happy to tell you that reports by the County Executive's Office of the large \$400,000 deficit in our personnel budget, published in Newsday and distributed in a fact sheet, are incorrect. In fact, with just days to go until the end of the year, the museum is projecting a \$15,000 deficit of our entire institutional operating budget. And if the snow stays away Christmas week, we could end up better than that.

I must also correct the impression that any Vanderbilt deficit impacts Suffolk County's operating budget. We are not a normal County department, our budget stands alone. Any deficit affects only our own fund balance.

Also, the Vanderbilt has several essential capital projects up for vote later today, all recommended by the Department of Public Works and deal with public safety and/or upgrading utilities to meet County codes. Have a happy holidays. Thank you.

P.O. LINDSAY:

Thank you, Carol. Frank Rauch.

MR. RAUCH:

Hi. Good morning. I'm here under IR 2055. It appears that some members of the County Legislature are basically attempting to take responsibility of filling County jobs, which is currently under the jurisdiction of the Executive, away and putting that responsibility in the hands of various department heads.

As a taxpayer and one who has worked within corporate environment, I can attest to the folly of such a move. There are very few bureaucrats alive who would not like to see their departments grow. I, myself, while working for a major corporation, had on many occasions made sure that the proposed budget for my area had enough money not only to cover any contingencies, but covered every one of my wish list desires. I would also have certainly welcomed the opportunity to build my staff. If it were not for an impartial authority above us, most of my fellow department heads, including myself, would have brought down the corporation financially within a year.

I'm asking this Legislature, would you have voted to curtail our President's authority when he decided to cut the requested staffing of our military in Afghanistan? Thank you.

P.O. LINDSAY:

Thank you, Mr. Rauch. Judy Pepenella?

MS. PEPENELLA:

I apologize for my stuffy nose, I've got a good class A cold.

MS. ORTIZ:

You need to use the microphone.

MS. PEPENELLA:

I would like this for the record and all the people to get a copy, please.

P.O. LINDSAY:

Don't apologize, Judy. It's that time of the year, you know?

MS. PEPENELLA:

My kids are very good, they shared with mommy. Okay. Right now there's a letter that each of you received in an e-mail from Steve Flanagan of Conservative Society for Action. I'm Judy Pepenella, I'm with Conservative Society for Action. I'm reading this for Steve Flanagan, but I do agree with the concept and principal within it, so. It's a memo addressed to all of the different Legislative members here.

"Dear Legislators:

"Suffolk County is one of only a few municipalities in the State or nation that have seen no significant tax increases for seven years. This did not happen by accident. Tough fiscal policies were needed to help the County through the last few years as revenues dropped and the economy became weaker. Much of the credit for this astonishing accomplishment goes to the County Executive and his ability to control costs by reducing manpower. The Suffolk County Charter specifically gives the County Executive the power to monitor filling of open positions. That power was granted intentionally so Executive would" -- excuse me, "Would have the option to use that power to help balance budgets and to help contain budget Increases."

"Suffolk County has been extremely successful in controlling its budget in the last seven years because the Executive has been able to use his power to control when and how to fill open positions. If we change the rules that have worked so well for the last seven years, why should we expect future budgets can be contained? It is ludicrous to alter this system that has been working so well."

"Furthermore, a major shift in power would require a change to the County Charter. Just like the U.S. Constitution, a document should not be changed without serious consideration. This Charter was approved by public referendum. It seems an affront to the power of the people to allow a few politically motivated Legislators to change the Charter which has now served us for over 40 years."

"As for politics, let's remember that anyone sitting in power today is there temporarily. Four previous Suffolk County Executives recently signed an open letter condemning the proposed action of the Legislature to change the County Charter. These Executives came from both political parties and recognize how truly dangerous IR 2055 would be. The bottom line is that controlled positions should not be placed in the hands of those who do not have to balance a budget or send out a tax bill. It's very simple. There are a lot of different issues at hand here, but if you really want to do this, turn around and put to vote, let the people of the County make that decision. Let it be a public referendum."

Thank you. And again, sorry for the runny nose. Blessed Christmas.

P.O. LINDSAY:

Thank you, Judy. Gil Anderson? Gil, are you in the audience?

MR. ZWIRN:

He's not here.

P.O. LINDSAY:

No? Yeah, I'm sorry that I held everybody up. Go ahead. Ben Zwirn is the next card anyway.

MR. ZWIRN:

Commissioner Anderson will be here later in the day when we get to the bill, and the bill that we were going to speak about is IR 2092 which Legislator Schneiderman is the sponsor, it is to increase the bus fares from \$1.50 to \$2 in order to fund a pilot program.

And first let me wish you all a very happy holidays. It may be the only chance I get to do it publicly and to wish you a happy and healthy new year, and to Legislator Losquadro a bon voyage and congratulations and you can do the people's work up in Albany.

While the County Executive has been supportive of Sunday bus service from the beginning of his administration, the problem has always been the cost and how do we fund it. And this bill, we think -- and I spoke with Legislator Schneiderman, I know he's with BRO right now crunching numbers again because I was just in there with him. We don't think this bill is the answer. We don't think increasing bus fares at this time by 33% to people who are at the lower end of our economic chain here in Suffolk County is going to be helpful. It's not just a 50 cent increase per ride, it's a dollar a day. If they ride the bus six days a week it's \$12 a day between five and \$600 a year for people who are, you know, the working poor, a lot of them, in Suffolk County. And we think to raise their fees 33% at this time to fund a pilot program for what DPW figures will be only six routes and will be used by a very small number of individuals where everybody else in the system is paying for it, is just the wrong way to go at this time.

And that the County Executive is hoping that Legislator Losquadro, with our elected Federal officials, trying to find some grant money to get a pilot program started, but he is absolutely against going this particular way at this time. He said it's the wrong time, no matter how good the purpose, to try to have Sunday bus service for a small number of people, to tax the entire body of people in Suffolk County. And if you have only six routes that could be funded by this, if you don't have a route in

your district, how do you tell people in your district that you increased their bus fare by 33% with absolutely no benefit to you at all, in hopes that somewhere down the road money will materialize and we'll be able to expand the program to the individual Legislative Districts and make it County-wide.

While we are supportive of the premise and we are supportive of Legislator Schneiderman's initiative, we think this is the wrong way to go and that we do not support 2290 -- 2092 at this time. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Zwirn. Mike Sharkey, the Chief of the Sheriff's Office.

CHIEF SHARKEY:

Good morning. Chief Mike Sharkey, Suffolk County Sheriff's Office. I'm here to speak in favor of IR 2047, an amending resolution for Resolution No. 202 of 2010. I'll be brief. My intention is to stay here if there are any questions that arise later when you consider this resolution. However, there's a few things I just wanted to mention.

The resolution is to accept \$50,000 in Homeland Security funding. As many of you are aware, there was extensive debate over the course of over a year now, in committee and at this full body, centered around the possible conflict with the PBA lag payroll agreement. Eventually a compromise resolution was devised with this body that include -- included two protective RESOLVED clauses and was passed. We're back to you today for the sole purpose caused -- that the New York State Department of Homeland Security had an issue with one of the two protective RESOLVED clauses; in my opinion, the less protective of the two. The more protective of the two remains in the amended resolution. The clause that remains is the strong language stating that the Sheriff will not use the explosive K-9 team in any way that would violate the PBA's lag payroll agreement and the Sheriff stands by that language.

The language that the New York State Department of Homeland Security had an issue with was the softer language that said that the K-9 team would be used primarily at the correctional facility in Riverhead -- in Riverhead and Yaphank.

We now are in receipt of a letter from the New York State Department of Homeland Security -- I believe that this Legislature was cc'd, but I will leave a copy with the Clerk -- giving us a deadline to either accept or decline this funding. And so I am asking you today not to consider any tabling motion on this resolution, to simply vote your conscience and vote yes to accept the \$50,000 in Homeland Security funding or vote no and allow it to be passed on to another entity outside of Suffolk County. Thank you.

P.O. LINDSAY:

Thank you, Mr. Sharkey. Noel DiGerolamo.

MR. DIGEROLAMO:

Presiding Officer, thank you very much. Noel DiGerolamo, Vice-President, Suffolk County PBA. We have discussed this extensively regarding IR 2047, the explosive K-9 grant that was going to be provided to the Sheriff's Department through Homeland Security. What I really want to do right now is just remind everybody the importance of what's about to transpire today and the possible consequences should a violation of the agreement occur.

You know, we've said it numerous times and everybody is well aware that there is an agreement in place, that the Suffolk County PBA members have sacrificed millions of dollars for the benefit of this County, 12 million to be exact, which is now up to 13.5 because it grows as time goes on. And that

would be the penalty, the full payback, 13.5 million, and that is a terrific burden for the taxpayer of this County to saddle should a violation of the agreement occur.

And I'm not standing here today telling you that anybody has intent of violating the agreement or anybody has intention of doing anything deceptive in any way, but you're putting \$13 million in the pocket of a Deputy Sheriff who's going to drive around with a K-9 in the car every single day. Because when something comes over his radio and he feels the moral obligation to respond, just as the Sheriff felt a moral obligation to take over Highway Patrol when it was abandoned by the County Executive, that Deputy Sheriff will cost the taxpayer \$13 million; a mistake that everyone in here will have to pay for because you left one person responsible to make that decision. I don't think he would ever do something inappropriate on purpose, but you also have to recognize that our organization has a responsibility to our members. We entered into that agreement in good faith and in no way could we possibly walk away from that should a violation occur. That's something that each and every person in here needs to consider before you vote to accept a \$50,000 grant that jeopardizes \$13.5 million.

One other thing I would ask you to consider is that if Homeland Security has a problem with a clause that was put in that would prohibit the use and the Sheriff's Department is saying, "Well, we could take it out, but don't worry, we still won't do it." Well, if Homeland Security doesn't want to give you that grant because they want the use expanded or they don't want it restricted, then it's deceptive to say, "Well, we'll just take that clause out, but we really won't do what Homeland Security intends this grant to do. The intent is not to keep that dog confined to one location, but to use it as a patrol dog, and that is exactly what the Chief said here last Thursday during Public Safety; they want to use it as a full patrol K-9. Now, whether or not they're going to keep it confined to the jail, as they said, is besides the point when Homeland Security does not want it confined there and that's why they would not approve it.

The Chief also was supposed to come in here with a detailed comprehensive list of how the dog would be used. That's what he was requested for on Thursday by Legislator Eddington, and we did not hear any of that just now. This is the same grant that the County Executive opposed giving to the Police Department because of the ongoing cost to the County. This is a start-up grant. The County will be saddled with the ongoing cost for the years to come, care and maintenance of that animal, maintenance of a vehicle and salary of a K-9 handler. That is something that the County will be burdened with that is not covered by the grant, an expense that we were not willing to accept earlier in the year to the Police Department.

One last thing I would like everybody to seriously consider is during these economic times, when we're facing the worst economic crisis in decades, why are we expanding a duplication of services to the Sheriff's Department? Why do they even have a Police Division in the Sheriff's Department? You have a Police Department that is tasked with providing Police services to the west end, you have individual departments on the east end, and this is nothing more than a duplication of services when you have already eight K-9 explosives readily available within the Police Department that can respond at any time to any location in Suffolk County. That is our task that we've had for years and continue to have til today.

P.O. LINDSAY:

Noel, your time is up. Thank you.

MR. DIGEROLAMO:

All right, thank you.

P.O. LINDSAY:

Artineh Havan?

MR. HAVAN:

Good morning. My name is Artineh Havan and I'm a community planner at Sustainable Long Island, a regional, not-for-profit organization whose mission is to promote community and economic development, environmental health and social equity for all Long Islanders, now and for generations to come.

We endorse the resolution to increase Suffolk County's bus service to Sunday which will provide vital services for low income residents who need it to get to work and complete basic day-to-day tasks. We also endorse the Department of Public Works Transportation Division's development of a pilot program for Sunday bus service and the public comment period, and urge that the program include routes that serve low wage workforce communities.

Sustainable Long Island works with communities across the Island and knows that adequate bus transportation is critical to the livelihood of many low income and marginalized communities. Many of our low wage workforce seniors, physically disabled as well as young adults who do not have access to cars use the bus to access their jobs, health services, goods and even education. Increasing the bus service to Sundays would give these residents the mobility needed to complete these important daily life tasks. In addition, many residents rely on bus service in order to access fresh, nutritious foods for their families. Increasing the bus service to Sundays would greatly improve their quality of life and provide them an opportunity to more easily access wholesome food.

Once again, we support IR 2092 and thank you for this opportunity to comment.

P.O. LINDSAY:

Thank you very much. Nanci Dallaire.

MS. DALLAIRE:

Good afternoon. I stand here behind the Constitution of the State of New York, Article 17 and 18. I believe this Legislative body holds the power to protect us. I've been coming before you hoping you would see what I see at John J. Foley. Unfortunately, what I see is that the financial problems here in Suffolk go deeper than this one County facility. We are not alone and John J. Foley is only the first to fall.

As we struggle through this fiscal crisis, the County Executive has hired an ex- New York City Police Captain for \$16,000 a month, to do what exactly? I cannot figure that out. But I'm still wondering about that hangar at the airport that we all learned about at the December 7th Legislative meeting. At least John J. Foley has improved since 2007. How is that hangar coming along?

Then I read an article that since 2004, Mr. Levy has spent \$450 million to purchase and preserve 7,000 acres of land and, I quote, "The County's pursuit of environmentally significant parcels and farmlands continues." That pursuit continues, but a tradition of health care that's been significant to this County is abolished? Seventy-five million dollars a year for land? These are people and lives, not parcels of land.

As I watched that -- them build that magic kingdom of correctional facilities, but I know my unemployed tax dollars will continue to support, but the community that's grown over the decades at John J Foley is destroyed? Our residents face their uncertain future, but the criminals are well provided for. This home, our decent good citizens, could not make it into a budget, but sex predators will continue to be supported by this County.

In 1999, John J. Foley did not need the subsidy by our County taxes, yet my general County tax was \$177.30; today I pay \$66.30. If John J. Foley has been the financial drain that's been claimed, why has this portion on my tax been going down?

I look over this agenda today and I see amendments made to the Capital Budget to expand the Sheriff's enforcement division to improve roadways, fix bridges, fix plumbing and wiring at the Vanderbilt Museum, but we cannot appropriate funds to save this institution? Then we are failing. We need to reevaluate our priorities here in Suffolk, and I hope they'll be for the better. Because if they pay nothing, we'll get nothing.

P.O. LINDSAY:

Thank you, Nancy. Is there anyone else in the audience that would like to address us? Please come forward, Madam, and identify yourself?

MS. SAMUELS:

Hello. My name is Barbara Samuels, I'm a 40-year resident of Suffolk County and I'm here today to speak about IR 2055. We see all over the country municipalities, states running up against the kind of thing that we're running up against here in Suffolk County. The residents of Suffolk County, as citizens all across the United States, have spoken out; we want reduced government spending. IR 2055 seems to fly in the face of that. Suffolk County here is part of this country, we're part of the citizens who are having trouble paying our bills and who are very worried about what is happening to our municipalities.

It seems that our Legislator here is considering a Charter change that would cause the inefficiencies of decentralization of decision. When I look at the agenda here and I see 2055; oh, "A Charter Law to require the appropriate use of taxpayer monies for funded positions." I think we have that. I think we have the best way we can have that by having, at this point, Mr. Levy who is responsible for balancing the budget, making those decisions. We know the more bureaucracy we involve, the less efficient is the spending of our tax money, and that's what we want to prevent, that's what we must prevent. We can't go back and change things that were done in the past so easily, but we can prevent mistakes in the future.

Wherever hiring authority has been decentralized, it has led to excessive increases in personnel costs. Giving hiring authority to agency heads without requiring accountability on their part for budget imbalances will likely result in over hiring; it's a fact, it happens. It may very well happen here, too, we cannot afford it. Previous County Executives recently expressed unanimous, bipartisan support for the need to oppose IR 2055. They cited, from their experience, the ability to manage County hiring as one of the most efficient ways to control costs, and we do need to control costs and ultimately our property taxes. They predicted negative effects for all taxpayers, even perhaps unpleasant service costs, etcetera.

So, hearing this from our experienced County Executives, why would this Legislature consider doing something else? Why would we opt for something that we know has caused problems and we know is innately likely to cause inefficiencies in our Suffolk County hiring and in our operations? We don't know what the exact motivations are, but we do know what we want. We know what the taxpayers must have. We have awakened all across this country and we have said, "No, we're going to pay attention now." I started a group recently called 912 Super Seniors.

P.O. LINDSAY:

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

MS. SAMUELS:

Within three days, I had 25,000 people coming to the website. They are seniors who have paid taxes, who have paid bills and who are watching now.

P.O. LINDSAY:

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

MS. SAMUELS:

They're watching this. They're watching very closely.

P.O. LINDSAY:

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

MS. SAMUELS:

Thank you.

P.O. LINDSAY:

Thank you. Is there anyone else in the audience that would like to address us? Seeing none, I'll entertain a motion to close the public portion.

D.P.O. VILORIA-FISHER:

So moved.

P.O. LINDSAY:

Okay. Okay, we're going to go to --

MR. LAUBE:

Sixteen (Not Present: Legislators Losquadro & Schneiderman).

P.O. LINDSAY:

Okay. We're going to go to the agenda. And because of the great interest in 2055, and I've had three of our independently-elected officials sitting in the back through most of this, I'm going to make a motion to take 2055 out of order.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, 2055 is before us. ***2055-10 - Adopting Local Law No. -2010, A Charter Law to require the appropriate use of taxpayer monies for funded positions (Viloría-Fisher).***

And I would ask our Comptroller, our Treasurer and our County Clerk to come forward. It's on page eleven in the paper copy under Ways & Means, it's the first reso in Ways & Means. And we have a representative of the DA's Office and the Sheriff's Office here as well.

I might point out that the DA and the Sheriff were both at a press conference this morning in Riverhead having to do with the Criminal Justice System, so they called to say that they couldn't be here.

D.P.O. VILORIA-FISHER:

I'll make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Okay, we have a motion to approve 2055 and a second by Legislator Cooper. And I have a number of questions for you folks.

We had a meeting yesterday, my caucus with the County Executive and this was one subject that was discussed quite at length by him, and I just want to clear up some of the things that have been said and have been repeatedly said. This reso does not give every department head the ability to fill vacant positions in their budget. It addresses the five independent electeds; that's correct, right?

MS. PASCALE:

(Shook head yes).

P.O. LINDSAY:

Okay. Let me start with you, Mr. Comptroller. How many positions in your department right now?

MR. SAWICKI:

I have 16 vacant positions.

P.O. LINDSAY:

Okay, but how many positions do you have throughout your department; how many positions?

MR. SAWICKI:

Sixty-eight.

P.O. LINDSAY:

Sixty-eight.

MR. SAWICKI:

Sixty-eight, correct.

P.O. LINDSAY:

Of that 68, 16 are vacant.

MR. SAWICKI:

Correct.

P.O. LINDSAY:

Okay. If this bill was to be approved tomorrow, how many of those vacant positions would you feel would be necessary to fill?

MR. SAWICKI:

First off, the budget that was duly adopted by this Legislature allows me to fill only \$427,000 worth of salaries.

P.O. LINDSAY:

Because of the 20% backfill from the early retirement last year.

MR. SAWICKI:

Right, after factoring in -- after taking the reduction of the 80% of the retirees, leaving me with a 20% plus another \$200,000 resulting from vacancies I did not fill this current year.

P.O. LINDSAY:

Okay. How many people retired from your department last year?

MR. SAWICKI:

I had eleven top people retire.

P.O. LINDSAY:

Okay, for a total savings of?

MR. SAWICKI:

One point two million.

P.O. LINDSAY:

Okay. And of the one point two million, you want to adhere to the 20% backfill.

MR. SAWICKI:

And that's -- exactly. And that's built in to -- of course, and that's built into my budget of \$400,000 this year for payroll, additional salaries.

P.O. LINDSAY:

Okay.

MR. SAWICKI:

Keep in mind, Mr. Presiding Officer, that when I took office in 2003, the Comptroller's staff was not 68, it was more of 88. So we're down 20, probably 20 to 25% of our department at this point. Of the 435 -- \$427,000 that I have available, right now I anticipate filling three or four positions for a total of a little over \$200,000. That would bring me up to par, that would bring me up to speed, that would get me back to paying the County's bills on time.

I've had two SCIN forms signed since the beginning of 2008; it's over three years. One of the schedules I -- and keep in mind, as the Chief Fiscal Officer of the County heading the Department of Audit & Control, it's critical that I'm able to exercise my financial obligations and my fiduciary responsibility to the taxpayers of the County and to this Legislature. I gave you a schedule in comparison which the County Executive's departments -- which the County Executive filled over the same time period. When I received -- when I was granted two SCIN forms, the County Executive's Office filled well over a thousand or eleven hundred. Now, that's in all the various departments under his control, under his umbrella, that's Social Services, that's Health, that's Information Technology, etcetera. I'm not saying that those eleven hundred positions and new hiring forms were warranted or not warranted, I'm not going to make that decision or voice that opinion. That's between, obviously, the department heads, the Legislature and the County Executive to fill. But there's just something inherently wrong when the County Executive and his departments can sign eleven hundred SCIN forms in a three-year period and I get two.

P.O. LINDSAY:

Okay. One last question of you, Mr. Comptroller. The power that this resolution would give you, is this unusual in other local governments, like neighboring governments, Nassau, the city, other County governments?

MR. SAWICKI:

The -- actually, in the -- I sampled the four largest municipalities in the State, beginning with the City of New York. The City of New York, Comptroller's Office enlightened us to a particular guideline issued by the -- which I gave you a copy of, issued by the United States Government Accounting Office, and they have guidelines for all independent audits in government and municipalities across the country which we follow, the State Comptroller follows. And you'll see in there the last page where we asterisked, I believe it's small "e" in parentheses, it talks about how you have to maintain independence to do a quality audit. And that independent part of -- as you'll read in E, cannot be --

you might -- you must not be in fear or subject to any kind of political reprisal or political vindictiveness or words to effect.

The New York City Comptroller advised me, one of his Deputies advised me that they are given a budget by the City Council and Mayor and they are autonomous in how they hire and what they fill; they work within that budget. The County of Nassau has the very same setup, and the third -- or behind Suffolk, the third largest County would be Erie County and they do it the same; all, of course, hiring and filling positions only within the budget that's given to them by the governing -- by their Legislative body.

P.O. LINDSAY:

Ms. Pascale, how many people are in your department?

MS. PASCALE:

I currently have 131 budgeted positions, and of those 131 I have 23 vacancies.

P.O. LINDSAY:

And how many did you lose in the retirement last year?

MS. PASCALE:

I lost four.

P.O. LINDSAY:

Okay. And what kind of salary did you shed with those four people?

MS. PASCALE:

Probably about \$250,000.

P.O. LINDSAY:

Okay. And if this passes, how many people would you like to fill from those vacancies?

MS. PASCALE:

If you ask me if this passed today, how many would I fill tomorrow, I would tell you, in all likelihood, none; not at this time.

P.O. LINDSAY:

Okay. So you would be within the 20% backfill that was approved by Local Law here when we approved the early retirement last year.

MS. PASCALE:

Yes, that's correct. As a matter of fact, over the past four years my office alone has returned \$2.1 million back to the General Fund in turnover savings in personnel alone. This year we are slated to give back almost \$630,000 in turnover savings from personnel alone.

P.O. LINDSAY:

Okay.

MS. PASCALE:

And I would just like to -- I would just like to add that -- and I know my colleagues have returned similar savings, and I think it's important to note that our arms did not have to be twisted to return this money. I think it's important to note that, simply put, if we did not need the positions, we did not fill them. And in my 20-plus year experience in the County Clerk's Office -- and I know the former County Clerk, Legislator Romaine, can attest to this -- at no time, in my recollection, have we

ever filled every single position. It's just not been done.

P.O. LINDSAY:

Thank you. Madam Treasurer, could you tell me how many positions are in your department and how many are vacant?

MS. CARPENTER:

Certainly. Right now we have authorized 53 positions, we have nine vacancies.

P.O. LINDSAY:

Nine vacancies. Were any of them as a result of the early retirement last year?

MS. CARPENTER:

We had four retirements in the early retirement incentive last year.

P.O. LINDSAY:

Okay. How much salary was that?

MS. CARPENTER:

Probably, I'd say about 350 --

P.O. LINDSAY:

Okay.

MS. CARPENTER:

-- 375, in that area.

P.O. LINDSAY:

And if this passes, how many people would you hire?

MS. CARPENTER:

If this were to pass, I would be hiring the one position that I already have a request in for, I have a SCIN form in for a couple of months now and that's for a \$26,000 Clerk in the Small Claims Unit. And it's interesting to note that in Small Claims, in 2009, we paid \$178,283 in interest, this year we've paid well over \$600,000 in interest.

P.O. LINDSAY:

Could you explain to us what Small Claims --

MS. CARPENTER:

Small claims and the Tax Certiorari judgments, when a person grieves their taxes, and everyone knows that everyone is upset with where taxes are now and the number of tax grievances has increased dramatically. When these things go through the system and through the court, if it is a 30-day court order that orders that these taxes be reduced, we have 30-days to get that rebate back to the person that filed the grievance. If we don't do it in 30 days we have to pay interest, 3%, and 3% is far more interest than we're getting on our money in the bank right now.

P.O. LINDSAY:

Okay. So our payment --

MS. CARPENTER:

So once this happens --

P.O. LINDSAY:

Our interest payments went up because we don't have enough people to process these claims, is that what you're saying?

MS. CARPENTER:

Exactly. I mean, is it going to be totally eliminated? Not, but it certainly --

P.O. LINDSAY:

But will the one --

MS. CARPENTER:

-- would be dramatically reduced. And I --

P.O. LINDSAY:

The one person, the one \$26,000 Clerk you want to hire, would it make a difference?

MS. CARPENTER:

Absolutely.

P.O. LINDSAY:

Okay.

MS. CARPENTER:

Absolutely. There are three -- there should be; there were four people in the unit, I think it can operate efficiently with three. Right now I have two.

P.O. LINDSAY:

Okay.

MS. CARPENTER:

And as I said when I was here last week, when two people are in a unit, if someone's on vacation, and everyone's entitled to a vacation, and someone gets sick when the person is on vacation as happened last week, no one was there to run that unit. No one was there to process the claims and no one was there to answer the phone calls that come in.

P.O. LINDSAY:

Okay. And just one last question. Again, if this passes, you don't see any problem with living with 20% backfill that was part of the early retirement?

MS. CARPENTER:

Absolutely not. I don't think how -- I don't understand how that could even come in question. Because when legislation is passed and it says that you are required to not backfill for X-amount of time, that a person can't come back for two years or that you can only backfill 20%, are we, who have been sworn to take an oath to abide by the laws of the County, not going to abide by a law like that? I think not.

P.O. LINDSAY:

Okay, thank you. Sheriff's Office. Sorry, I'm going down the end of the line. I'm sorry that the scheduling of this today couldn't accommodate the Sheriff and the District Attorney.

Of course, most of the vacancies in the budget are in the Sheriff's Office, you know that. And the reason for that is because we have 90 new Correction Officers that, I might add -- am I not correct, are most of them replacement officers for people that have retired?

UNDERSHERIFF MEYERRICKS:

I believe right now we only have about 21 sworn vacancies.

P.O. LINDSAY:

Okay. Okay, but when '11 comes in, you're going to have 90 new Correction Officers in two classes, in the spring and the fall.

UNDERSHERIFF MEYERRICKS:

Yes. And that would be mandated by the State, that's not necessarily us.

P.O. LINDSAY:

Right. You know, just to be honest about it, if we do not hire the Correction Officers, we are not going to be allowed to open our new jail; I've heard State Corrections say that with my own ears. And the other factor here is Correction Officers, you have to have so many Correction Officers in a jail; correct?

UNDERSHERIFF MEYERRICKS:

That is true.

P.O. LINDSAY:

And if we don't have the bodies --

UNDERSHERIFF MEYERRICKS:

And where we fall short --

P.O. LINDSAY:

-- you backfill with overtime, right?

UNDERSHERIFF MEYERRICKS:

Yes. Where we fall short, we would backfill with overtime.

P.O. LINDSAY:

Besides the Correction Officers, the classes that were put in the budget --

LEG. LOSQUADRO:

Can you pull the microphone closer?

P.O. LINDSAY:

That were put in the budget by the County Executive and approved by this Legislature, we didn't add to the County Executive's proposal on Correction Officers, is there any other vacant positions that the Sheriff would feel the necessity to fill?

UNDERSHERIFF MEYERRICKS:

I believe currently right now we have 19 civilian positions that are vacant.

D.P.O. VILORIA-FISHER:

It's still hard to hear you.

P.O. LINDSAY:

Nineteen civilian positions he said.

UNDERSHERIFF MEYERRICKS:

That's correct. We have SCIN forms in for eight.

P.O. LINDSAY:

For eight, okay. Were some of them -- well, you guys didn't participate in the retirement program, so it wasn't for that.

UNDERSHERIFF MEYERRICKS:

No, we didn't. We felt we needed everybody.

P.O. LINDSAY:

Okay. Who is doing the job of these vacant civilian positions now?

UNDERSHERIFF MEYERRICKS:

We're doing the best we can. My secretary I share with the other Under-Sheriff, and two days a week she goes to work in Civil.

P.O. LINDSAY:

Are there any Correction Officers doing these jobs?

UNDERSHERIFF MEYERRICKS:

In certain situations you could potentially have sworn officers filling in if the work has to be done.

P.O. LINDSAY:

Okay. If we hire the civilians, would that result in a redeployment of Correction Officers to the jail?

UNDERSHERIFF MEYERRICKS:

Yes, that would.

P.O. LINDSAY:

Okay, that's all I want to know. Mr. District Attorney's Office.

MR. HEILIG:

Yes, Mr. Presiding Officer.

P.O. LINDSAY:

Did you guys participate in the Early Retirement Program?

MR. HEILIG:

Yes, sir.

P.O. LINDSAY:

Okay. How many retirees did you lose?

MR. HEILIG:

Approximately 20.

LEG. LOSQUADRO:

Your mic is not on.

LEG. ROMAINE:

You have to hold the button down.

P.O. LINDSAY:

Okay, so 20.

MR. HEILIG:

Yes, sir.

P.O. LINDSAY:

How many -- first of all, how many throughout the department, how many positions?

MR. HEILIG:

We have just over 300 positions.

P.O. LINDSAY:

Okay. How many vacancies?

MR. HEILIG:

About 45.

P.O. LINDSAY:

About 45, and 20 retired last year.

MR. HEILIG:

That's correct. Mostly support staff, but out of that 20, it was our Chief Assistant, Division Chief, two Bureau Chiefs and one Deputy Bureau Chief. So a lot of top people.

P.O. LINDSAY:

Okay. So I know I've had this discussion with the DA; he wants to promote a few people and he wants to backfill them at a lower pay, right?

MR. HEILIG:

That's correct.

P.O. LINDSAY:

How many positions would he want to fill out of the 20?

MR. HEILIG:

Currently we have four SCINS sitting over there with the County Executive, one is to fill a Bureau Chief position in our Insurance Crimes Bureau, a Deputy Bureau Chief position and so forth down the line. Those are all promotional in nature, that's no new hiring.

P.O. LINDSAY:

Okay. But any new hires?

MR. HEILIG:

No, sir.

P.O. LINDSAY:

Okay. So you guys don't see any problem in staying within the 20% backfill rules?

MR. HEILIG:

No.

P.O. LINDSAY:

Okay, I just wanted to get that on the record. Yes, Legislator Romaine.

LEG. ROMAINE:

Yeah, I'd like to just take a look at the way we do our budgets in Suffolk County, and maybe our Counsel could help me walk through this.

First, my understanding is the budget emanates when all the department heads, not only the elected department heads but all department heads, have to put in their budget to the County Executive, usually by February of -- February or, whatever, March maybe of the year for their operating budget. That's, I guess, a requested budget; is that correct?

MR. NOLAN:

That's my understanding. The departments request --

LEG. ROMAINE:

Right. And then they have hearings in June --

MR. NOLAN:

Send their request to the County Executive.

LEG. ROMAINE:

Usually the first or second week in June they have hearings on that budget. Then the County Executive comes and releases his budget; I understand that's the third Friday in September, although we usually get it at 5:08 or 5:20 --

*(*Laughter*)*

-- or six o'clock or something. But he releases it -- well, he releases it to the press usually two days beforehand because no one else has seen it so there can't be no criticism. And then it comes over to us on that late Friday.

*(*Laughter*)*

That's his recommended budget. Then the Legislature deals with this budget through a series of hearings that they have and we adopt a budget usually the day after Election Day, usually the first Wednesday in November. Then the County Executive has two or three weeks to take a look at what we adopted and do line item vetoes; is that correct?

MR. NOLAN:

Still here, yes.

LEG. ROMAINE:

Right. Then at the end of that we have another meeting in November and we deal with those vetoes, we either override them or those vetoes are sustained and at the end of that process we have a budget; is that correct?

MR. NOLAN:

Correct, Legislator.

*(*Laughter*)*

LEG. ROMAINE:

Okay. Yes, government 101. Here comes the rub. Here comes the rub for me, should be a rub for every conservative who's concerned with checks and balances. Should be a concern for every conservative that is concerned about process and the upholding of law. The Executive can go in there after the fact, without the approval of this Legislature and amend the budget. He can amend the budget by refusing to fill positions that he legitimately requested in the budget and we legitimately approved.

MR. STRAUSS:

That's right.

LEG. ROMAINE:

As a Legislator, under the Charter, I have four days, four times in a year in which I can submit an amendment to the budget. The County Executive has 365 days that he can come in and amend the budget.

If he doesn't want a position in the budget, if he doesn't want to fill a position in the DA's Office or in the Comptroller's Office, why isn't that amendment before us? Why doesn't he amend the budget that way? Who gave him this power? The power that is referred to is a simple section that says he has to sign-off, he has to sign a SCIN form.

What that says, if you read it carefully, is that he has to sign that there's sufficient funding for that. And if that funding is in the budget, he does a disservice to himself and this office by refusing to sign that. If he feels a position should not be in the budget, let him come to the Legislature, let him submit his amendments so that we can vote on it. He should not have the power to unilaterally amend the budget of this County, that Charter does not give him that power.

For every conservative that's concerned about checks and balances, for every conservative that's concerned about budgeting power, I say let the County Executive come. He can come 365 days a year to amend the budget, I can only amend it four times a year, he can amend it every single day. Bring the amendment to the Legislature. But what he does is act without the Legislature, act unilaterally. There is no checks and balances in that. We have a two-system, two checks and balances, the Executive and the Legislature working together on a budget process. If I vote for a budget, a budget he recommended, how does he get the power after the fact? How does he get the power after the fact to amend the budget without coming to the Legislature? I don't understand that.

And you know what? We like this Executive. Some do, who are conservative, because they don't think he spends a lot of money. But I can show you about some of the expenditures that have taken place, or lack of expenditures, at another time, and I'd happy to talk about that but let's stick to this issue. We may get an Executive that comes along that we may not philosophically like. Can he de facto amend the budget without the Legislature? What happens when the last law is down and we don't have rules that guide us? We do have rules.

I say this Executive should do what every Executive should do. If you don't think that something you yourself put in the budget should be there, come in and amend it, because the Charter allows you to do it every day of the year. Come in and amend it. Come in and put an amendment before this Legislature, but you should not have the power unilaterally to decide what is in or not in the budget. And yes, it may work for some because they like the policies of this Executive, but what happens when you don't like the policies of the Executive? In the end, the rule of law should apply. Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah. You know, I appreciate you giving us this list, Joe, of positions. Thirty-two positions since '08 to the present in the County Executive's Office, and I'm wondering how much money has that -- have those employees saved us and helped with paying the bills? And I'm looking in the room right now, I think I see probably about six or seven County Executive employees. I guarantee it's probably well over a half million dollars in salaries just sitting around twiddling their thumbs sitting in this room. It amazes me.

Thirty-two positions. I -- you know, Joe, I know that you're not asking for a lot. And I'm just curious about, again, how much money -- you do the audits and how much money have you retrieved with your audits and currently trying to retrieve for the County, which is another savings to taxpayers.

MR. SAWICKI:

Legislator Browning, the last calculation we did was for one of the earlier Ways & Means Committee -- Ways & Means Committee meetings regarding this resolution and it's about \$74,000 per auditor is generated in our Auditing Division over the last seven years, eight years that I've been the Comptroller. So they pay for -- and that's an average, but obviously they, you know, pay for their salary plus.

LEG. BROWNING:

And how much money are you figuring when you've done the audits and how much money have we retrieved back? And I know that we've received some of those audits. I guess you don't have an exact number?

MR. SAWICKI:

I want to -- yeah, yeah, I want to say around between five and six million.

LEG. BROWNING:

Five and six million.

MR. SAWICKI:

Five?

MS. CAPOBIANCO:

Seven.

MR. SAWICKI:

Seven point five million. I'm a little rusty from a tough campaign this year.

*(*Laughter*)*

LEG. BROWNING:

And again, you know, the Sheriff's Department. You know, I'm reading an article here that we all received, I'm pretty much sure everybody received this, and I guess the County Executive's statement here is in 2009, "Exercising strict position control allowed me to save taxpayers one point nine million in the five County-wide offices," meaning that -- meaning had that authority been removed, taxpayers would have been on the hook for \$1.9 million.

If I'm not mistaken, I sat here and listened to our District Attorney tell us that that \$1.9 million was not saved by the County Executive but it was saved by you. I mean, who's telling the truth here, the District Attorney or the County Executive?

*(*Laughter*)*

I know, you don't want to answer that. But, you know, I'm trying to figure it out.

MR. SAWICKI:

Well, I for one will side with the District Attorney for sure.

*(*Laughter*)*

I don't know about anybody else. But, you know, obviously we were asked to cut back and obviously we are down to bare-bones in our budget. And I've got to tell you, over the years that I've been -- going back to when Kevin Law was Chief Deputy in '04 and '05, he asked me, "Come on, Joe, we've got to keep our budget under control." I've never asked for more than I've needed. I've never played the game or asked for more, you know, asked for ten and I'll settle for five and always wanting five. I've always submitted a bare-bones budget. Thanks to the early retirement bill, I really have a bare-bones budget. And the Legis -- I didn't even ask the Legislature in this last go around for any additional funding than the County Executive gave me of the 427,000. I can live within that, I just need to be able to fill my positions and pay the County's bills and do the audits and be the fiscal watchdog that you guys want me to be.

LEG. BROWNING:

It's just I'm just trying to decipher, you know, it's truth, not true or misinformation. And again, going to the Sheriff's Department, you know, our Sheriff when he came into office, there was the plan to build this outrageously over-sized jail, and this Sheriff has saved us, what, tens of millions of dollars?

UNDERSHERIFF MEYERRICKS:

(Nodded head yes)

LEG. BROWN:

So he's not being fiscally conservative? I think he certainly is, and he has saved us so much money. And the fact that you're spending money on probably overtime for Corrections Officers for, what, maybe a \$30,000 position, civilian position? I just -- I don't understand why you're all being told that you're fiscally irresponsible and that you're going to get out of control. Very clear, our Sheriff has done a good job; he has saved us a lot of money in the building of this jail. And, you know, all of you are very much aware of what's going on in the County and you are working to save us money.

Judy, would you like to tell me how much money, again, what you've brought in to the County?

MS. PASCALE:

I don't know what time period you're talking about, but what I've returned to the County in four years is \$2.1 million. And again, I just want to reiterate that, as Joe mentioned, you know, this is not something that, you know, somebody had to twist our arms.

I mean, I think it's important to note, and I think Legislator Kennedy mentioned this at the last -- one of the other meetings, that it is usually -- with all due respect, it is usually one of us or several of us that have firsthand knowledge of declining real estate market trends. Not that we tell you but, I mean, I think you made that point, John, you know, I see it every day. I mean, I see the real

estate market trends in Suffolk County quite clearly every day. You know, Angie sees it from her standpoint and, you know, so does Joe, and obviously the Sheriff and the District Attorney see it from a crime standpoint.

So I think there's been so much misinformation. And I want to apologize to the people that have been misinformed. We are not department heads, with all due respect to department heads, we are co-County-wide elected officials. We raised our right-hand just like you did, just like this County Executive did and we took the same oath to, you know, uphold the respective mandates that the voters hired us to do. To suggest that there's only one person in this County that's fiscally conservative, to suggest that there's only one person in this County that truly cares about the over already overburdened Suffolk County taxpayers is really -- it's unfortunate and I think it's somewhat deceitful. It's very unfair to start running through the streets and try to create this media frenzy that, you know, should this happen and tomorrow the five of us are given the ability to hire only those critical positions, and who knows better than we do which positions need to be filled? I mean, obviously the District Attorney needs to have somebody in charge of insurance fraud. You know, I mean, he told me this morning that that SCIN has been up there since September.

You know, we all respect each other, we all respect the jobs that we've been hired by the taxpayers to do. All we're asking is that we be given the opportunity to do these jobs with the level of confidence that's been given to us and understand that we are very competent and we are very capable to live within our budget. And again, you know, that \$1.9 million was not something that the 12th floor pulled out of the sky. We actually sat down and met with the 12th floor and the County Executive. He told us about his dilemma, we were already aware of certain trends in the market and we turned over \$1.9 million. To say that had he not taken that \$1.9 million would have cost our taxpayers, because they're our taxpayers too, \$1.9 million is blatantly untrue.

And I think it's also important to note that the number of positions that we're talking about, there's probably about twelve-and-a-half thousand County -- employees in our County workforce. We're talking about less than eighteen hundred that we, the five of us, collectively control. So I think that, you know, I know we've said that before and I apologize if we're being repetitious, but I think it's important to note that the sky will not fall should this legislation pass.

P.O. LINDSAY:

Okay.

MS. PASCALE:

Despite what you have all been led to believe.

LEG. BROWNING:

Bill?

P.O. LINDSAY:

I can't, no more. No more.

LEG. BROWNING:

No, no, I just think it would be nice to get a breakdown of the 32 positions.

P.O. LINDSAY:

No, but here it's 12:35. You guys have to give me directions, do you want to keep going on this and vote on this issue now or do you want to take it up later on?

LEG. MONTANO:

Vote on it.

P.O. LINDSAY:

If you're going to take a vote on it now, you have to shorten your comments.

LEG. ROMAINE:

Vote.

LEG. MONTANO:

Vote.

P.O. LINDSAY:

You want to vote on this now? Okay.

D.P.O. VILORIA-FISHER:

Mr. Chair, as sponsor of this, I ask that we just take a vote and then go to lunch.

LEG. LOSQUADRO:

Bill, Ben.

P.O. LINDSAY:

I know, but the Legislature is debating this. I'm sorry, Ben. Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:

Oh, I thought we were going to take the vote now.

MR. NOLAN:

You just want to vote? Okay.

LEG. MONTANO:

Unless you want to say something.

D.P.O. VILORIA-FISHER:

I'm asking if we can relinquish -- everybody who was on the list, relinquish and just take a vote.

LEG. MONTANO:

Let's vote.

D.P.O. VILORIA-FISHER:

I'm just asking the other people who were on the list.

P.O. LINDSAY:

I'll do whatever you's want me to do, I'm just looking for direction.

D.P.O. VILORIA-FISHER:

Tom and Wayne, you're the only two on the list.

LEG. HORSLEY:

Take a vote.

LEG. COOPER:

Vote.

P.O. LINDSAY:

The majority wants to vote?

LEG. LOSQUADRO:

I'm fine with the vote. All I was going to say was we heard from all the other County-wide electives and their representatives, just to hear from the last one, just out of courtesy.

D.P.O. VILORIA-FISHER:

Okay. Well, I disagree with that because --

LEG. LOSQUADRO:

It's up to you. It's a ruling from the chair.

D.P.O. VILORIA-FISHER:

-- usually we ask people to come up if we have a question; we didn't ask Mr. Zwirn --

P.O. LINDSAY:

Come on up, Mr. Zwirn.

D.P.O. VILORIA-FISHER:

Then I'm going to have to respond to him.

LEG. MONTANO:

No, you're not.

D.P.O. VILORIA-FISHER:

Yes.

LEG. MONTANO:

Let him talk.

D.P.O. VILORIA-FISHER:

Because one lie after another has been put out there, and often with my name attached to them.

P.O. LINDSAY:

Not that we ever heard you before on this subject.

MR. ZWIRN:

I was busy in the back twiddling my thumbs, but I --

*(*Laughter*)*

And I take umbrage with that remark. We have people here from the County Attorney's Office to answer questions, we have staff here to be able to work. I was in the back talking with Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

Good point.

MR. ZWIRN:

I'm just saying, I just think that that was uncalled for and, you know, we don't question staffs.

The County Executive has never singled out the elected officials. I mean, everybody says this is a personal attack. He has more vacancies in his office than any of the elected officials here on a percentage basis. The District Attorney's Office, in '03 to today, has 63 more people on board, the Comptroller three, the Sheriff 173 while the County Executive has 36 less. He is the Chief Budget

Officer for the County, and that is why he gets to amend the budget on a regular basis and the Legislature does not, because we see revenues coming in. Just because you budget a revenue, including property taxes which is your most conservative revenue number because people do not want to lose their houses, there are towns in this County where the residents cannot pay their taxes and the County has to make good on it. Just because you have a budgeted number does not mean that number is real, and you have to make adjustments. And the best way the County Executive has done that over the last seven years is with position control. It's across the board, it does not single out the elected officials. And because he has done it and done it well, we have had seven consecutive budgets without a tax increase while the State of California can't even pay its bills.

There's a reason why we are in better shape than almost every municipality in the United States, and this is part of it. And I hope you would respect that and when you vote on this, think about where we are today. You can look at neighboring Nassau County where I served where they had a County Executive who hired everybody, whether they were in the budget or not. This County has taken a different position, the County is running well and it is running lean. I thank you very much.

P.O. LINDSAY:

Thank you. Okay. We have a motion and a second. Roll call.

MR LAUBE:

Legislator Lindsay?

P.O. LINDSAY:

I didn't make the motion.

D.P.O. VILORIA-FISHER:

Oh, I made the motion.

MR. LAUBE:

Oh, I'm sorry.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes for independence.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Losquadro).

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay, we stand in recess until 2:30. Please don't disappear, we've got to do the photo.

D.P.O. VILORIA-FISHER:

That was a vote for Christmas spirit.

*(*The meeting was recessed at 12:38 P.M. *)*

*(*The meeting was reconvened at 2:30 P.M. *)*

P.O. LINDSAY:

Mr. Clerk, please call the roll.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Yep.

LEG. D'AMARO:

(Not present).

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Here.

MR. LAUBE:

Fifteen (Not Present: Legislators Kennedy, D'Amaro & Vilorio-Fisher).

P.O. LINDSAY:

Okay, we're going to start the public hearings for the afternoon.

But I am going to exercise the prerogative of the Chair, and as soon as every one of our colleagues is here I'm going to interrupt the hearing process for a special presentation.

The first *Public Hearing is IR 1782-10 - Adopting Local Law No. -2010, A Local Law to register prepaid cell phones purchased in Suffolk County (Browning)*, and it doesn't appear that I have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, I'll make a motion to --

LEG. BROWNING:

Motion to recess.

P.O. LINDSAY:

Motion to recess by the sponsor.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Kennedy, D'Amaro & Vilorio-Fisher).

P.O. LINDSAY:

It stands recessed.

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

MR. MALAGA:

Good afternoon. My name is Cesar Malaga.

MR. LAUBE:

You need to press the button on the microphone.

MR. MALAGA:

Okay, I have to keep it.

MR. LAUBE:

You have to keep it on, yes, "Hold while talking."

MR. MALAGA:

Oh, I'm sorry. Okay, my name is Cesar Malaga from the Spanish American Association. IR 1883 has been since 2007, it's too long. I personally sound like a broken record when I speak about the land in Yaphank that the residents of Suffolk County own. It's not owned by the County Legislature nor by the Legislators as indicated -- as I have indicated in Riverhead. The 225-acres at Yaphank should not be declared surplus, it should not be sold to Legacy Village, a real estate group, for mixed use development.

If you are selling the land to create construction jobs, it's not the reason to sell. The construction jobs will be temporary but the destruction of the land will be permanent. We have many houses for sale in Suffolk County. There are new developments still with vacant houses for sale. I was somewhere in Southampton where there was a development, they still did not sell the houses that were built over three years ago. We do not have jobs in Suffolk County. There are no workers that can buy houses priced over 700,000 or affordable house price of 350,000. Our country is facing a critical economic situation that will continue for a long while. The American dream of our country is gone, it does not exist today. There are not jobs, no one can afford to buy a house. Let's not destroy the land in Yaphank or anywhere else. Let's protect our open space and further land.

We've reached the saturation point with the construction of houses. Newsday indicated that Suffolk County built 28,132 units between 2000 and 2004. But between 2005 and 2009, there were only 7,155 units built, that is a minus 75.4% difference. There are people who are looking to rent land to start a new type of organic agriculture. Let's rent the land to those people; or better, let's start the community gardens which exist in some European countries. Some people go out of their way to buy organic vegetables. They can grow it themselves, organic vegetables, you can use the land for three seasons of the year.

The construction workers can learn new trends, many of us did. Something in the market today is the installation of solar panels. The construction of full-storage rental units outside our existing hamlets where there are schools, shopping centers, transportation, I mean public transportation and utilities. We have to utilize what we have and not destroy the open land that we have. We do not have to sell the open land that the residents of Suffolk County own because there's a need to close the budget which should decrease the number of aides that you Legislators have and close all those rented offices in the districts. The residents do not visit these offices, as was reported by the New York Times. We can save over \$4.6 million a year if we do what I have indicated. We do not have to increase the bus fair from \$1.50 to \$2 to establish the Sunday bus service. Let's cut the waste first.

Now, this morning probably you saw in Newsday that many schools are facing problems. They are closing some schools because we do not have enough students. And to build, you know, houses like the one is planned here, what they call the mixed-use development, there is no need to do that. As a matter of fact, these houses are being built by Sunrise Highway and it's too far away from work, they have to commute. And someone said that, you know, you have the Long Island Railroad and the Long Island Expressway not far, but no one is looking, you know, what's east of Yaphank. There's a lot of traffic congestion there. What we need to have is, you know, mass transportation. And as I may have indicated before, the saturation point has reached the construction of houses in Suffolk County. Let's not destroy the open land that we have, let's keep it. Let's not sell it, let's keep it. Thank you very much and happy holidays to all of you.

P.O. LINDSAY:

Thank you, Mr. Malaga. I don't have any other cards on this subject. Is there anyone else in the audience that would like to address us? Please come forward. This is on 1883, right?

MS. {GARELL}:

My name is Maxine {Garell}, I live out here in Suffolk County. There's a couple of issues as far as what's been going on. The first issue is I think Article 7, the Real Property Law needs to be changed. It's creating a lot of expenses for the County, it's creating a lot of health problems, physical problems, crime. The problem -- you have a lot of developments like Heatherwood LLC, you have the Fairfield Development -- and there's many others, I can't name them all -- but they are multi-million dollar corporations. They evict people and then -- the money they make is in the trillions. What they need to do is change it that if people fall behind, they have -- I'll give you an example. I live in Coram. I found out every month a hundred people get evicted. The people that come up to 6th District Court, I sat and I watched, all poor people; nobody knew their rights, nobody had money. A lot of people wind up in the shelters and their life gets made like hell, and then it costs money for the health care of the people, public welfare system, they're spending extra money. They're spending money -- and human rights, human beings. They're taking money above people and that is outrageous, that's unconscionable. Plus their leases. I have one and they waiver -- they have people waiver all their rights for due process. It's unconscionable, it should not be -- they should be suspended for doing such a thing. The people signed -- I didn't even see it, I had signed, they said it was a standard lease and I went to court. Now, I went to court on the 8th of December in the morning. I was never served properly, and I came back in the afternoon, there was nobody in the courthouse. They were doing liens, judgements and evictions, and I'm sitting in there going, "Nobody is here. Where are all the people they're evicting? Where are the people that are standing before the Judge so the Judge sees the human beings?"

I got the paperwork, I'm going to make a copy for everybody, I didn't have the time, but I had to go back seven years. People have been thrown out on the street, their things being thrown out. Some go through the Sheriff, they can get a lawyer, some don't. People are being put into shelters, it's creating an economic stress on everybody. It's creating problems in the health care field, it's creating problems for the welfare system, it's creating problems for EOC from Washington. Economic opportunities, the money that comes down from Washington gets trickled and a lot of administration from all the agencies use it because they've got to get paid, now. They need to change the way things are being done.

The people should not be -- they should not be throwing them out. If they're making trillions of dollars, they should be putting money on the side so when people fall behind they take the money and they put it back in the system and they get a tax write-off. So they're not losing money, the people stay and it just circles within the system and it doesn't create people to be thrown out in the street like trash. This country has been -- is under guard and this is totally against every ethical, every humane, every conscionable way of having -- I mean, in Europe they don't do that, they make provisions for people. And the people are put into these shelters and then put into different places and I saw families up there. It was horrible, just horrible. In the afternoon there are no people there. How come? And a lot of the people that were there in the morning, they signed papers to move giving them some time, but the people didn't know their rights. There was somebody there that was on Section 8 and they should not be evicting her, she's on Section 8 and they were late in making payments. That's Fair Housing Laws, human Rights Laws, Real Property Law, CPRL 235, B through G, a lot of violations. Taking things upon their own hands; wrong, wrong, wrong.

Something needs -- and Fairfield? They're horrible too. People move in, they ask for two and three months security. They fall late I think it's 10 or 15 days, they tell them their leases have -- they broke their lease and they've got to evict them. Now, these people have laid out a lot of money. The majority of people are working people, they don't have -- I mean, if you plan properly, yes, you put your money away, your money grows and it works for you and you have cushioning. But the majority of the people in society do not have -- have not been given the opportunity to learn all of the things that in the other more areas where people are more influent, the schools are better, the education is better. I know in Nassau County in --

P.O. LINDSAY:

Madam, you're are out of time.

MS. {GARELL}:

Okay.

P.O. LINDSAY:

Okay? Thank you.

MS. {GARELL}:

That's my point, that some things need to be changed drastically.

P.O. LINDSAY:

Thank you very much.

MS. {GARELL}:

Okay. Thank you.

P.O. LINDSAY:

Is there anyone else that wants to speak on 1883? >Seeing none, I'll make a motion to recess.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

Next up is *Public Hearing on IR 1950-10 - Adopting Local Law No. -2010, A Local Law strengthening the Social Host Law to deter the consumption of alcohol by minors within the Suffolk County Park System (County Executive)*. I have no cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, I'll make a motion to recess.

LEG. MONTANO:

I was going to -- if I may, Mr. Presiding Officer, ask Counsel a question?

P.O. LINDSAY:

Sure, go right ahead.

LEG. MONTANO:

It's my opinion that this law would be redundant in light of the passage of the two bills last month. How do we get it off the calendar? If we --

MR. NOLAN:

Well, it's a County Executive bill, so he would have to withdraw the bill, or to get it off our calendar. I believe it's still in committee, so --

LEG. MONTANO:

That would be one way, or if it stayed in committee not being discharged for six months, it would be

stricken; there are a number of ways.

LEG. MONTANO:

So then if you would --

P.O. LINDSAY:

Would you like to close?

LEG. MONTANO:

All right, let's close it so we can deal with it in committee.

P.O. LINDSAY:

Motion to close by Legislator Montano, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislators

P.O. LINDSAY:

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

And I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? I don't see the sponsor. Yes, Legislator Stern?

LEG. STERN:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

Public Hearing on IR No. 2034-10 - Adopting Local Law No. -2010, A Local Law establishing a 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? Seeing none, Legislator Viloria-Fisher?

D.P.O. VILORIA-FISHER:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

Public Hearing on IR No. 2045-10 - Adopting Local Law No. -2010, 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 to us on this subject? Seeing none, Legislator -- recess?

MS. GELLERSTEIN:

Yes.

P.O. LINDSAY:

Motion to recess. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. All in favor? Opposed? Abstentions? It stands recessed.

MR. LAUBE:

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

P.O. LINDSAY:

Public Hearing on IR No. 2107-10 - Adopting Local Law No. -2010, A Charter Law strengthening the budget adoption process (County Executive). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject?

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

Public Hearing on IR No. 2145-10 - Adopting Local Law No. -2010, A Local Law to regulate the sale of tattoo equipment in Suffolk County, and I have a couple of cards. Michael Fenn? Please come forward, Mr. Fenn.

MR. FENN:

Good afternoon, and thank you for taking the time to hear me. I'm here to speak to you in regard to adopting a law which would prevent the sale of tattoo and body piercing equipment to unlicensed individuals here in Suffolk County.

My name is Michael Fenn and I am the owner of a body art studio here in Suffolk County. I am trained and certified as a tattoo artist, body piercer and practitioner of permanent cosmetics. I've been in the industry overall for over 25 years and I have been a proponent for laws and regulations for the industry and have been instrumental in the adaptation of the law preventing the body piercing of minors without parental consent. I have also sat with the Suffolk County Health Department in creating the first Article 14 of the Sanitary Code and having continue to be involved in the recently rewritten updates to Article 14.

Body art, tattooing and body piercing is a regulated industry, and it is regulated here in Suffolk County as it is in most of the country. I speak to you today about the alarming number of people illegally performing tattoos and body piercings outside of a licensed studio. These people are working out of garages, basements, illegal apartments, kitchens. They're not -- these are not licensed places of businesses. These people are referred to in the industry as scratchers. For the most part, they are untrained and uninspected and work in an unregulated, illegal environment. What was once a

very small percentage has now become an alarming number.

Tattooing and body piercing has gone from the days of undesirables, ex-cons, drunken sailors and more to a major fashion of the world. I remember 20 years ago there was only a handful of tattoo studios here with a scattering of illegal individuals applying their trade illegally, when now there is over, I believe, 70 licensed studios here in Suffolk County with numerous illegal individuals operating within a short distance of these legal studios. Why this has advanced to this degree is a multi-fold dilemma.

Supply companies are so greedy that they will sell to anyone who comes in to their showroom. Some have gone as far as to opening kiosks in malls all over America selling to anyone who wants to purchase body equipment. I have seen people purchase items from supply houses where they are purchasing a single tattoo needle, a tattoo tube, piercing needles and more. Just the fact that these people will continually re-use these contaminated equipment on the uninformed public. Not only is this illegal, but what diseases are being transmitted by these scratchers? The malls in Valley Stream and in Roosevelt Field have kiosks that are catering to these scratchers, as I have witnessed firsthand the sale of body art equipment to unlicensed people, including a 13-year old.

Another problem is that the Internet is another major source for cheap, poor quality equipment being sold again to anyone. Today on E-Bay there were 139,000 results for the word "tattoo", and 44,000 results for "tattoo kits". "Body piercing" was 6,700 results with 600 for "piercing kits". Amazon was a little bit lighter showing only 44,000 for "tattoos" and 2,400 for "tattoo kits" and 880 for "piercing kits". This is not a problem -- this is an epidemic which will only continue to grow unless we do something to rectify this problem. What kinds of problems are being caused by the scratchers are not just limited to poor quality work, but severe infections including staff infections, bacterial and fungal infections, dermatitis, the transmission of blood-borne pathogens and more. Some infections have resulted in the process of the surrounding tissue and the possible loss of limb or life if left untreated. There is also the danger of other diseases being transmitted such as Hepatitis and AIDS.

I ask you, the Legislative leaders of Suffolk County, to take this severe situation and pass this law preventing the sale of equipment to unlicensed individuals, imposing stiff fines for the violation of the law. I also ask you to consider taking the responsibility of illegal individuals away from our Health Department and determine it be a Penal Law with very strict penalties for those who abuse it. Let's take the initiative and require all supply house to keep better records, requiring proof of licensure and the prohibition of so-called cash sales with no record of the transaction.

The bottom line is do you want this to happen to any of your friends, family and children or loved ones? I have pictures, if you folks would like to see, of some of these infections that have come by my studio, both with tattoos and piercings.

P.O. LINDSAY:

Okay. Sir, Legislator Barraga has a question for you.

LEG. BARRAGA:

This particular legislation -- Mr. Fenn, it's good to see you again -- basically encompasses the prohibition of selling tattoo equipment to someone who is not certified as a tattoo artist or not certified as a tattoo in an apprenticeship type of program; you understand that.

MR. FENN:

Yes.

LEG. BARRAGA:

Okay. Can you just elaborate a little bit in terms of what the apprenticeship program is in Suffolk County? What someone goes through in order to get eventually certified as a tattoo artist?

MR. FENN:

Currently here in Suffolk County we have a Health Department ordinance for apprenticeship requiring that an individual requiring to become a tattoo apprentice must file with the County and find someone who was willing to be their sponsor in the industry, and it is required that they document 1,000 hours of actual work time and experience to be provided to the Health Department to turn their certification from a tattoo apprentice into a tattoo artist.

LEG. BARRAGA:

In speaking with you in the past, you've indicated that these kiosks in Nassau County have been selling these guns or irons to anybody who basically comes in and wants to purchase them. Did you bring a gun or iron with you?

MR. FENN:

Yes, I have, I brought both.

LEG. BARRAGA:

Can you just take it out for the benefit of the members?

MR. FENN:

This is a tattoo machine.

LEG. BARRAGA:

And this is the machine that's sold, all right, by a kiosk, to someone who's not certified, and then no one knows exactly what they're doing with that once they purchase it.

MR. FENN:

That is correct.

LEG. BARRAGA:

To your knowledge, this is not being done so far in Suffolk County.

MR. FENN:

Not to my knowledge yet.

LEG. BARRAGA:

And you're trying to prevent that from happening.

MR. FENN:

That is true.

LEG. BARRAGA:

All right. Thank you very much, Mr. Fenn.

MR. FENN:

Thank you.

LEG. EDDINGTON:

I have a question.

P.O. LINDSAY:

Hold on, Mr. Fenn, Legislator Eddington has a question.

LEG. EDDINGTON:

Yeah, I live in Medford and I know of a couple of young people who have gotten tattoos under 18, and so probably the population that you're trying to prevent to get a hold of it are the ones that are doing that type of thing; am I correct in that?

MR. FENN:

Yes. I'm looking to make it so that the equipment cannot be put into the hands of an unlicensed, irresponsible individual.

LEG. EDDINGTON:

Right. Because what I'm finding out is that like Lotus Tattoo in Sayville or the Medford shop where I live, they have parents coming in going crazy saying, "You know, they got a tattoo. It must be this place or that place," and they're basically saying that it's unauthorized people. And so you've really got a handle on, or I guess Legislator Barraga has a handle on how to deal with that problem, because that's what we're seeing in the communities with 17-year olds and 16-year olds.

MR. FENN:

Not just 16 and 17-years old, there's also adults who are falling for the same ruse.

LEG. EDDINGTON:

Oh, okay. Okay, but that would be the only recourse of an under-age person to go to somebody like that.

MR. FENN:

That is correct, because in New York State the law states that under 18 it is prohibited.

LEG. EDDINGTON:

Gotcha. Okay, thank you.

P.O. LINDSAY:

Thank you very much, Mr. Fenn. Cliff White?

D.P.O. VILORIA-FISHER:

Oh, Steve.

LEG. STERN:

I just had a quick question.

P.O. LINDSAY:

Hold on, Mr. Fenn. Legislator Stern has a question.

LEG. STERN:

Thank you, Mr. Presiding Officer. Welcome. Quick question. When you say that to your knowledge this is not occurring in Suffolk County, maybe you can just clarify; what, to your knowledge, is not occurring in Suffolk County?

MR. FENN:

The sale of tattoo equipment out of kiosks in the mall.

LEG. STERN:

Out of kiosks in the mall, got it.

MR. FENN:

Correct.

LEG. STERN:

But you're aware of it happening in other places. Is that what currently occurs in Nassau County?

MR. FENN:

Yes, it does, in Valley Stream at Green Acres Mall and also in Roosevelt Field Mall. I have the cards of the businesses that are doing it.

LEG. STERN:

Okay, very good. Thank you.

P.O. LINDSAY:

Okay. Mr. White, how are you?

MR. WHITE:

Thank you. Do I have to press this button or can everybody hear me?

P.O. LINDSAY:

Yes, you have to press the button and hold it.

MR. WHITE:

Okay. Thank you very much. And basically I want to reiterate what Mike said. It's unfortunate that the sales of this equipment is being available to people who are, number one, under age, and also unlicensed.

Here in Suffolk County we are certified and licensed by the County to perform these tattoos. In my town alone there's probably 60 people tattooing out of their house. Every other day people are coming in with infections, a scarred tattoo, badly performed tattoos which is very, very unsafe. There needs to be something on the books in the Penal Code so that Suffolk County can actually go into one of these houses and stop these people. Right now if we call the County on somebody who is tattooing out of their house, all they can do is go down there, knock on their door and ask them, "Are you tattooing?", and of course these people say, "No". There's nothing from preventing them from coming in and checking it out. It's just really bad for the industry and for the general public, just for the safety. Basically that's all I have to say. Thank you very much.

P.O. LINDSAY:

Thank you very much. Lou Rubino.

MR. RUBINO:

Okay, I would like to introduce myself. My name is Lou Rubino. I am a tattoo expert. I have a double interest in this bill, I will explain why. Number one, I am the owner of five tattoo parlors here in Suffolk County. Therefore, if we could stop illegal tattooing in Suffolk County, it would definitely benefit my shop business.

*(*Laughter*)*

But this is not the proper way to do it. Stopping tattoo equipment will not stop them. The number one reason is because people tattooing illegally will still get tattoo equipment or use inferior supplies or even reuse dirty supplies, causing a large threat to society. How are you going to stop them from buying over the Internet or driving into Nassau County and going to the kiosk in Nassau County or into New York City and buying supplies?

How do we go about stopping illegal tattooing? We enforce the laws and put a stop to it. There are many people tattooing illegal, but the problem is the Department of Health here in Suffolk County will not go after them until there is a formal complaint, or until someone has a problem or gets an infection. We need to stop them prior to this problem.

Now I will tell you about my second interest in this bill. I am the owner of the one and only tattoo supply company here in Suffolk County, okay? This bill claims that there are kiosks in the malls; there are none in Suffolk County. Okay? Selling tattoo equipment, I find this to be false information about the malls. I found out just now that they are in Nassau, I didn't know about that. As a tattoo supply owner, we sell pre-sterilized, disposable tattoo equipment which makes it safer for everybody tattooing. If they cannot get their hands on disposable needles, the effect will be much greater, the same as buying disposable syringes in New York State. This is legal, you can buy syringes. Why? To stop the reuse of dirty needles.

In conclusion, I feel the results will be either, number one, more infections from illegal tattoos done with inferior equipment or reuse of equipment. Number two, this affects my supply company and only my supply company. I am a taxpayer here in Suffolk County and I should not be isolated out. Okay, people tattooing illegally will go back to old styles of prison tattooing or simply just purchasing from another supplier from another source. Going into New York City or just purchasing over the Internet, and I think that's impossible to stop. I brought with us some samples of some disposable tattoo equipment which comes presterilized, all packaged, just like a syringe, ready-to-use. So if anybody would like to see these, we can pass these around.

P.O. LINDSAY:

All right, I have a number of people that do have a question for you. I'll start from this side, Legislator Nowick.

LEG. NOWICK:

It's a quick question. I think I know the answer to it, but I just wanted to ask you. Does a minor have to have a note from a parent or a guardian to get a tattoo?

MR. RUBINO:

Currently no.

P.O. LINDSAY:

Legislator Vioria-Fisher.

MR. RUBINO:

To get a tattoo, you cannot get a tattoo in New York State unless you're 18; so with consent, no.

LEG. NOWICK:

So nobody under 18.

MR. RUBINO:

No, no, nobody under 18 can get tattooed. Just to clarify that, sorry.

D.P.O. VILORIA-FISHER:

Mr. Rubino?

MR. RUBINO:

Yes?

D.P.O. VILORIA-FISHER:

I'm a little confused. Your business is supplying -- one of your businesses is supplying the tattoo equipment.

MR. RUBINO:

Correct.

D.P.O. VILORIA-FISHER:

Now, do you supply that to licensed tattoo parlors as well?

MR. RUBINO:

Yes, we do.

D.P.O. VILORIA-FISHER:

So the impact that you're claiming would occur to your business would only be those people who are independent or self-employed or people doing tattoos out of their homes?

MR. RUBINO:

Correct. But it's isolating -- what I feel is not fair is that it's isolating me versus any other supply company in the United States.

D.P.O. VILORIA-FISHER:

Okay, that's what -- what do you mean isolating you? Are there other suppliers in Suffolk County that aren't --

MR. RUBINO:

There are none in Suffolk County, so I'm the only one that this would effect.

D.P.O. VILORIA-FISHER:

Oh, you have a monopoly (Laughter).

MR. RUBINO:

There you go.

D.P.O. VILORIA-FISHER:

No, but it's not really isolating you in kind of a legalistic way. You're saying geographically you're the only one doing it here, so if this law occurs here, that you're the only one who's being impacted.

MR. RUBINO:

Correct, because they would just go to another supplier.

D.P.O. VILORIA-FISHER:

Out of the area.

MR. RUBINO:

Right, Nassau County, you know, New York City or just over the Internet.

D.P.O. VILORIA-FISHER:

Okay, thank you.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

I just wanted to clarify, because you may have just answered it but it was a little noisy behind me. You'll benefit, your shop will benefit, or your five shops, if the people that do it illegally can't do it; correct?

MR. RUBINO:

Correct.

LEG. EDDINGTON:

Okay. But you want to -- you don't like the idea that you can't sell your equipment to the illegal people because that's going to hurt your bottom line; is that what you're saying?

MR. RUBINO:

Well, no.

LEG. EDDINGTON:

Okay.

MR. RUBINO:

I'm just saying that this is not the way to go about it, by stopping the equipment. You need to stop the people doing the tattoos, not the equipment.

LEG. EDDINGTON:

I mean, do you have like a suggestion on how that could be done?

MR. RUBINO:

Sure; don't wait until you find out about an infection to go after somebody. You know, there's plenty of people out there that are tattooing illegally. I'm sure if you walk in to any tattoo parlor they can point out at least five people to you. So, you know, find out who they are and go after them, stop them.

LEG. EDDINGTON:

Have you reported people and the Health Department hasn't gone after them?

MR. RUBINO:

To answer that truthfully; yes, I have tried, but they will not do anything unless there's a formal complaint.

LEG. EDDINGTON:

Okay. So, I mean, I'm wondering if maybe we need to get the Health Department to become more proactive or reactive, too. But wouldn't Legislator Barraga's legislation also -- isn't that like another arrow at the target of preventing this illegal and unhealthy practice?

MR. RUBINO:

No, because it's not going to stop them, they're just going to buy it from somebody else. If they're not buying it from me, they're going to buy it from somebody else, over the Internet. If they could stop it in the whole United States and stop every supply company in the United States from selling it

to them? Absolutely.

LEG. EDDINGTON:

Okay. Thank you very much.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you. The unit that was held up a moment ago by the other gentleman, the --

MR. RUBINO:

Tattoo machine.

LEG. STERN:

The product. What's the approximate cost?

MR. RUBINO:

Something like that? It depends. I mean, they range probably from like \$100 to three, \$400, you know?

LEG. STERN:

Okay. When you say that right now the penalties for violating the law are -- are you saying that primarily it's administrative? The Department of Health will do an investigation, let's say that they do show up and let's say they do catch somebody who is performing it who's not certified to do so; are you familiar with the penalties for that, if any?

MR. RUBINO:

I'm not quite sure on the penalties but, you know, the problem is getting them to actually get there and do something about it.

LEG. STERN:

Okay. But if they were to get there and if they did have the wherewithal, if they did want to do something about it, you're not aware of what the doing about it would be at this point, you're not aware of what the penalties are.

MR. RUBINO:

No, I'm not sure.

LEG. STERN:

Okay. Do you now know off-hand whether those penalties are administrative in the Department of Health, or are you familiar with any type of New York State Law that would penalize somebody for performing tattoo art without being certified?

MR. RUBINO:

Well, as far as I know, there are, you know, no State laws on this, it's all governed by the County's Health Department.

LEG. STERN:

Okay. And you have -- currently you have customers in Suffolk County.

MR. RUBINO:

Correct.

LEG. STERN:

-- for equipment. Do you service companies or individuals outside of Suffolk County?

MR. RUBINO:

All over the United States; actually, all over the world.

LEG. STERN:

Okay. So it's a national and international operation that you have.

MR. RUBINO:

Yes.

LEG. STERN:

Okay. Thank you.

P.O. LINDSAY:

I think that's it. Thank you very much.

MR. RUBINO:

Okay. Thank you.

P.O. LINDSAY:

I do not have any other cards on this subject. Is there anyone else in the audience. We'll give you -- gentlemen, don't leave the room, we'll give you back your tattoo stuff. Okay?

D.P.O. VILORIA-FISHER:

You don't want to leave it with these guys.

*(*Laughter*)*

P.O. LINDSAY:

Legislator Viloría-Fisher wanted me to do her arm and --

D.P.O. VILORIA-FISHER:

A little butterfly.

P.O. LINDSAY:

I said, "I'm a horrible artist," you know?

LEG. EDDINGTON:

Get the seal.

*(*Laughter*)*

P.O. LINDSAY:

That's all the cards I have on this subject. Is there anyone else in the audience that would like to speak on this subject? Seeing none, I'll -- Legislator Barraga?

LEG. BARRAGA:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Barraga. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

2145 is closed.

When I started the Public Hearings, I said that I'm going to exercise the prerogative of the Chair. Our photographer is leaving because he's on the clock, and the only other business we have today, which we were going to do later but I'm going to do it now, is a presentation to Legislator Losquadro because it's his last day here. And we have something that he has always wanted, a proclamation.

*(*Laughter*)*

So if all of my colleagues gather up front, and probably the picture will be more valuable than the proclamation to Legislator Losquadro.

*(*Proclamation Presented to Legislator Losquadro*)*

LEG. LOSQUADRO:

I'm told I'm allowed to speak later.

P.O. LINDSAY:

I want to thank the audience for their indulgence for putting up with me. We're going to hear from Legislator Losquadro later.

Okay, we're up to ***Public Hearing on IR 2156-10 - A Local Law to alert consumers to the health risks associated with energy drinks (Nowick)***, and I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Not seeing anyone, Legislator Nowick?

LEG. NOWICK:

Motion to recess.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Motion to recess. Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR 2208-10 - A Local Law implementing the Charter Commission's recommendation regarding the terms of the Presiding Officer and Deputy Presiding Officer (Romaine). I don't have any cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

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:

Seventeen.

P.O. LINDSAY:

Public Hearing on IR 2210-10 - Adopting Local Law No. -2010, A Local Law to ban the sale of energy drinks to minors in Suffolk County (Nowick), and I have a couple of cards here. Sandra Grance?

MS. GRANCE:

Thank you, Mr. Officer. If you don't mind, I was going to --

LEG. ROMAINE:

You have to hold the button down.

MS. GRANCE:

Okay. If you don't mind, I was going to make a few comments about 2256, if you don't mind.

P.O. LINDSAY:

You have five minutes, you can comment on anything you want, all right?

MS. GRANCE:

Thank you.

P.O. LINDSAY:

Within reason.

MS. GRANCE:

Thank you, appreciate it. Thank you for the opportunity to speak before you today. My name is Sandra Grance, I represent the American Beverage Association. We represent the broad spectrum of companies that manufacture and distribute non-alcoholic beverages including regular and diet soft drinks, teas, juices, waters, sports drinks and energy drinks.

I'm here today on behalf of your local distributors, this includes Coca Cola Refreshments located here in Smithtown which employs 400 people and Pepsi Bottling Ventures which employs over 160 people in Suffolk County, as well as a number of other local distributors of non-alcoholic beverages. I'm here to testify in opposition to Resolution 2210 and 2156.

While this legislation I understand is well-intentioned, it's not based on science. And contrary to statements that have been made, energy drinks and all other ingredients are regulated and approved by the U.S. Food & Drug Administration, and I'm happy to leave some information or get it to you that cites those regulations and laws. They also meet government labeling requirements, and

when compared on a per-ounce basis, most energy drinks contain less than or equal to the amount of caffeine in an average cup of coffee. Specifically, energy drinks typically contain between 60 and 100 milligrams of caffeine, in an 8-ounce serving, one 8-ounce cup of coffee contains between 100 and 190 milligrams. And the U.S. Food & Drug Administration considers caffeine safe for all consumers, including children.

You should also know that the members of the American Beverage Association do not sell energy drinks to students in schools. And in fact, we sell very few carbonated soft drinks to students in New York schools and have not since we started removing those products voluntarily about six years ago. This policy was begun by local distributors here in New York and was a precursor for a national school beverage policy, the School Beverage Guidelines which were announced in 2006 and have since been implemented by nearly every distributor in the United States and has resulted in an 88% reduction of beverage calories in schools nationwide.

The proposed legislation also calls for warning placards at retail locations that sell energy drinks. We respectfully encourage the Legislature to consider both the additional burden these regulations will place on retailers and the voluntary policies already in place in regards to labeling our products. Companies market their energy drinks responsibly and meet all government labeling regulations. And in addition, some of our member companies voluntarily list the amount of caffeine directly on a product's label.

And further, the bill does not account for the discriminatory business burdens this bill places on retailers here in Suffolk County. The costs to comply with these new regulations -- again, regulations on a product that contains no more caffeine than many other products -- will make the County an unattractive place for small retailers when compared to other locales.

To be consistent, you would need to ban coffee, tea or some chocolate from minors because they, too, contain caffeine. Making products off-limits can have the unintended effect of making them more desirable to minors and our goal should be to teach young people about balance and moderation, and we want to do just that.

Again, I appreciate the opportunity to testify. And I'm happy to get you any more information that you may want and take any questions.

P.O. LINDSAY:

Thank you very much. Matthew Vishnick.

MR. VISHNICK:

Legislature Nowick and this honorable Legislature, I'm here today to present my opinion with respect to IR 2156 and 2210.

After reading articles and studies provided to me by your office and other sources, at this time I'm unable to support the resolutions and they should not be enacted. None of the information can substantially support the position that energy drinks are unsafe and, therefore, justify a posted warning at the place of sale and the sale of energy drinks to be restricted to individuals at least 20 years of age.

Based on the limited and speculative information regarding energy drinks, enacting the proposed resolutions is premature; more documentary evidence is needed. Suffolk County is the twentieth largest market in the country. To enact such a drastic resolution based on isolated, rare incidents regarding individuals that incurred negative effects from energy drinks is improper and unwarranted at this time. There seems to be a misunderstanding that energy drinks are unregulated. The FDA regulates energy drinks. The manufacturers of energy drinks are governed by good manufacturing

practices, GMP, which dictates the safety measures that must be followed regarding the production of a product. Certificates of authority relating to the manner in which an agreement was grown and handled must be provided to the FDA, too. The FDA approves each ingredient in an energy drink. It approves the safety of the drink and can recall the drink or ban the drink entirely.

What the FDA does not approve are the claims or statements made by the manufacturers, meaning the FDA does not say whether the product works. The Dietary Supplement Health and Education Act of 1994, DSHEA, provides the FDA with exclusive jurisdiction over the safety and primary jurisdiction over the labeling of dietary supplements. In brief, the FDA is responsible for, amongst other things, protecting the public health by assuring the safety, effectiveness and security of dietary supplements and conventional foods, thus all energy drinks are regulated by the FDA.

Before a company markets a dietary supplement, the law requires the company to ensure that the product is safe, any claims made about the product is not false or misleading, and the product complies with the Federal Food, Drug and Cosmetic Act, all other FDA regulations and FTC regulations. Therefore, no local laws are required to be enacted because there are Federal agencies policing energy drinks. Beyond that, the current resolution is flawed as the ingredients it intends to ban to the subject class are in various others foods and drinks consumed daily. Taurine is found naturally in meat, fish and breast milk, and it's available as a dietary supplement. Studies suggest that Taurine supplementation improves athletic performance which makes while Taurine is used in many energy drinks. Other studies suggest that Taurine combined with caffeine improves mental performance. Up to 3,000 milligrams a day of supplemental Taurine is considered safe. Any excess Taurine is simply excreted by the kidneys. Caffeine works by blocking the effects of adenosine, a brain chemical involved in sleep which causes the pituitary glands to release adrenaline, which causes the liver to release extra sugar into the bloodstream for energy.

Caffeine effects the levels of dopamine, a chemical in the brain's pleasure center. All of these physical responses make you feel as though you have more energy. The caffeine amounts in energy drinks vary greatly; on average, from 80 milligrams in an 8-ounce container to 150 in a 16-ounce container. One Starbucks Grand Latte contains 330 milligrams of caffeine. An average can of soda contains 40 milligrams of caffeine. Who is to stay that the individual will only drink one can of soda? How can one regulate one drink if you can't regulate all drinks? Moreover, more individuals have negative reactions from peanuts than energy drinks. Shall we ban the sale of all peanuts or other products containing peanuts?

As far as looking at current studies, they actually suggest that there is a direct positive correlation between glucose and caffeine. Glucose is the major energy currency of all cellular metabolism, and caffeine consumption is ubiquitous with some 86% of the population consuming caffeinated beverages on a regular basis. Studies show that the test groups that drank the energy drinks out-performed and had increased cognitive performance and memory than the other test groups. The tests showed that energy drinks are beneficial and that the combined effect of glucose and caffeine is greater than either of the two separately. That studies collectively stated that the groups that were given energy drinks have better alertness, attention span, improved cognitive performance, recall of numbers, verbal reasoning, reaction time, aerobic performance, endurance and reduced fatigue.

Energy drinks are regularly consumed by our military personnel. How can the Legislature enact a law that includes people of majority? Based on the proposed resolution, there would be challenges to it constitutionally based on vagueness with respect to the age and the definition within the resolution, that the resolution is overly broad and the right to privacy. People should have the right to consume what they want.

The resolutions before us today, although well-intentioned, are impractical and lack sufficient evidence or need to justify them.

There is Federal oversight and regulation into this area and no need for further action. In line therewith, I respectfully request you, the Suffolk County Legislature, to not enact 2156 and 2210. Thank you for your consideration.

D.P.O. VILORIA-FISHER:

Good timing.

P.O. LINDSAY:

Ken Meyer.

MR. MEYER:

Good afternoon. My name is Ken Meyer, Senior Vice-President of Clare Rose Incorporated with more than 40 years of experience in this industry. Clare Rose Incorporated is one of the largest wholesalers in New York State and we are a highly regulated industry. We employ more than 287 people, a third generation, a family-owned business, and we spend more than \$100,000 a year promoting responsible consumption and making the right choices and we present programs to schools throughout Long Island.

As of this morning, we are a Monster wholesaler for all of Long Island. As of this morning, we have sold over 75,000 cases of the Monster Energy Drink in Suffolk. That equates to \$4,842,000 in retail sales or \$42,000 in sales tax revenue to Suffolk County. I must say that the retail store owners today are facing many challenges, not only in Suffolk but all over Long Island. They have to ID for cigarettes, ID for beer, competing against big box stores. The mom and pop stores cannot compete in today's market place.

Clare Rose is opposed to Resolution 2210 and 2156 in 2010 to ban the sale of energy drinks to minors and requiring retailers to post warning place cards. While we understand what you are trying to accomplish, it seems to be more a parenting issue than a governmental issue. So let's try to educate rather than legislate.

I would like to read a statement from Mark Hall, the President of Hanson Beverage Company, and I will leave a copy of Mark's letter for your review.

"Contrary to popular belief, children, including those diagnosed as hyperactive, are no more sensitive to the effects of caffeine than adults. In general, caffeine is eliminated from their body twice as quickly in children than adults. A bio-medical research review by Dr. Alan Leviton of the Harvard Medical School and Children's Hospital in Boston concludes that there is no clear behavioral toxicity from caffeine in normal children and those self-selecting, high caffeine diets generally do not seem to get negative effects."

"We at Monster Beverage Company are committed to the safety of all our products, the warning label which appears on our can is voluntary and is intended to notify consumers, including parents who are not familiar with product, that it contains caffeine and should be consumed responsibly. It is up to parents to decide what caffeine containing products may be suitable for their own children, including soft drinks, coffee, tea and/or chocolate."

Thank you very much for your time and your attention.

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

P.O. LINDSAY:

Thank you, Mr. Meyer.

LEG. EDDINGTON:

I've got a question.

P.O. LINDSAY:

We got a question, Mr. Meyer. We have Legislator Eddington.

LEG. EDDINGTON:

Hi. Yeah, I wanted to ask you. You know, I'm trying to think of where this is coming from, the idea of this. And, I mean, I remember my son telling me 14 years ago, when he was out at Montauk working with a lot of young Irish immigrants, that, "Oh, Dad, they're drinking Red Bull and vodka." And then, all of a sudden, I remember seeing on the market alcohol and energy drinks combined, which made sense because that's what they were drinking, and that's -- you're not talking about the alcohol type of drink, right?

MR. MEYER:

No. But since you brought that up, I will tell you that we have sold a product that had contained alcohol and it was called Four Loko, "blackout in a can". And with all the publicity that was given to the product and being consumed irresponsibly, it was taken from the -- taken off -- out of the marketplace and to be reformulated, which would probably come back there to the first of the year, and that must be FDA approved, and it also has to be approved by the New York State Liquor Authority. So this is not to be confused where there is no alcohol in any of these energy drinks.

LEG. EDDINGTON:

Okay. So you've done the responsible thing with that. Now, we're talking about a drink that -- I mean, I personally use it at six o'clock here when I know I'm going to be here until 11, because it gets old, and --

*(*Laughter*)*

LEG. ROMAINE:

I start at 9:35.

LEG. EDDINGTON:

Do you? Okay. But this is something that would be an alternative to like -- well, first of all, I don't like when you ban something from 18 and 19 year-olds, because they're overseas fighting and dying for our country. And if they can't buy an energy drink, I think we've lost site of what we're doing here. But isn't this something that a kid studying for a test at Saint John's or Saint Joseph's could take, rather than having a cup of coffee?

MR. MEYER:

Absolutely.

LEG. EDDINGTON:

So that's what we're really talking about. I mean, we're talking about banning something that's just is an alternative to coffee.

MR. MEYER:

You know, as I had mentioned earlier, we spend in excess of \$100,000 a year on educational programs, and I have gone around to high schools with speakers that we have brought in that have been very effective. So I truly believe it is up to us as -- in the industry, or, even more importantly, the parents to make the children aware of what they're doing to stay awake, whether they take -- if they drink coffee, or they have a Starbucks, or they have an energy drink. Everything must be done in moderation, whether you're drinking alcohol, energy drink, or no matter what you're doing.

LEG. EDDINGTON:

Okay. Thank you very much.

P.O. LINDSAY:

Anybody else? No? Okay. Thank you, Mr. Meyer. Yes, Legislator D'Amaro has a question for you, Mr. Meyer.

LEG. D'AMARO:

Thank you. My question is very simple. Why do you call them energy drinks?

MR. MEYER:

Well, I can't say that I'm a user of the energy drinks. Unlike Mr. Eddington. I will either have a cup of coffee or a -- but, you know, I've seen, because of the caffeine, I know my son, who has his Doctorate and he teaches at Syracuse University, has no problem with drinking an energy drink to -- you know, as Jack says, to stay awake or to make you more aware.

LEG. D'AMARO:

You know, to me it's about the marketing. I mean, there are products that are available to people that are healthy, not healthy, and somewhere in between. And we don't want to be in the business of really dictating to people what they can and cannot do. And I agree with you, the marketplace should control a lot of that, and I think there's a parental responsibility element to that as well. My problem is the word "energy", "energy drink". You know, when I drink a cup of coffee, if I'm looking for caffeine, I'm not thinking energy, you know, and it seems to me the marketing or the way that this is put forth may be more attractive to younger adults, that it will give you energy, as opposed to someone who eats right, gets enough sleep and is generally healthy. That's -- to me, that's a natural way to get energy. But this seems to presenting like, you know, you don't have to live or care about your lifestyle or your health, because you can drink this potion, you will have energy. And it's really just an artificial caffeine boost, which is addictive. So, you know, that's why I question the term "energy".

MR. MEYER:

I understand your point. However, I did not come out with the -- I did not develop the product or come out with a name as energy drink, but I understand what you're saying.

LEG. D'AMARO:

I mean, younger adults today, when they maybe go to Starbucks for a cup of coffee, they know they're going there, they're drinking it because of the caffeine. And, like Legislator Eddington points out, maybe they need to study for a test, or if they're just looking to stay awake, maybe someone is driving. It's been -- of course, there's issues with that as well, you also crash from the caffeine as well.

MR. MEYER:

Absolutely.

LEG. D'AMARO:

But the marketing and the presentation of those other products are not, in my mind, saying we're going to give you energy. You're getting a cup of coffee, you know you're ingesting caffeine, you know it's a stimulant, and you know it's going to last a limited period of time. When you go to these other drinks that are being marketed as energy drinks, I think that it's presenting something that's fictitious, in a sense. And I don't think that -- and I think, because of the marketing, people are not looking at those drinks the same way and maybe not taking the same precautions that they would take with the caffeinated -- with coffee and chocolate and all the other things that have caffeine in it. So, you know, what the -- you know, whether or not we should go forward with Legislator Nowick's legislation, you know, we can continue to have that debate, but I just wanted to make it known or put on the record that I think that part of the problem here is at least in how these drinks are presented and marketed, and the -- it's almost like a false representation of what they do.

MR. MEYER:

But I believe I mentioned before that on the Monster Energy Drink there is a warning that was not requested by any governmental agency to put that on the can, that was done voluntarily by Hanson. So it is on the can, you know, a warning that -- you know, you shouldn't drink more than three of these things -- you know, more than three of the energy -- you know, three Monsters.

LEG. D'AMARO:

I appreciate that and that's a step in the right direction for sure.

MR. MEYER:

Okay.

LEG. D'AMARO:

But again, it doesn't really address my concern, which is you are -- you know, we go through an awful lot of trouble trying to convince people today to try and maintain health, it's an important thing. We've passed legislation, and some of which I've sponsored, that goes to that issue. And it just seems to me that the presentation of this as an energy drink, even with a warning -- it's commonly known that, "Oh, you need an energy drink," and I just think it presents, again, that false image and a false expectation, and I think that people don't think about the consequence of what they're drinking. It sounds very positive, frankly, you know. So, food for thought. Thank you.

MR. MEYER:

Thank you.

P.O. LINDSAY:

Did you want to talk, Legislator Eddington?

LEG. EDDINGTON:

I actually just had a question, because like aren't there energy bars in stores? I mean, I guess we're going to be dealing with energy bars next, I guess, because it must be false advertising also.

P.O. LINDSAY:

Well, right now, it's just public portion. You know, a public -- you know, that would be appropriate for the debate on it.

LEG. EDDINGTON:

Gotcha.

P.O. LINDSAY:

I tell you, I don't feel very energetic right about now.

*(*Laughter*)*

D.P.O. VILORIA-FISHER:

I'm crashing from the cheese cake and coffee.

P.O. LINDSAY:

Okay. 2210, is there anybody else who would like to speak on this subject? Please come forward, sir, and identify yourself and then you can fill out a card.

MR. PONSIGLIONE:

Good afternoon. My name is Gerry Ponsiglione. I'm the president, the owner of Beverage Works, the Red Bull distributor here in New York. I want to thank you all for listening for comments. I want to say that, obviously, we are opposed to both 2210 and 2156.

I'm hoping all of you are interested in the facts about this subject. And I'm going to ask you to try and remember two words and remember them all the time, "unintentional consequences". Whenever legislation is passed of any kind at any level of government, whether it be county, city, state, federal, if that legislation is against the will of the general public, it eventually leads to unintentional consequences. I'm here today to talk about just one of the many unintentional consequences I see as a result of this legislation.

Limiting the sale of energy drinks in Suffolk County is going to cause a significant loss of revenue to distributors, retailers, wholesalers, vending companies, and to Suffolk County itself. In addition to lost revenue, Suffolk County will experience a significant rise in its costs. Sales of energy drinks in Suffolk County are about 31 million dollars a year. Red Bull represents about 19 million a year in those sales. Each of us, retailers, wholesalers, vending companies and distributors, will be forced to cut expenses to offset the loss of our revenue. The County, in all probability, would have to raise taxes to offset their losses. The only way to cut our expenses is to cut jobs, which will result in more lost income for the County and the State. I would probably cut 19 jobs alone. Add to that all the others and the numbers become significant, as all of the others would suffer the same as I would proportionately. Loss of revenue would also affect all those industries that support us. Vehicle repair companies, gas stations, tire companies, computer software companies, the list is endless. Add their lost revenues and the jobs lost on their end, add that to the list.

Last night, my wife and I were talking as I was about to come here. I'm sitting there telling her that here we started with nothing, four people. We built a company to 308 individuals. Most of them started with us when they were 18, 19, and 20 years old, fresh out of high school with nowhere to go. I've seen them grow over the years. I've seen them get married; I've seen them buy houses; I've seen them have children; I've seen them become young Americans. I love every one of them and I'm going hate to have to see them lose their jobs. I turned to her and I said, "Between the economic downturn and then the New York State Bottle Bill, and now this, it's like getting hit with a three-punch combination." At my age, I sit here and I say to myself, "Let me cash it in." But the only thing that keeps me going are those 308 people. Like she said to me, being very religious, "You'll have to answer in the next life if you hurt those people that way and all you think of is yourself." So to give up, take the money and run, I can't do it. The only reason to stay is for the people that work for us and have built what we have today. But this three-punch combination has taken a very successful company and brought it from highly profitable to marginal to a loss, and now we're faced with this.

As I opened, I said, "Remember unintentional consequences." The economic impact that I discussed here is only one. Are there any questions?

P.O. LINDSAY:

No. Well, wait. Legislator Gregory has a question for you, Mr. Ponsiglione.

LEG. GREGORY:

Hello, sir.

LEG. GREGORY:

Hi, sir. Sir, hello, right here.

MR. PONSIGLIONE:

Oh, I'm sorry.

LEG. GREGORY:

Thank you for coming out here today. And you make a compelling argument as far as the impact on businesses. But I would ask that, you know, as Legislators, it's part of our responsibility to look at how a legislation such as this would affect local businesses, but we also have to consider the health effects or potential health effects. Are you aware of the studies that have been conducted as far as energy drinks on children?

MR. PONSIGLIONE:

Yes, I am. I can tell you this: If this progresses down the road, you're probably looking at 50 million dollars worth of studies around the world that are going to prove that what we're saying is true. I'm familiar with other studies that were specifically designed to put down energy drinks more often than not by college professors, especially trying to get grants. In their tests, the way they were able to show the negative effects of energy drinks was to abuse it. Instead of myself, who for ten years consumed one energy drink per day on an average of five days a week, they put to the test a person consuming eight, ten, twelve, and then they come up with this list of side effects. Not going to happen, and I think you're going to see that if and when this progresses forward.

I mean, what is the difference between an energy drink and a person going into a store and walking out with a cup of coffee and a vitamin water? You look at all the ingredients in an energy drink. Has anybody looked into the ingredients in a multivitamin? I mean, the person was asking the question, "Why is it called an energy drink." It is an energy drink. Coffee doesn't give you energy. Coffee perks you, it doesn't give you energy.

You know, there was a test done in California where it specifically stated, the results showed that drinking a Red -- one Red Bull, one 8.4 ounce Red Bull increased the ability of your mind to think by 24%. I don't take anything as gospel, I had to prove it to myself. I took six IQ tests. I took three without having anything but a soda or a cup of coffee. I scored a 141, a 142 and a 141. I took three tests after consuming a Red Bull. I scored a 146, a 147 and a 149. As a parent, and I believe that as a parent, it is my choice to decide what my children can have. I would not let my child take an SAT test without drinking an energy drink.

LEG. GREGORY:

I congratulate you on your test scores. That makes you a genius for one. There is a -- my son has a 149, so I'm very well aware of that.

MR. PONSIGLIONE:

Months of trying to recruit him, too.

LEG. GREGORY:

And I'm a proud father, so I say that proudly. But I know there's a study in Australia where one energy drink per day has showed -- a Red Bull actually, has showed that from the -- and this is from Australia, the Cardiovascular Center in Australia, where there was an increase in heart attacks and strokes. I know that there was -- Dr. Griffin from John Hopkins School of Medicine, I think two years -- or 2008, him along with 100 scientists and physicians petitioned the FDA to monitor and regulate energy drinks, because -- specifically because of the concerns of caffeine intoxication, which causes vomiting, a host of other ill effects, along with and in some rare instances death. Are you aware of those findings?

MR. PONSIGLIONE:

I can't comment on a specific test. Again, my comment would be I would like to see the test, I would like to look at everything. Are they talking about a person who drank a Red Bull after consuming cocaine? Are they talking about a person who has already -- already has coronary artery disease, or previous histories of heart attacks and then consumed an energy drink? I'd have to look at everything in the study, because they utilize things like that to get the negative reports on energy drinks.

LEG. GREGORY:

Oh, I understand that. Also there was another study, and I forget the -- who did it, who conducted it, but I think it was in 2006 where he showed that 12 to 17 year olds comprise of 33% of the consumed energy drinks, with a 55% growth rate every year. That's a 5.3 billion industry. With those numbers, you can understand why there's a grave concern with young people that consume this product, some of it regulated. Caffeine is a regulated substance by the FDA, but there are other substances that aren't regulated by the FDA that have drawn some concern. And we just want to see that, you know, people like yourself understand that side of the equation. I know that there is an economic concern, but we have to look beyond just economics, we have to look at the health issues as well. We just want to make sure that you're aware of some of those studies?

MR. PONSIGLIONE:

If -- I couldn't comment because I really don't know, but I will say this: If you know anything about me, if I thought in any way the product I was selling was hurting people in any way, I would not be in this business. I am absolutely convinced that they are safe and they do exactly what they say, they provide energy. I've come home, had a Red Bull, and my day starts all over again. I can play with the kids, I can study with them, I can do this, I can do that. And there are times when we all come home from work, we're just too exhausted to be bothered. Go to the gym and watch yourself work out. Do it once without an energy drink. Do it with an energy drink. Your workout session would probably last a good half hour further and you would get more out of it. There are a lot of positives to it. I'm not saying that everyone can do it, but I talk about unintended consequences. If you want to see a rise in the consumption of energy drinks by younger people, pass this legislation, because that's what will happen.

LEG. GREGORY:

Thank you.

P.O. LINDSAY:

Thank you very much. I don't have any other cards on this subject. Is there anyone else that would like to address us on this subject? And again, Gerry, I apologize that I skipped over your card. Seeing no one else, Legislator Nowick, what would you like to do with this hearing?

LEG. NOWICK:

Yeah. Mr. Presiding Officer, I'm going to make a motion to recess, but I just wanted to mention, because of the time of year, and because of how busy we are, I opted to keep this a little short

today. Aren't you glad I did that? You notice, I was very kind, but you will be hearing, of course, at our next Public Hearing from the experts in the field, from the best of the best, who, you know, you've met before. You'll be hearing from medical experts and doctors and you will be learning more about energy drinks. So I'll make a motion to recess.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Muratore)

P.O. LINDSAY:

Okay. It stands recessed.

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

Next up, *Public Hearing on IR 2218 - Adopting Local Law No. -2010, A Local Law requiring the posting of "Cash Only" signs at restaurants (County Executive)*. I have no cards on this subject. Is there anyone else -- anyone in the audience that would like to speak to us on this subject? Seeing none --

LEG. BROWNING:

Motion to close.

P.O. LINDSAY:

Motion to close? Okay. Motion to close by Legislator Browning. I'll second the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Muratore).

P.O. LINDSAY:

Public Hearing on IR 2219-10 - Adopting Local Law No. -2010, A Local Law requiring store closure on Thanksgiving Day (County Executive). Again, I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject?

D.P.O. VILORIA-FISHER:

I'm surprised we have no retail.

P.O. LINDSAY:

We have no comments on this subject? Do I have a motion?

D.P.O. VILORIA-FISHER:

I'll make a motion to close.

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Cooper, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Muratore).

P.O. LINDSAY:

Public Hearing on IR 2233-10 - Adopting Local Law No. -2010, A Local Law to broaden qualifications for the Vanderbilt Museum Trustees (Cooper). I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 2234-10 - Adopting Local Law No. -2010, A Local Law to restrict the residence of sex offenders near amusement parks (Gregory). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none.

LEG. GREGORY:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands recessed.

Okay, I want to set the date for the following Public Hearings, the first General Meeting of 2011 at 2:30 at the Rose Caracappa Auditorium in Hauppauge: IR 2244, a Local Law to regulate the off-road use of four-wheel-drive vehicles and motorcycles; IR 2256, a Charter Law to eliminate a requirement for verbatim minutes; IR 2258, a Charter Law to provide for a fair and equitable distribution of public safety sales and compensating use taxes, and that's it. I'll make a motion. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. I'm going to take a motion to approve the Consent Calendar.

D.P.O. VILORIA-FISHER:

So moved.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands approved, Consent Calendar.

Okay. Before I get into -- Legislator Romaine, you wanted to be recognized? A point of personal privilege.

LEG. ROMAINE:

Yes, I wanted to be recognized for one second concerning Capital Project 3167; that's the Medevac helicopter hangar. And as you know, Presiding Officer, we had a brief discussion at the lunch recess between yourself, myself and the County Comptroller. I've asked the County Comptroller to look into this Capital Project prior to any closing on any hangar or the purchase or lease of any additional hangar.

As you know, in 2002, this Legislature appropriated \$175,000 for the construction of this hangar and for the planning of that. And then in 2004, with the current administration, we appropriated for construction one and a half million dollars. In 2006, we transferred 100,000 from construction to planning at the request of our County Executive. Now, here comes the rub. We were -- supposedly we put in, approved 750,000 in a State grant that apparently we never received, and the Executive filled out, or someone in his office filled out a purchase requisition claiming this project could not go ahead, despite the fact that there was no money, despite the fact we had gone to bond.

To date, we have spent \$90,000 on insurance on a project that is not going forward. We have spent \$23,178 on general conditions, nineteen thousand and a half on site work; seven thousand one -- 7,150 on concrete; thirty-two -- 3,250 on tension structures; 54,200 on manufactured steel which is sitting in the fields as I speak; 10,700 on hangar doors which is sitting in the field as I speak; 275,000 on planning; 295,000 on construction; 231,000 since 2006 just on the interest on the bond for a project that doesn't exist; and a hundred -- 451,000 on total debt service, that's interest and principal; for a total of over \$801,000 for the cost of a hangar that was never built.

I am asking the Comptroller of this County today to go in there and audit Capital Project 3167 before any closing or any agreement of any lease with any vendor to make sure that this \$801,000 is appropriately accounted for. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Thank you, Mr. Romaine, Legislator Romaine. Anybody have any questions? No, okay.

Before we go to the agenda, with us is Commissioner Carrie Meek-Gallagher. Do you -- are you here -- do you have any business before us today?

COMMISSIONER GALLAGHER:

No.

P.O. LINDSAY:

No, you don't. Well, today is the day to say good-bye. So if you would come forward, on behalf of the Legislature -- come on up here.

COMMISSIONER GALLAGHER:

Wow, this is a first.

P.O. LINDSAY:

We would like to present you with a proclamation signed by all 18 of us saying thank you for your years of service.

COMMISSIONER GALLAGHER:

Oh, thank you very much. I appreciate that.

Applause

P.O. LINDSAY:

Good luck to you, Carrie. I know that you'll do very well over there. You've served the County very well.

COMMISSIONER GALLAGHER:

Thank you.

P.O. LINDSAY:

Okay, *Resolutions Tabled to December 21st, 2010*, on page five.

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

LEG. MURATORE:

Table.

P.O. LINDSAY:

Motion to table by Legislator Muratore. Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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

LEG. KENNEDY:

Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1606A. Is this bond okay now?

MR. NOLAN:

We are good to go.

P.O. LINDSAY:

Okay. Bond Resolution of the County of Suffolk, New York, authorizing the --

D.P.O. VILORIA-FISHER:

We tabled it.

MR. NOLAN:

No, no, 1606. We tabled 1606.

P.O. LINDSAY:

Oh, table, right, right. 1606 is tabled, I'm sorry.

1979-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with off-street parking off CR 80 in Patchogue (CP 5534) (Eddington).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington. I'll second it. Legislator Eddington, could you refresh our memory; why was this a problem moving forward?

LEG. EDDINGTON:

We didn't have the bond.

P.O. LINDSAY:

Oh, we didn't have the bond, okay. But the Bond's in order now?

MR. NOLAN:

Yes.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution *1979A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$300,000 bonds to finance the cost of off-street parking on CR 80, Montauk Highway between NYS 112 and CR 101, Sills Road (CP 5534.212 and .312)*. Same motion, same second. Roll call.

*(*Roll Called by Mr. Laube - 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:

Yes.

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.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 2008-10 - Calling a public hearing upon a proposal to amend the map and plan of service for Suffolk County Sewer District No. 4 – Smithtown Galleria, in the Town of Smithtown, to determine whether it is in the public interest to extend the boundaries in the district and amend the operation and maintenance budget to reflect full current costs and annual rate to be charged for sewage treatment (County Executive).

LEG. KENNEDY:

Motion to table, Mr. Chair.

P.O. LINDSAY:

Motion to table by Legislator Kennedy.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

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. Motion to approve.

P.O. LINDSAY:

Motion to --

LEG. ROMAINE:

Second.

P.O. LINDSAY:

-- approve by Legislator Schneiderman. Seconded by Legislator Romaine. Any questions? All in favor? Opposed? Abstentions?

LEG. GREGORY:

Abstain.

LEG. MONTANO:

Abstain.

MR. LAUBE:

Fifteen (Abstention: Legislators Gregory & Montano - Not Present: Legislator Kennedy).

P.O. LINDSAY:

Okay. *2105-10 - Authorizing and directing the Department of Social Services to enter into agreement to house sex offenders (Romaine).*

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Romaine and seconded by Legislator Vilorio-Fisher. And this is to implement the plan, okay. Any discussion on this? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eleven (Opposed: Legislators Stern, D'Amaro, Kennedy, Barraga, Horsley, Nowick & Gregory).

MR. LAUBE:

Eleven.

LEG. KENNEDY:

I'm opposed.

MR. LAUBE:

Yep, opposed.

P.O. LINDSAY:

It's 11-7.

MR. LAUBE:

I got it. I've got 11.

MR. NOLAN:

Eleven?

MR. LAUBE:

Yeah, all in a row.

P.O. LINDSAY:

Legislator Montano would like to make a motion to take something out of order.

LEG. MONTANO:

Yes, Mr. Presiding Officer, I would like to take IR 2231 on page 11 out of order. We have the Vice-President from Bethpage Federal Credit Union here, and if we can get this moving we can let her go back to work.

P.O. LINDSAY:

Thank you, Legislator Montano. I apologize for you being here. I didn't know you were still here, otherwise I would have --

LEG. MONTANO:

Oh, no, that's fine. I wanted to go through the others first.

P.O. LINDSAY:

Okay. Okay, I'll make --

LEG. MONTANO:

2231, I make a motion to take it out of order.

P.O. LINDSAY:

I'll second that motion. All in favor?

MR. LAUBE:

That was 2231?

LEG. MONTANO:

That's correct.

P.O. LINDSAY:

2231 on page 11, *Authorizing execution of title sponsorship agreement with Bethpage Federal Credit Union for naming rights to Suffolk County Ballpark (County Executive)*. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, the bill is before us.

LEG. MONTANO:

I'm going to make a motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Montano.

LEG. BARRAGA:

Second.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. Any discussion? Yes, Legislator Stern.

LEG. STERN:

2231 was before the Sitings Committee and it was approved.

LEG. MONTANO:

Okay. I would just like to say a couple of words. Do you want -- Linda, do you want to --

P.O. LINDSAY:

Go ahead.

LEG. MONTANO:

Is Linda here? Do you want to come forward and say anything, or are you fine there.

MS. ARMYN:

I'm fine.

LEG. MONTANO:

Okay. And I just want to say, it's in my Legislative District, the ballpark, and it's actually behind my office. And Bethpage Federal Credit Union has been very responsive to our district. I know that when Wilson Batista, the young man that was shot, Bethpage worked with us in opening a special account for him for donations. They've always been there when we needed them and I'm very pleased that Bethpage has agreed to be the sponsor of the ballpark. And I'll be seeing -- not only do they have an office that they opened recently in the district, but now I can look at them from my office and see the sign there.

So I'm very pleased and I hope that this goes through.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Although Bethpage is not my neighbor, their reach as community supporters goes so far that I cross paths with representatives of Bethpage often. Because of their outreach to the community, because of their social justice, support throughout the County, I'm proud to see their name on our ballpark.

LEG. MONTANO:

We have many friends there.

P.O. LINDSAY:

Okay, I just have one question. And Legislator Barraga, I don't mean to put you on the spot, but you asked some questions the other day about the commission, that you thought the commission was a little bit high here and you had asked the administration to see if any renegotiations were in order, and they said they would look into it. Have you heard anything back on that?

LEG. BARRAGA:

Yeah, that's correct. The commission rate was 8%, so for a period of nine to ten years, the length of this --

D.P.O. VILORIA-FISHER:

Your mic's not on.

LEG. BARRAGA:

Okay. The commission rate was 8%, so for the length of this commitment, if it's renewed for the second five years, if I recall correctly, the total commission was \$167,000 on a gross revenue

picture of 2.1 million. So I had asked the -- Chris Kent to check with the broker to see if something could be done to reduce the rate below 8%. I spoke to him the other day, he did have an in-depth conversation with the broker, but it didn't happen. It's going to be at 8%, that's what it is.

LEG. MONTANO:

That's standard.

LEG. BARRAGA:

It may well be standard, but it seems -- you know, I always find when someone says it's standard, maybe it's standard in commercial, but obviously there's no leeway given to public entities to make it a little less because these are taxpayers picking up the tab. But it's 8%; they made the effort to speak to the broker and that was my main concern.

P.O. LINDSAY:

Okay, thank you.

LEG. MONTANO:

If I may ask a question?

P.O. LINDSAY:

Yes, Legislator Montano.

LEG. MONTANO:

Legislator Barraga, do you have the name of the broker, just for the record? Is it in the bill?

LEG. BARRAGA:

It's on the record. I don't have it --

P.O. LINDSAY:

It's Newmark Frank. Newmark Frank -- what's the third name?

MR. NOLAN:

Knight.

P.O. LINDSAY:

Knight. Yeah, Newmark Frank & Knight.

LEG. MONTANO:

I know it's in the financial.

LEG. BARRAGA:

And Mr. Montano, I wasn't really concerned with the name of the brokerage firm as I was with the percentage they were charging. I was just -- no matter what the broker's firm was, I was really asking Kent to go back and see if he can negotiate a little better deal.

LEG. MONTANO:

And they weren't able to, of course.

LEG. BARRAGA:

They weren't able to do that.

LEG. MONTANO:

We understand.

P.O. LINDSAY:

Anybody else? Okay, we have a motion and a second to approve 2231. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Thank you very much for being with us all day. I'm sorry you had to stay so late.

MS. ARMYN:

Thank you.

LEG. ROMAINE:

Go Bethpage.

*(*Laughter*)*

P.O. LINDSAY:

Okay, we're up to page six, *2046-10*, under *Budget & Finance, Adopting Local Law No -2010, A Charter Law to discourage speculative revenues and ensure balanced budgets (Presiding Officer Lindsay)*. I'll make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Any questions or comments? Legislator Barraga, I'm sorry.

LEG. BARRAGA:

Thank you, Mr. Presiding Officer. I have some concerns about this particular bill from the standpoint of making it a lot more difficult for County Executives to put together an Operating Budget.

It is a common practice for County Executives and Governors to put in revenues that are not finalized as of yet, where there's a probability, a good probability that they will be finalized. Your bill uses the term "speculative", which I think is maybe an inappropriate word. To give you some examples, Governor Paterson, in his current budget, if I recall correctly, he has \$300 million in there for slot machine revenue coming out of Aqueduct. Well, we don't even know if that's going to even happen, but he has it in there. He has another, if I recall correctly, \$250 million in tax revenue, sales tax revenues from the sale of cigarettes on Indian reservations. The reason that's done is that with everything becoming so expensive and there are so many mandates, for example, with health insurance and pensions going up, those kinds of revenues go in there in order to balance a budget so that you don't have to, in Paterson's case, cut another \$550 million from programs that are serving the people of New York State. And it gives him time to bring finalization to those revenue figures and, if something does occur, time to come up with an alternative.

The adjacent county, the current County Executive, as I read his budget, he has in there \$60 million for union concessions. Well, it's probable, it's possible, but it may not happen. But if he -- if he takes that out, then he's forced to go into areas to cut programs that help the people of Nassau County. And maybe he will not get those concessions, because if you read the papers, he is already in negotiations with the majority in the Senate to the feasibility of maybe raising the sales tax in Nassau County and that would generate \$60 million; it was very interesting, both figures were

exactly the same.

All I'm saying is that in this particular proposal, it would make it very, very difficult for this County Executive or future County Executives to put together an Operating Budget and only have to put in what is written in stone in terms of the revenue side. If that were to happen in this year's budget, if I recall the examples you used with the Foley Nursing Home and the land, the 95-acres, that would throw a hole in there of 20 to \$25 million that would have to be offset someplace else to have a balanced budget. So I will not be supporting this particular proposal.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Very well put, Legislator Barraga. I really was going to mirror a lot of those comments. And to also just say that being a part of the budget development process for many years from the Legislative side, I think this also hamstringing this level of government as well. There are times when we have put things into the budget that we were optimistic that we would be able to achieve in the coming year, and more often than not we were able to achieve those. I think in the absence of that, we really limit our options and wind up having to come in with very draconian budgets instead of being able to develop solutions during that budgeting process and implement them in the coming session. So I'm -- I will not be supporting this either.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I just want to be clear that I understand this bill, and what I'm reading is that we're adding Section L only. And correct me, Counselor, if I'm wrong, the way I read it, it deals only with County-owned real estate and it limits the inclusion of, I guess, money from the sale, unless we have already as a Legislature already approved the sale. Is that a clear understanding of it?

MR. NOLAN:

No, we don't have to have approved the sale. What we have to do is declare the property surplus to the needs of the County. And if we haven't done that, then this law would bar the County Executive from including revenue in his proposed budget and the Legislature from adopting a budget that includes revenue from the sale of that property.

LEG. MONTANO:

So --

MR. NOLAN:

So the first -- the thing we have to have in place is a surplus declaration, that's it.

LEG. MONTANO:

Right. And then what this does is -- and I think, Legislator Barraga, there's a clear distinction between speculating as to what we may be able to negotiate with the union as opposed to submitting a budget which would then have revenue sources from a condition that would have to be met subsequent by this Legislature, you know, and that would be an affirmative vote to declare this property surplus.

And I think it's a bit presumptuous of the County Executive, or any County Executive, to submit a budget based on something that we as a Legislature, an equal branch of government, may or may not agree with. And in light of how the budget or the omnibus is passed, if a smaller number -- we

could pass a budget or he can get his budget through with a smaller number, less than a majority, and if we don't approve a subsequent resolution to declare property surplus, we're basically out of balance; am I correct?

D.P.O. VILORIA-FISHER:

That's right. That's right.

MR. NOLAN:

Correct. I mean, if --

MR. NOLAN:

So I think this --

MR. NOLAN:

Right. That's the whole idea, I guess, behind the bill, is not to --

LEG. MONTANO:

To make sure that --

MR. NOLAN:

-- put money in the budget when we haven't even declared the real estate surplus to our needs.

LEG. MONTANO:

Okay. Thank you. I'm going to be supporting this.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I certainly understand the problem, and it could put us in a very bad predicament if the County Executive proposed a huge portion of revenues in the budget that were purely speculative and they didn't materialize and we ended up with an enormous hole. And so I agree in a sense that there ought to be a cap on how much of a budget can be proposed of speculative-types of revenues, real estate or otherwise. But that cap's not -- this basically doesn't give the ability at all to do that and that may force potentially property tax increases in a year where we might actually consider looking at some properties.

So we have to pass the budget anyway, it's going to take 10 or 12 to pass a budget depending on vetoes. So we are, in a sense, saying, if we're passing it with the sale of a property, that we are consenting to it. It's similar to declaring it surplus.

LEG. MONTANO:

No, it's not.

LEG. SCHNEIDERMAN:

I just don't like not having a cap in it. So I would say put a cap in terms of how much speculative and expand it. We did this with Suffolk Health Plan where we got a budget that included the sale of our HMO, ultimately we ended up selling that had HMO. But that money, I think it was \$16 million at the time, was factored into -- we had to fill in an enormous hole of that 16. I don't know how we would have done it that year had we not been able to plug it in with the HMO. So I would say just let's put a cap in there.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Thank you, Presiding Officer Lindsay, for restoring checks and balances to this government. One of the requirements of this Charter is for any County land to be sold, that it must be declared surplus by this Legislature. Let me tell you how to game the system.

Let's say you wanted to vote to sell something; John J. Foley, for example, land in Yaphank. You bring it to a vote, you get seven votes and it fails. Guess what? I'll put it in my budget. Oh, they'll knock it out of the budget. I'll veto it, and unless they can get 12 votes to override my veto, I've just pulled the wool over the eyes of this Legislature and undermine the meaning of the Charter. We exist for a purpose. We're a co-equal branch of government. How dare you negotiate sales of lands before you come and at least make a presentation to this Legislature asking for this Legislature to consider surplussing that land? And yet you can game the system by putting it in the budget, allowing us to knock it out, veto that and with seven votes, where you needed 12, accomplish your mission.

This restores the balance. This restores the balance that we're supposed to have between the Legislature and Executive. Yes, there's tension. Yes, there's -- sometimes we don't always agree. But it compels the Executive to deal with us as we must deal with him, and only when we do that can we move forward collectively. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair, but Mr. Romaine just stated exactly my point. Because it was seven Legislators who supported the -- who supported not having -- six.

LEG. SCHNEIDERMAN:

Six.

D.P.O. VILORIA-FISHER:

Because he had to recuse. And so that was a huge, huge decision that was made by a very small minority of the Legislative branch of this government.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, sir. I just wanted to make three quick points. One, the whole Operating Budget is really speculative when it comes to revenue. You know, so I just question, you know, a land sale as opposed to sales tax estimates and we've all lived and breathed the revenue side of our budgets, and I just want to make that point.

The second thing is that I want to point out that many revenues in our budget in the past have included or depended upon further action by this Legislature; just to name one would be, I think, the park fee increases that were ultimately passed a couple of years ago. So it's not unprecedented to do that.

And the third point, and the most important one I want to make, is, you know, why tie our hands? We can decide on a case-by-case basis what to include in the budget, what not to include. If we believe as a body that certain revenue sources are highly speculative or too speculative, well, then we can take it out. Which leads just to the second part of that point, that if that goes through the budget process and ultimately revenue is put back in and then taken out and goes through the veto process; what some might call gaming the system, I call basically the will of the Legislature being expressed according to the rules and representing the will of the people. So if it's by a veto override or sustaining a veto or a majority vote of this Legislature, whatever it may be, bend the rules, and that's the way it works. So I don't really think the terminology "gaming the system" is appropriate in that particular case.

I think we can decide case-by-case whether or not a revenue source is highly speculative, too speculative, should we depend on it, should we not depend on it, and we can do that through the budget process.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Yes. Thank you, Mr. Chair. I just want to ditto the remarks of Legislator Romaine and then Viloría-Fisher and others. I think that, you know, sitting in the Budget Working Group and trying to put together a budget, when you have an end-around, as I like to frame it, of the Legislative process and put the onus on us as opposed to going through the, quote/unquote, "regular process", to come about on a decision that the County Executive does not have the support of this body I think is disingenuous. I think this bill puts -- balances the process and, you know, I'm fully in support of it.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yes, just very quickly with respect to the three points that Legislator D'Amaro made. Number one, yes, there are parts of the budget that are speculative, but they should be based on, you know, a clear indication that the speculation is going to actually take place, otherwise we're going to have unbalanced budgets.

With respect to the second point, any revenue source that would require Legislative action to be forthcoming subsequent to the budget, I would actually expand the bill to include that. I don't think we should have any revenue sources in a bill that are going to require future legislative action.

And on the third point is why tie our hands? The reality is that we want to make sure that we have a balanced budget. And if we are going to take some action on something, we take it by a majority. So if there is going to be included in a budget some revenues that the County Executive would like to include in his budget, we should vote on that beforehand. So I think the bill probably could add -- I'm going to support this, but I think I would add other areas to ensure that no speculative revenues are included that require this Legislature to act subsequent to the passage of the budget.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I agree with what Legislator Montano just said, that this actually is conservative in its approach.

We saw a budget two years ago where there was speculative revenue regarding the closing of the marinas, and we had to find a \$300,000 plug for that hole that was left in the budget by the County Executive because of these speculative revenues. And of course we're always going to have to have projections. We can't -- we don't have a crystal ball to know what's going to happen in the economy to know the tax revenue that we'll be receiving. But the speculative plans without any kind of direction from this Legislature is an inappropriate way of building a budget.

LEG. MONTANO:

I think so. I also think it's presumptive, but we'll deal with that later.

P.O. LINDSAY:

Everybody had their say? As the sponsor, I just wanted to say a few words. Just to make this very clear, the only thing this deals with is County assets that we're going to surplus. And it simply says before you include it in the budget, you know, get the surplus certificate from this Legislature. It doesn't mean that the sale has to be concluded or whatever, but just get a vote that we're all on the same page, that we intend to excess that County asset.

And I maintain that this is the first time this has been done. I mean, over the last few years, think about it, we securitized our tobacco revenue, but we voted on that before the money was in the budget, all right? We sold our HMO; we did that before the money was in the budget. The employee concessions from two years ago, I can remember this vividly. We had most of the concessions in hand, the last one was the PBA. We were in a Working Group when the deal was finally signed and I came into the Working Group that we could use the revenue because the deal was signed.

So to put that into the budget before there was a vote of this Legislature, I believe -- you know, I mean Legislator Vioria-Fisher talked about the revenue from privatizing the marinas. Well, we took that out of the budget early. This year, with these two sources of revenue, we looked at each other, we didn't know whether there was going to be enough votes for them or not, and there still might be, so we're reluctant to take them out. But I really felt and have said this from the beginning of the budget process, that I think this is inappropriate to put in the budget before this Legislature votes.

And in terms of the nursing home itself, I can remember a deadline we were issued here in August; we had to approve the sale of the nursing home by the end of August for the County Executive to put that revenue in his budget presentation, and we didn't do that but he put it in anyway. And, you know, that's all I'm trying to do. I'm just trying to get a positive vote from this body on excessing a County asset before we count it as revenue towards our budget. All right?

Any other comments? Okay. I'm going to call a roll on this one. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

(Not Present).

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

Nine.

P.O. LINDSAY:

Okay, it fails.

2192-10 - Authorizing the County Comptroller and County Treasurer to close certain capital projects and transfer funds (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper to approve. Do I have 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:

2232-10 - Apportioning Mortgage Tax by: County Treasurer. (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. BARRAGA:

Second.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Consumer Affairs:

P.O. LINDSAY:

2089-10 - Confirming appointment of County Commissioner of Consumer Affairs (Eric A. Kopp) (County Executive).

LEG. MONTANO:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Economic Development, Higher Education & Energy:

P.O. LINDSAY:

2056-10 - Adopting Local Law No. -2010, A Local Law to enlarge the membership of the Citizens' Advisory Board for the Arts (Presiding Officer Lindsay). I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2146-10 - To extend the deadline for the Task Force to Study the Feasibility of Suffolk County Community College assuming the operation of the Vanderbilt Museum (Horsley).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2201-10 - Authorizing a lease agreement with Joe Burns Contracting for use of property at Francis S. Gabreski Airport (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Second by Legislator Horsley. And this is not the agreement you're talking about.

LEG. ROMAINE:

No, no, no.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Yeah, if I could just ask the Chair; what's -- what's involved in this use?

LEG. HORSLEY:

My recollection is it's a home contractor. It's a building that has been vacant for the last 17 years, something like that, and there was a contract to use -- revitalize the building, he was going to repair the building and there was rent as well.

LEG. KENNEDY:

Home -- it says contracting. Home -- well, let me go the other way. There would be no storage of any volatile materials or anything like that there? Is it only for vehicles or do we know anything about that?

LEG. HORSLEY:

I don't have that information in front of me, but I don't believe so.

LEG. KENNEDY:

We've got nobody here. Okay, that's fine. Thank you.

LEG. SCHNEIDERMAN:

Question.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Question, question.

P.O. LINDSAY:

Abstentions?

LEG. SCHNEIDERMAN:

Question, question. I'm sorry. Question.

P.O. LINDSAY:

Wait, question. Go ahead.

LEG. SCHNEIDERMAN:

Has this gone through the airport, the new Lease Screening Committee, the conservation panel?

LEG. HORSLEY:

It's my understanding it did, it went through all the steps. But I --

LEG. SCHNEIDERMAN:

I serve on that and I don't remember discussing this one. I'm actually going to make --

MR. NOLAN:

Jay, I wouldn't swear by it.

LEG. SCHNEIDERMAN:

I'm going to make a motion to table. I'm sorry, I made the motion to approve, but --

LEG. HORSLEY:

It is a building now that is not in use, and it has been for many, many years and it's going to bring revenue to the airport.

LEG. SCHNEIDERMAN:

If it's the building I'm thinking of, I believe there may have been a request for the local Police to have a substation in this building. So I'd like to actually find out --

LEG. HORSLEY:

Wow. Boy, that didn't come up at all.

LEG. SCHNEIDERMAN:

I know, exactly. That's why I'd like it tabled for one cycle and then -- I'll make a motion to table.

LEG. HORSLEY:

Sure.

MR. NOLAN:

There is an exhibit. I just would state that there's an exhibit from the report of the Airport Conservation Assessment panel attached to the resolution.

D.P.O. VILORIA-FISHER:

Uh-huh.

P.O. LINDSAY:

Maybe you weren't at that meeting, Jay.

LEG. SCHNEIDERMAN:

It's possible, but I don't think I've missed a meeting. I don't believe this has gone through it.

P.O. LINDSAY:

You want to look at the exhibit?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Okay, why don't we skip over that.

2226-10 - Accepting and appropriating an amendment to the College Budget for a grant award from the State University of New York, for a Community College Workforce Development Training Grant Program for People's Alliance Federal Credit Union 90% reimbursed by State funds at Suffolk County Community College (County Executive).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2227-10 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grant Program for Bridgehampton National Bank 90% reimbursed by State funds at Suffolk County Community College (County Executive). How about same motion, same second, same vote?

LEG. HORSLEY:

Sure.

MR. LAUBE:

Eighteen.

Environment, Planning & Agriculture:

P.O. LINDSAY:

2168-10 - Reappointing George Proios as a member of the Suffolk County Soil and Water Conservation District (Losquadro).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. MURATORE:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Muratore).

P.O. LINDSAY:

2169-10 - Amending the Adopted 2010 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2010 Capital Budget and Program, and

appropriating funds in connection with Reeves Bay Watershed Management Plan Stormwater Remediation Component. (CP 8240.325)(County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2199-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Beechwood Moriches Building Corp. Property – Forge River watershed addition (Town of Brookhaven)(County Executive).

LEG. BROWNING:

Motion to approve, five years later.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

We have a motion by Legislator Browning.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Seconded by Legislator D'Amaro. On the question, and it's just a point of information. And I'm not objecting to this purchase, but there was extensive discussion about this acquisition in the Environment Committee for this reason. Beachwood is the same company that is -- was the winner of the RFP for Legacy Village, and we are purchasing 90 acres from Beachwood in this resolution. Our share is 10 million, the Town of Brookhaven shares 10 million, so we're purchasing it for \$20 million.

LEG. ROMAINE:

Zoned residential.

P.O. LINDSAY:

It's zoned residential, all right. Simultaneously, we are selling 95 acres of industrial property, which is the first part of Legacy Village, for \$12 million. And that's -- again, I'm not objecting to this, but I just want to point out the difference in the buy and sell ratio. Yes, Legislator Losquadro.

LEG. LOSQUADRO:

I will just point out that there is obviously distinct differences between pieces of property across this County. Some we deem worthy of environmental preservation, others are deemed suitable for development, whether it be residential, commercial, industrial, whatever it may be. We are purchasing property that we have deemed appropriate for preservation, and the fact that we are seeking to sell property that is appropriate to a development, I really don't think it matters who the owner or potential buyer of those respective properties are, because we see that they are going to fulfill two very different needs for the people of Suffolk County.

P.O. LINDSAY:

And my point was this, that it is a pure coincidence that the same corporation is in one hand buying land from us and on the other hand selling land to us. I just wanted to point the discrepancy. And of course, from my understanding, there's like a four mile difference of the location of the properties, which could make a big difference in Suffolk County.

But the other thing that I've been saying all along and what bothers me with the Legacy Village property is the 95-acres is really, if not all the revenue we get from that 255-acre deal, it's certainly the vast majority of it. So that, in effect, we're not selling 95-acres, we're selling 255-acres. That's just a point that I was making and I shouldn't have transgressed. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Legislator Losquadro, you and I have reviewed this, and I think it was unfortunate that all of the -- that the zoning change had occurred which gave it a higher level of highest and best use, and that's part of the appraisal process. And so we have a case where a town provided that zoning change. There was a 45-acre set aside and that's why it had to be reviewed twice in ETRB; you probably recall that, we had to look at it a second time. So it was very complicated, and unfortunately it did raise the level of highest and best use and so we're paying more money for it. So if towns contemplate looking down the road to -- you know, I think the broad view has to be there.

P.O. LINDSAY:

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

LEG. GREGORY:

Abstain.

LEG. MONTANO:

Abstention.

MR. LAUBE:

Sixteen (Abstention: Legislators Montano & Gregory).

P.O. LINDSAY:

Okay.

Discharged by Petition:

Next up is **2200-10**, which is **Discharged by Petition, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Fergus Shaw III and Arthur Shaw property - Forge River Watershed - Town of Brookhaven (SCTM Nos. 0200-675.00-04.00-019.000, 0200-675.00-04.00-032.000, 0200-675.00-04.00-033.000, 0200-675.00-04.00-035.001 and 0200-675.00-04.00-035.002)** (County Executive).

LEG. ROMAINE:

Motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine. Seconded by Legislator Browning.

LEG. MONTANO:

Could I have an explanation?

D.P.O. VILORIA-FISHER:

Motion to table.

P.O. LINDSAY:

And a motion to table by Legislator Viloría-Fisher.

LEG. D'AMARO:

I'll second the motion to table, Mr. Presiding Officer.

P.O. LINDSAY:

Second by Legislator D'Amaro. And Legislator Montano has the floor.

LEG. MONTANO:

No, I just would like Counsel to explain since it was discharged by a petition, and while I pull it up.

D.P.O. VILORIA-FISHER:

Legislator Montano, I wanted to say something about that, if you could give me an opportunity.

LEG. LOSQUADRO:

You're not on the microphone.

LEG. MONTANO:

I can't hear you, first of all.

D.P.O. VILORIA-FISHER:

I'm sorry, my finger slipped off. If you could give me the opportunity to just say why there was a discharge petition?

LEG. MONTANO:

Oh, I don't need to know that. I mean, it's discharged, it's before us. I just want to --

D.P.O. VILORIA-FISHER:

Well, there was a very low rating.

LEG. MONTANO:

Right, but I'd like to get an explanation from Counsel, if it's all right with you.

D.P.O. VILORIA-FISHER:

Oh, okay.

LEG. MONTANO:

Because I have it front of me, but I haven't gone through it fully.

MR. NOLAN:

I'm sorry, Legislator Montano, what would you like me to --

LEG. MONTANO:

Can you give me the particulars on this? All right, who wants to do it? Vivian, you want to do it? It's your bill.

D.P.O. VILORIA-FISHER:

No, it's not.

MR. NOLAN:

Ed could do it.

LEG. ROMAINE:

I could do it.

LEG. MONTANO:

All right, Ed, go ahead

LEG. ROMAINE:

With the consent of the Presiding Officer. This is a piece of property that is in the Forge River Watershed. It is located on Barns Road in Moriches. It's 32-acres, it was a former nursery. The guy doesn't want to own it any longer, or development rights, he just wanted to sell it outright.

Every parcel that we have purchased in the Forge River Watershed would have rated low if it was rated individually. But instead, it rated higher because it took it collectively and looked at the greater good. Unlike other small, quarter of an acre parcels that we've been acquiring, this is a larger parcel and, therefore, was treated separately and not as part of the other small parcels that they assembled for the watershed, although it is in the watershed.

LEG. MONTANO:

But we're paying -- we're buying 32-acres --

LEG. ROMAINE:

Right.

LEG. MONTANO:

-- and there's the purchase price of \$2.99 million; is that what I'm reading?

LEG. ROMAINE:

I don't have the purchase price in front of me.

LEG. MONTANO:

Well, who has the purchase price?

LEG. ROMAINE:

What is the purchase price, Counsel?

MR. NOLAN:

Just under \$3 million, two million nine ninety.

LEG. ROMAINE:

Right.

LEG. MONTANO:

So it's a million dollars an acre?

LEG. ROMAINE:

Uh --

LEG. MONTANO:

Almost?

LEG. ROMAINE:

No, it's \$100,000 an acre.

LEG. MONTANO:

Okay.

LEG. ROMAINE:

And it is something that had a subdivision approved for it, okay? Which just like the property before, which is, by the way, that you just voted for, is almost directly --

LEG. MONTANO:

No, I abstained.

LEG. ROMAINE:

Oh, abstained. Is directly across the street from the property you just -- almost directly across the street from the property that you just -- that the Legislature --

LEG. MONTANO:

You guys just bought.

LEG. ROMAINE:

Right, I'm sorry, called Mastic Woods. This, likewise, is part of the Forge River Watershed, it is something that we feel in Brookhaven should be preserved. We're playing catch up with the Forge River. If we allow more homes and cesspools to be built, it will only worsen the problem that every report has shown. It's not only the duck farm, it's the cesspools in the area that are feeding the contamination of the river.

LEG. MONTANO:

And you said earlier the subdivision had already been approved --

LEG. ROMAINE:

That's correct.

LEG. MONTANO:

-- prior to us stepping in --

LEG. ROMAINE:

That's correct.

LEG. MONTANO:

-- to want to buy it.

LEG. ROMAINE:

That's right. And this Legislature approved the planning step resolution on a -- I believe it was a 16-2 vote last time, and the County Executive then vetoed it and we overrode his veto. And finally, about a year and a few months later, it's back for acquisition.

LEG. MONTANO:

And the subdivision that was approved was approved for one house per acre?

LEG. ROMAINE:

Yes.

LEG. MONTANO:

Or more density?

LEG. ROMAINE:

No, one house per acre.

LEG. MONTANO:

All right, thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. As I began to say at the outset of the conversation, it is unusual to see a discharge petition, which I signed, and yet I've made a motion to table. And the reason I did both of these is because this piece of property came before us with a very, very low rating. And with our perspective that at this point in time we're trying to prioritize as best we can in the expenditures of County monies, and we know we have a great deal of indebtedness, in -- someone had made a motion to table and I said, "Well, why don't we just vote it down," because we're not prepared to spend this kind of money at this time with a piece of property that has such a low rating.

However, when I spoke with Legislator Romaine, I felt that it would have been a more collegial action to table the resolution, since we hadn't given Legislator Romaine fair warning that we were going to just kill it in committee, and so I was willing to sign the discharge petition. However, because of the low rating and because of our tight budgetary position right -- situation right now, I would like to have Planning look at the piece of property again, look at the different aspects of it that are being brought to bear by Legislator Romaine, and vote on it after we have done a re-evaluation.

It's a lot of money. We need to know that we're spending our money in the best possible way, in areas that must be protected. This is one-acre zoning. So, you know, we've said we can build where it's appropriate, we should save where it's appropriate. So I think we should take another look and -- but just my apologies to Legislator Romaine, because we should have tabled it since he had no warning that we were going to be voting it down.

LEG. ROMAINE:

If I may?

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Very briefly because of the late hour. I would simply say that all of those small quarter-acre parcels that we've been acquiring to save the Forge River, if examined individually, would have rated the same as this property.

You just voted, Legislator Fisher, for a piece of property that is almost directly across the street for which you paid \$20 million for. The Mastic Woods, which is owned by Beachwood, is almost directly across the street from this property, okay? So, let's put everything in perspective and lay it out. I understand the low rating, and that's because it was considered separate and single as opposed to being combined with all the other small lots that are part of the Mastic area and the Forge River Watershed. This is in the Forge River Watershed; this is a property that is larger, it's 32-acres; this is a property that we are paying considerably less than we're paying for the property almost directly across the street, which we just voted, including yourself, to do.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah. Just to remind you that, you know, there's occasions where there's been very small parcels that have come in front of ETRB for purchase -- for approval that are sometimes not even 100 x 100. They're very small lots.

Cameron Engineering just did a Forge River watershed study, and one of the biggest complaints, they did talk about the duck farm, but they showed how overdeveloped the Mastic area is and the impact of the cesspools, because many of the homes are very old, on the Forge River. And that, you know, basically their comments were we need sewers and we need to slow up, we need to stop putting in these cesspools. They even talked about septic systems, that these new septic systems aren't even good enough. So, you know, we do currently buy small pieces of property in Mastic that are in the Forge River Watershed.

So, you know, while it does rate very low, we are going to start seeing a lot more small parcels and we have to stop the development because we're just -- we're killing the river. The river's dead; we're not killing it, it's dead already. And we have denied, because of the bad planning that was done many years ago, we have to now try and reverse some of the mistakes that were made from years ago. And I think this is a valid purchase. It's even on the Cameron Engineering mapping of the watershed, and it shows that we need to preserve this. So, you know, I would like your support to purchase this property.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, thank you. I did second the motion to table, and I did sit on the Environment Committee and we talked about this parcel. But I'm listening to my colleagues as well, and at the committee level it was not recommended by Planning, it did have a very low rating. There was no environmental significance listed on the rating form, if my recollection is correct. And it's an expensive purchase, not that that should stop us if there's a reason to purchase it, if it protects the environment.

So what I would suggest is I would support Legislator Vilorio-Fisher's position where the tabling for the purpose of at least giving me the opportunity to go and take a closer, harder look, consider the arguments that I've heard here today. It wouldn't be unprecedented for us to purchase a parcel with a lower rating, and I want to give that benefit of the doubt and I want to take a good, hard look at this and see whether or not it's, in fact, in that impact zone for the river. I think the testimony we heard at the committee was that it was not, but, but, you know, in deference to my colleagues

and also, more importantly, in deference to the environment, I would welcome an opportunity and I would take another hard look at this.

LEG. HORSLEY:

Road trip?

*(*Laughter*)*

D.P.O. VILORIA-FISHER:

A virtual road trip.

LEG. ROMAINE:

You know, I would -- if I may, I would just say to my colleague, Cameron Engineering, which did a complete study of the Forge Watershed for the Town of Brookhaven, and I'm intimately familiar with it because the Councilman at the time was my son and he shared all this information with me, because most of the Forge River is in -- Watershed is in Kate's district, but some of it is in my district, a good third of it. This property is definitely square right in the middle of the watershed. So that is a report that has been issued by the Town of Brookhaven. I think my colleague, Kate Browning --

LEG. LOSQUADRO:

Your mic's off.

LEG. ROMAINE:

Oh. I think my colleague Kate Browning would attest to the fact that she's seen the same report that I did. This property is clearly right in the middle of the watershed.

LEG. D'AMARO:

Bill? Bill?

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Through the Chair, to respond to Legislator Romaine. You know, maybe another route we could take with this bill is to recommit it to the committee and invite Director Isles back down so we can take a harder look at that and ask those questions and find out why it is that we have this engineering study on one hand that's saying it's right in the middle of this very important zone, at the same time it's not recommended and coming in with a very low rating.

LEG. ROMAINE:

I'd be happy to do that. I can understand Director Isles' position. I'm just curious that the land immediately to the west of it, we just voted to purchase for \$20 million, and this land is almost directly opposite, on the opposite side of the street, but it happens to fall into my Legislative District. And obviously I'd like to understand Director Isles' viewpoint on that, because it strikes me as curious.

D.P.O. VILORIA-FISHER:

Mr. Chair, I'd like to withdraw my motion to table and make it a motion to recommit.

LEG. D'AMARO:

I'll do the same. I'll support the motion to recommit and withdraw my second.

P.O. LINDSAY:

Okay. All right. So we have -- motion to recommit takes precedent over motion to approve. All in favor of recommitting? Opposed? Okay. Abstentions?

LEG. GREGORY:

Abstain.

P.O. LINDSAY:

So it's recommitted.

MR. LAUBE:

Seventeen (Abstention: Legislator Gregory).

Health & Human Services:**P.O. LINDSAY:**

1820-10 - Appropriating funds in connection with the Stony Brook University Hospital Comprehensive Psychiatric Emergency Program (CP 4018) (Kennedy).

D.P.O. VILORIA-FISHER:

There's a CN on that.

LEG. KENNEDY:

I'm going to make a motion to chair, Mr. Table --

D.P.O. VILORIA-FISHER:

No, the other way around.

*(*Laughter*)*

LEG. KENNEDY:

To table, Mr. Chair. All right, lets throw a sofa in too, huh?

D.P.O. VILORIA-FISHER:

I'll second that.

LEG. KENNEDY:

There's a CN. There's a CN coming.

D.P.O. VILORIA-FISHER:

There's a CN in the packet.

P.O. LINDSAY:

Okay, we've got a motion to table, the Chair recognizes. All in favor -- and I'll second it. All in favor? Opposed? Abstentions? It stands tabled.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2157-10 - Approving the Vector Control Plan of the Department of Public Works Division of Vector Control pursuant to Section C8-4(B)(2) of the Suffolk County Charter (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Do I have a second?

D.P.O. VILORIA-FISHER:

Come on. You guys don't want your mosquitoes, do you?

P.O. LINDSAY:

I'll second it. Can you remember when we used to have a debate for hours on the Vector Plan? Now we've got some real things to argue about. Okay. We have a motion and a second.

MR. LAUBE:

I'm sorry, I didn't catch the second.

P.O. LINDSAY:

I second it.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2163-10 - Amending the Adopted 2010 Capital Budget and Program and appropriating funds in connection with the Water Quality Model - Phase V (CP 8237)(County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2195-10 - Amending the Adopted 2010 Capital Budget and appropriating 100% State Grant Funds from the New York State Department of Health and the Dormitory Authority of the State of New York to the Suffolk County Department of Health Services for construction and renovations for the Mental Health Integration Project (CP 4043)

(County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Seconded by Legislator Browning?

LEG. BROWNING:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond, ***2195A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$798,434 bonds to finance the cost of construction and renovations for the Mental Health Integration Project (CP 4043.110, .310 And .510)***, same motion, same second. Roll call.

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

D.P.O. VILORIA-FISHER:

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. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

Labor, Workforce & Affordable Housing:

P.O. LINDSAY:

2229-10 - Establishing binding arbitration policy for Suffolk County Correction Officers Association (COA) contract (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Where's the one we passed over? Yeah, I want to go back to 2201 that we skipped over at the request of Legislator Schneiderman. Legislator Schneiderman tells me he's okay with it. He's reviewed the documents and is convinced that it went through the committee. So do we have a motion and a second on that, Mr. Clerk, do you know?

LEG. SCHNEIDERMAN:

Just for the record, it was not the property that I was concerned about. It was a different -- it went through the committee about a year ago.

P.O. LINDSAY:

Thank you very much.

MR. LAUBE:

Was it the same -- we're not changing his -- you said you're sending it to committee, or are we tabling it?

P.O. LINDSAY:

No, no, no, no, no. I think there was a motion to approve and a second and we skipped over it. If you want, I'll just get a new motion. You want a new motion?

MR. LAUBE:

No, no, I've got it. This is a motion to approve?

P.O. LINDSAY:

Yes.

MR. LAUBE:

You've got a motion and a second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Parks & Recreation:**P.O. LINDSAY:**

2187-10 - Approving a license agreement for Polly Weigand to reside at Black Duck Lodge at Hubbard County Park, Flanders (County Executive). Motion by Legislator Schneiderman. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2188-10 - Authorizing First Amendment of a License Agreement with Long Island Greenbelt Trail Conference for Blydenburgh-Weld House, Smithtown and Pine Barrens Trailside Information and Exhibit Center, Manorville. (County Executive).

LEG. KENNEDY:

Motion.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2194-10 - Amending the 2010 Capital Budget and Program, appropriating funds and accepting a Community Capital Assistance Program (CCAP) grant in the amount of \$165,000 from the Dormitory Authority of the State of New York for the installation of a concealed fire sprinkler system at the main house at Deepwells County Park (CP 7510) (County Executive).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

And we have a motion by Legislator Nowick.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying *Bond Resolution 2194A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$85,000 Bonds to finance a part of the cost of installation of a concealed fire sprinkler system at the main house at Deepwells County Park. (CP 7510.126 and .339)*, same motion, same second. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

(Not Present).

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

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.

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

2202-10 - Appropriating funds in connection with rehabilitation of plumbing system at the Suffolk County Vanderbilt Museum (CP 7447) (Cooper).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

On the accompanying Bond Resolution, *2202A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$50,000 bonds to finance the cost of planning for rehabilitation of the plumbing system at the Suffolk County Vanderbilt Museum (CP 7447.111, same motion, same second. Roll call.*

(Roll Called By Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

(Not Present).

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.

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

2203-10 - Appropriating funds in connection with the rewiring of historic structures at the Suffolk County Vanderbilt Museum (CP 7445) (Cooper)

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

On the accompanying Bond, *2203A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$150,000 bonds to finance the cost of rewiring of historic structures at the Suffolk County Vanderbilt Museum (CP 7445.312)*, same motion, same second. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

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.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2204-10 - Appropriating funds in connection with restoration of facades at the Suffolk County Vanderbilt Museum (CP 7441)(Cooper).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, *2204A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$300,000 bonds to finance the cost of restoration of facades at the Suffolk County Vanderbilt Museum (CP 7441.313)*, same motion, same second. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

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.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2230-10 - Appointing Tanya McKay as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 7) (Presiding Officer Lindsay). I'll make a motion.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2237-10 - Appointing Joseph S. Dujmic as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 13) (Cooper).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2239-10 - Appointing Rodney Rodriguez as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 1) (Montano).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Public Safety:

P.O. LINDSAY:

1916-10 - Adopting Local Law No. -2010, A Local Law to ensure the safe use of air guns in Suffolk County (Eddington).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

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

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory?

LEG. GREGORY:

To approve, yes.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

Call the vote.

P.O. LINDSAY:

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

("Opposed" said in unison)

P.O. LINDSAY:

Yeah, we better do a roll call. Go ahead.

LEG. EDDINGTON:

On the motion?

P.O. LINDSAY:

On the motion.

LEG. EDDINGTON:

I just want to say that I would appreciate the vote, because -- the roll call vote. And I'm going to just say this one more time; this is not -- this is not about me, and it was brought to my attention by one resident, but as I looked into it and responded to the many people that did call and modified the legislation, we already have three towns that have prohibited the use of any kind of BB gun or anything, all kinds. The Town of Brookhaven has prevented it -- prohibited it in parks. My goal here is not to prohibit it, but to put in a sensible regulation so that you can still shoot BB guns. I've shot

BB guns with my son and now I'm in the process of doing it with my grandson.

P.O. LINDSAY:

But Legislator Eddington, we're in the middle of a vote. We bypassed the debate. Nobody wanted to debate it, all right?

LEG. EDDINGTON:

Oh. Well, I -- okay. I speak so much, so I shouldn't.

P.O. LINDSAY:

No, but, I mean, I offered everybody a chance to talk, nobody wanted to talk. We went right to the vote. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. EDDINGTON:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Pass.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

No.

MR. LAUBE:

Six.

P.O. LINDSAY:

All right, it fails.

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

P.O. LINDSAY:

*2047-10 - Amending Resolution No. 202-2010, Accepting and appropriating \$50,000 for
"Creation Of Explosive Detection Canine Team" (Barraga).*

LEG. BARRAGA:

On the resolution.

P.O. LINDSAY:

Huh?

LEG. BARRAGA:

I would like to speak on the resolution.

P.O. LINDSAY:

All right. Do you want to make a motion first to approve?

LEG. BARRAGA:

Yes, I make a motion to approve.

P.O. LINDSAY:

Okay. Motion to approve. Do we have a second?

LEG. BARRAGA:

On the dog.

P.O. LINDSAY:

On the dog. Do we have a second on the dog?

LEG. D'AMARO:

I'll second the bill.

P.O. LINDSAY:

Second by Legislator D'Amaro. Legislator Barraga.

LEG. BARRAGA:

Thank you, Mr. Presiding Officer. This particular issue has been going on for a period of 17 months. Back in the beginning of July, Suffolk County Sheriff's Office submitted an application to the New York State Homeland Security Office with regard to a \$50,000 grant for the creation of an Explosive Detection K-9 Team. Subsequent to that application, we here in the Legislature met and actually passed 1133 which basically approved the receipt of the grant.

On April 16th, a letter was sent from Homeland Security in the State of New York to the Sheriff indicating that they were notified of the passage of the resolution, but they had one or two reservations about the content and some of the discussion as it pertained in open public debate before the resolution was actually voted on. They were concerned that the resolution conformed completely to the overall application put in by the Sheriff's Office which basically provided law enforcement with active role patrols with the ability to develop explosive detection K-9 capabilities. Well, their concern had to do with a portion of the resolution indicating that the primary use for the animal would be at correctional facilities in Suffolk County.

They also made reference in that letter of April 16th that there was some discussion with reference to the dog supplanting versus supplementing. So the letter went to the Sheriff on April 16th from the State Office of Homeland Security. He responded on April 29th, and in it he indicated in his letter, among other things, that he felt that there was a local political situation that had developed surrounding this particular issue. He indicated, "We stand by our original usage for protection of critical infrastructure and in support of our existing patrol duties."

There was also discussion at the time, before the resolution was approved, with reference to this Memorandum of Agreement between the County and the major union, that no function currently performed by that major could be given to another law enforcement entity, and that agreement was in effect through 2015. In the letter of April 29th to Homeland Security, Sheriff DeMarco indicates, "The agreement states as it relates to the issue at hand that the County will not assign any duties currently assigned to the Police Benevolent Association or to any other Police agency. We assured the Legislature that we would not utilize the explosive K-9 team in any way that would violate the agreement." Usage at the correctional facility was given as an example, but as pointed out by the Sheriff at the time in this letter, that the dog would have diversification; it could be used at the correctional facility, it will be used at buildings that the Sheriff has responsibility for, including this particular building, and at Gabreski Airport to give that diversification to Homeland Security that this dog is going to be used per the application.

On June 7th, Homeland Security wrote back, and their concern related to that portion of the original past resolution dealing with the limiting nature of the language as it pertains to primary purpose, to screen for explosives at the County correctional facility in Yaphank and Riverhead. They indicated in that letter to the Sheriff that some sort of an amendment to the resolution had to be made and they indicated some sort of a deadline that would have to be adhered to. On July 8th, the Sheriff wrote back to the Chief of Staff of Homeland Security and acknowledged the concern and indicated that there had been a resolution put forth, 1140, to hopefully correct this particular situation.

On September 1st, a letter was written by the County Executive to our Presiding Officer, and I quote, "Since this is 100% Federal grant funding and since this funding is used to minimize danger to the public by preventing and responding to such high priority issues such as possible terror attacks, please indicate if you will submit an amendment to your legislation to ensure that this bill, the original bill that was passed by us, conforms to the Federal program guidelines so we do not risk losing the funding. Further, I believe that all residents of Suffolk County should be able to take advantage of an increased security program like this one, not just those at our correctional facilities." The Presiding Officer responded on September 13th, and if I quote, he said, "Needless to say, I am disappointed that the United States Department of Homeland Security rejected the resolution I sponsored as being too restrictive. Should you wish to sponsor a new resolution to similar to 1140, I will be pleased to introduce it on your behalf." 1140, which was introduced, was held in committee.

The next action was taken by the Sheriff's Office who contacted me and said, "Look, you know, we still have an opportunity to get this grant money. Would you be willing to put in a resolution that would take out that provision as it pertains to primary use?" And I said I would. This, from my perspective, is a slam dunk. It's like someone coming along and putting \$50,000 on the table and for some reason, which I don't think is a valid reason, we just push it away. If we take this Public Safety agenda as we speak right now, there are six other resolutions dealing with taking funding from different levels of government, from the Federal government. And I venture to say that probably there will be little or no debate on any of those issues.

We need this dog in Suffolk County. You never know when an emergency is going to develop. Example; Gilgo Beach, four bodies. Search and rescue dogs desperately needed. It was made mention about a week ago that cadaver dogs were being brought in from other municipal -- which is appropriate, from other municipalities, because obviously we needed them. A huge stretch of land had to be covered. This dog would be trained in explosive detection. God forbid if something happened at the airport or some other location and you needed a dog like this and other dogs like this for the benefit and safety of our own people; that's one more dog we'd have in the arsenal.

If we don't pass this resolution to get the 50,000, Ladies and Gentlemen, it will just go someplace else. It will go to Westchester County, Nassau, Onondaga County; they'll be willing to step up and take \$50,000 and utilize it. They would be happy to get the money. How many times, for example, over the years, and I include myself, have I gone publicly and said the following; "We don't get our fair share here in Suffolk County". "What we send to Albany we don't get back. What we send to Washington we don't get back." Here's 50,000, 100% Federally funded.

On the merits, this is solid. But we're dealing with the politics. We're dealing with a situation beyond our control. I don't control, as a Legislator, what happens with one union versus another. My obligation is to the health, welfare and safety of the people of Suffolk County. We've been listening to this dialogue among these unions for the last 17 months. I once said, and I really believe this, that if elected officials had a union, there would be two unions I would join; New York State United Teachers and the Suffolk County PBA. The reality in the last several years, especially on this particular issue, this major union, it is not their most shining hour. They look weak and they look petty, and that has to change. That has to change. My obligation, first and foremost, is to the people I serve. They have problems? Let them settle their problems accordingly. The people of Suffolk County want this \$50,000 grant. They want this dog. They want this dog out there possibly saving people's lives from Suffolk County. They don't want to wake up and see we lost the grant and went off someplace else because of political reasons.

Seventeen months, a long time for this to go on. Today we settle it. I am requesting for you to do what I know in your hearts is the right thing, to support this legislation. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I'd like to just ask Mike Sharkey a couple of questions. Mike? Because, you know, a lot has been made regarding the 12 or \$13 million, and that if one Deputy Sheriff made a mistake there would be liability. You know what? I was on Ways & Means and there's exposure with all of the people who act as agents for Suffolk County. You know, we have doctors who act as agents, we have Police Officers, bus drivers where we've had to settle lawsuits. So that exposure is there, so I don't think that that's the compelling argument.

Today, with the passage of 2055, we said that an elected official such as the Sheriff should be able to determine what happens in his department, he has that responsibility, he has that charge. But Mike, the reason I asked you to come up is because there are other issues that are concerning me and I wanted to ask you about them. This morning Mr. DiGerolamo mentioned that --

P.O. LINDSAY:

Could everybody hold it down, please? I can't hear the debate. Go ahead.

D.P.O. VILORIA-FISHER:

The morning it was stated that although we would be receiving \$50,000, there would be a cost of multiple times that because of the kind of ongoing training, because of the training of a Police Officer to work with -- I mean a Deputy Sheriff to work with that dog, and numerous other expenses. Could you speak to that, please, Mr. Sharkey?

CHIEF SHARKEY:

I believe the concern that Noel had had to do with the lag payroll agreement which is -- that resolution or that RESOLVED clause remains in the resolution that's before you.

D.P.O. VILORIA-FISHER:

No, that's not what I'm talking about, Mike.

CHIEF SHARKEY:

You're talking about the possibility of violating that and --

D.P.O. VILORIA-FISHER:

No, that's not what I'm talking about. I'm talking about the expenses that Noel referred to. That if you get the dog, then there has to be a Deputy Sheriff who's assigned to that dog and there has to be training for that Deputy Sheriff to learn how to work with that dog. I already addressed the other issue which is, you know, they talked about the liability of a Deputy Sheriff, having the dog with him if there's an emergency call and he feels compelled to respond to that, so he would be violating the agreement. I don't -- I think every agent who works on behalf of Suffolk County can cause exposure, you know, if they make a mistake, so I'm not seeing that as the most compelling reason here. I'm asking you, what kind of expenses would be incurred if we accept this dog? You know, I mean, if we accept that \$50,000 dog, as far as personnel or equipment or training?

CHIEF SHARKEY:

I'm sorry, I had misunderstood your original question.

D.P.O. VILORIA-FISHER:

Okay.

CHIEF SHARKEY:

As Legislator Barraga said, this has unfortunately been discussed over 17 months and probably every facet of this has been discussed publicly, including your current question. However --

D.P.O. VILORIA-FISHER:

I apologize.

CHIEF SHARKEY:

-- the grant funding covers all of the start-up costs which include the K-9 animal, the training of the officer, the vehicle that would be needed and the ongoing costs for the K-9 operation would be borne by the Sheriff's Office, as they have been all along. This is a replacement for one of our retired dogs. So we've had three Deputy Sheriff K-9 officers all along, so there's no additional cost. The ongoing cost for training going forward would be absorbed into -- by Asset Forfeiture Funds which is how we have trained our K-9 officers since the program started.

D.P.O. VILORIA-FISHER:

So this is not a new dog position? There's already -- there was a dog and he's not there and this is replacing the dog, is that what you're saying? And I apologize, I don't remember all the answers so I'm asking questions.

CHIEF SHARKEY:

Yeah. Again, this is a replacement for a dog that was retired.

D.P.O. VILORIA-FISHER:

Thank you, Mike.

P.O. LINDSAY:

Okay. Are you done, Legislator?

D.P.O. VILORIA-FISHER:

Yes, I am. Thank you.

P.O. LINDSAY:

Legislator Muratore.

LEG. MURATORE:

Thank you, Mr. Presiding Officer. My question here to my learned colleague Tom Barraga, it's really -- I mean, we're taking \$50,000 now, and we probably took it under false pretenses. It really wasn't designed to give them the money for what the dog was going to do.

And like Legislator Fisher was asking, how much is this dog going to cost us over the next eight years? We have to replace vehicles, we have to replace trainers, upkeep of the dog. So if they're giving us 50,000. And maybe we're going to spend close to a million dollars over the next eight or nine years, the lifetime of the dog, and it's also about duplication of services. I mean, you talked about cadaver dogs and you talked about, you know, the bodies being found over there and, you know, those are assets that can be used by borrowing from other municipalities. We won't have to expend all of this money. I mean, we just -- we have eight bomb dogs I think in the County Police Department. I don't know what they have east of Riverhead. Now, Riverhead may have a bomb dog. Southampton, I know the village has a K-9 unit, the town has the K-9 unit. I mean, all of these K-9 units and now we need another one for \$50,000 for free that we think we're going to get now?

To me it's just duplication of services. And this whole thing with the Sheriff and the Police Department. You know, we're all doing the same job here. Why so many people doing the same job when we don't need to? So I would think that, you know, as much as I think it could be a good thing, I really can't support this. Thank you.

P.O. LINDSAY:

Okay. Legis --

LEG. BARRAGA:

Was that a question? Are you asking me a question or it's just a statement?

LEG. MURATORE:

Either way.

LEG. BARRAGA:

Okay.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

The only response that I would make with reference to Mr. Muratore's comment, then why accept any monies from any level of government at all? We have six bills here and the total appropriation coming into the county is roughly about \$950,000. So after the 950,000 is accepted and programs are put in place, there's always a cost factor associated with it, unless you can get the 950 every single year. I mean, municipalities know that; when they accept a grant up-front and it's fully Federally-funded, at some point in time, after the grant expires, there will be "X" amount of dollars cost-wise to keep the programs going. That holds true for the K-9 bill and the six others that are attached here.

P.O. LINDSAY:

Legislator Romaine. Are you done, Legislator Muratore? I'm sorry.

LEG. MURATORE:

Well, I wanted to respond to Mr. Barraga. The other programs are probably going -- when the money runs out, they're going to expire. I mean, the dog is going to be here. The dog is a living -- you know, it's an animal, you're going to keep it around. You're not just going to let it drop off the face of the Earth like these other programs will. So these programs, even though we get money up-front, long-term they're not going to cost us the amount that the dog is going to cost us. There's no upkeep for these programs, there's no dog food, there's no kennel, there's no car, there's no vet bill.

LEG. BARRAGA:

My experience has been once you accept grant monies, like \$800,000 is for one of these, those programs just don't disappear. Once the programs are in place there's a continuation, even only on a partial basis, and now you have to come up with your own budgetary dollars to fund those programs.

P.O. LINDSAY:

Okay. If you don't mind, I think Mr. Sharkey might have a --

LEG. MURATORE:

Just one other thing for Mr. Sharkey.

P.O. LINDSAY:

Go ahead.

LEG. MURATORE:

You're replacing a narcotics dog that used its usefulness up, correct?

CHIEF SHARKEY:

We're replacing a patrol dog with the additional training for narcotics, where they --

LEG. MURATORE:

Wouldn't you think that you might, in the jail, get more use from a dog that sniffs narcotics than sniffs explosives in the jail?

CHIEF SHARKEY:

I'm not being offered \$50,000 for a narcotics dog.

LEG. MURATORE:

So then wait till they offer you that.

CHIEF SHARKEY:

If I could?

P.O. LINDSAY:

Go ahead, Mr. Sharkey.

CHIEF SHARKEY:

Legislator Muratore, I mentioned two things that I think needed to be addressed, one was the ongoing costs. These ongoing costs are going to exist regardless if this dog is purchased by this grant or we replace the dog. This is a budgeted position that we had. And we have covered all of our training expenses, historically and will going forward, out of Asset Forfeiture Funds which are not part of the County budget.

LEG. MURATORE:

Why would you want to take a dog that's so specific, though? If you're getting rid of a patrol dog, which is probably more useful in the jail than a bomb dog, why would you even bother to apply for the bomb dog?

CHIEF SHARKEY:

I think that it can be useful for our mission, including at the correctional facilities. You mentioned earlier that there's eight -- I believe you said eight bomb dogs in Suffolk County PD.

LEG. MURATORE:

I may be wrong now, I'm just -- that's what it used to be, eight.

CHIEF SHARKEY:

I'm assuming that you feel that that's enough in the County; I don't know that I agree with that.

P.O. LINDSAY:

Okay. If you'd permit me, Legislator Muratore? To be fair, I think Mr. DiGerolamo is --

LEG. EDDINGTON:

Itching.

P.O. LINDSAY:

Is itching to enlighten us on something.

MR. DIGEROLAMO:

Well, at least Mike and I can smile at each other and make some --

P.O. LINDSAY:

Is your finger on the button? Put your finger on the button.
There you go.

MR. DIGEROLAMO:

Yes. Two things I want to -- is that better? A few things I want to point out. Number one is Legislator Barraga said something about the cadaver dogs on Ocean Parkway. Well, this isn't a cadaver dog, this is a bomb dog. It would have absolutely no use on Ocean Parkway given the current circumstance.

And I appreciate the -- you know, the point he's trying to make is which an additional asset is a benefit to the people, whether it's cadaver dog, a bomb dog or a narcotics dog, and I can appreciate your position. And you're getting what you consider to be free money from the State, but no money is free, it's all paid by the taxpayer at some level of government, one or another.

The second thing is Asset Forfeiture that they intend to pay for the future of this dog through. Well, that Asset Forfeiture could be used -- that Asset Forfeiture money could be used for something outside of this issue. In addition to the fact that we just had, you know, five other County elected officials or their representatives sitting here talking about unfunded or unstaffed positions that they don't fill. Well, there's no need for the Sheriff to fill that position. If they've been going 17 months without it, why fill it now? Clearly there's no, you know, need to fill it immediately if they've been going 17 months without it. So why would you risk \$13.5 million for a \$50,000 grant? I come right back to the same thing.

And I don't know where Chief Sharkey said he doesn't agree that eight bomb dogs is enough for the County. Well, that statement in itself clearly states that he believes this dog would be a County-wide asset whereas he's promised everybody it would be exclusive to the jail. You know, this is what we're trying to avoid, the taxpayers being saddled with a \$13.5 million bill should this agreement be violated.

P.O. LINDSAY:

Okay. Mr. DiGerolamo, maybe you could just clarify something. The Police Department does have eight dogs?

MR. DIGEROLAMO:

We currently have six active bomb dogs. And as the Chief of Department testified to here before Public Safety, there are two more that are being added to it as we speak.

P.O. LINDSAY:

Bomb dogs.

MR. DIGEROLAMO:

Correct, that's what he testified to.

P.O. LINDSAY:

And what about the dog that we read so much in the paper that sniffs cadavers; is that in addition to the eight?

MR. DIGEROLAMO:

That would be in addition to.

P.O. LINDSAY:

So that's nine.

MR. DIGEROLAMO:

We have over 20 dogs in Suffolk County.

P.O. LINDSAY:

Okay. Does the eight dogs -- I don't know anything about this, so that's why I'm -- do the bomb dogs sniff narcotics, too?

MR. DIGEROLAMO:

That would depend on the training of the K-9. However --

P.O. LINDSAY:

But do you know -- does Pete --

MR. DIGEROLAMO:

I couldn't specifically answer if we have a duly-trained K-9 for narcotics and bomb.

P.O. LINDSAY:

But we must have some narcotic sniffing dogs, no?

LEG. KENNEDY:

We do.

MR. DIGEROLAMO:

Not only do we narcotics, but the Sheriff's department has their own narcotics dogs for use in the jails.

P.O. LINDSAY:

So is that in addition to the nine, or is that part of the nine?

LEG. KENNEDY:

No, it's in addition to.

MR. DIGEROLAMO:

That's in addition to the eight.

P.O. LINDSAY:

Oh, we have eleven?

LEG. KENNEDY:

We have eleven narcotics dogs, eight bomb dogs and three cadaver dogs, for a total of 22 dogs in SCPD.

MR. LAUBE:

Microphone, John.

P.O. LINDSAY:

We have 22 dogs?

MR. DIGEROLAMO:

That's just with the Suffolk County Police Department. The Sheriff's Department has I believe he said three.

CHIEF SHARKEY:

Plus two more.

MR. DIGEROLAMO:

Plus two.

P.O. LINDSAY:

Plus two, okay.

MR. DIGEROLAMO:

That's in addition to ours.

P.O. LINDSAY:

I just want to know how many dogs we have, that's all. That's what I'm trying to find out.

LEG. BARRAGA:

Can I ask a question?

P.O. LINDSAY:

Go ahead.

LEG. BARRAGA:

Just to clarify my remarks. When I referred to Gilgo Beach and those four bodies, I was using that as an example of an emergency situation where you need a large number of a particular type of dog, a search and rescue, a cadaver type of animal. I fully realize, fully realize that this is an explosive detection dog. And I also used the example, what if an act of terrorism took place where you needed a whole series of explosive detection dogs to go into a given location to possibly save lives or detect bombs or whatever it may be, this would be one more dog in that arsenal, in that arsenal.

And the other thing I'll mention, I can't speak for the 17 others, but I really take exception for you coming up here and continually threatening that there's going to be a 13 million liability suit; \$13 million liability suit. I mean, that to me is kind of a weak argument, a very weak argument. I'm not so sure it serves you in good stead to keep on repeating that to us as if it's some sort of a threat.

P.O. LINDSAY:

Could I just point out, Legislator Barraga --

MR. DIGEROLAMO:

I --

P.O. LINDSAY:

No, hold it. Hold it right here. I'm going to end the cross-talk. It isn't a suit, Legislator Barraga. In that agreement is a specific arbitration clause, I'm very familiar with it because I helped negotiate it, to the point there's specific arbitrators named that if there -- if one side thinks that it's being violated, it goes immediately to arbitration. It isn't a court case.

LEG. BARRAGA:

But there's every indication in the last 17 months from the Sheriff's Office that they have no intention of potentially or unintentionally doing anything in violation of that arbitration agreement.

P.O. LINDSAY:

I don't want to short-circuit the other Legislators that want to talk. I know that more than anybody because I thought I solved this problem and worked out an agreement that all sides could live with, and I was very disappointed to see that Homeland Security wouldn't go along with it.

MR. DIGEROLAMO:

Mr. Chairman, if I may, please. I'm sorry, Mr. Presiding Officer, if I may just briefly. I appreciate what Legislator Barraga is trying to say about having the assets, and I think I made that clear that I understand. He's not saying the bomb dog was going to search for cadavers. You know, if I didn't make that clear I. Steven Stern, Lou D'Amaro, John Kennedy, Jr., Thomas Barraga, Wayne Horsley, Lynne Nowick, DuWayne Gregory apologize, but I think I did say it pretty clearly. However, I just have to say, I'm not here threatening anybody with \$13 million. I'm making them aware who were not involved in the process, as he wasn't.

P.O. LINDSAY:

Okay. Okay, I think we clarified that part. I don't really want to get into a cross-debate. And I appreciate both you gentlemen coming up and clarifying because we don't know. I didn't know we had 22 dogs. The first thing that I'm thinking here, do we need 22 dogs? You know, we could save some money by getting rid of some of the existing ones we have. I have a long list. Legislator Romaine.

LEG. ROMAINE:

You know, for \$50,000 from a Federal grant, we've spent a great deal of time on it. And normally this Legislature would not give this type of an issue this type of consideration, but there's other things at play here. So let's start with what the PBA has said. They gave up \$13 million in concessions.

LEG. LOSQUADRO:

Your mic.

LEG. ROMAINE:

They gave up \$13 million of concessions. We entered into an agreement with them. We have an obligation to abide by that agreement. When I took Noel's telephone call, I think it was Monday, Noel, that you called me or Friday, or whatever day it was, I think it was Friday.

MR. DIGEROLAMO:

Friday.

LEG. ROMAINE:

You said to me about this 13 million, and I didn't take umbrage like Legislator Barraga did because I understood that when you come to an agreement, both sides have to give something. You gave up the money, we said we're not going to have the Sheriff's Office or any other law enforcement, Park Police or whoever else is out there that's considered law enforcement, pick up the duties that you currently have, that the Police Department has and that your members who you represent have; that's my understanding of that agreement. So I could understand your concern and I heard your concern.

And normally I would dismiss this out of hand, except for one thing. Number one, I have great respect for the Sheriff because he is a County-wide elected official. Number two, I'm looking at the original resolution which would remain in effect, except for the fifth RESOLVED clause, and I'm looking at the fourth RESOLVED clause and it says, "RESOLVED, that the Sheriff has agreed that the Explosive Detective K-9 Team created pursuant to this resolution shall not be used in any manner which would violate the provisions of the Suffolk County PBA lag payroll agreement dated October

28, 2009." Now, to me, that's pretty clear. These -- this dog can't be used for anything. If this County is a man, a woman as the case may be, of their word, this dog can't be used for anything that the PBA members are currently using dogs for. This can only be used for the jail.

Now, after Noel called me, Joe Caracappa called me. And I've known Joe for many years and I asked him, "Joe, thanks for calling because I have my questions. Are you going to use this dog in any manner, shape or form that will violate that agreement," and he said no. And forgive me, but as I said, I've known Joe for a long time, I accept his word.

Do I think this agreement should be violated? No. Do I think we should push the envelope? No, but it's being pushed, I have to cast a vote. I've read this. I don't think that anyone in this County is going to violate that agreement. And I think there's a strong, strong, strong determination from this Legislature to ensure that that agreement is abided by. This County could -- should never enter into an agreement that it has no intention of keeping, and I believe it has every intention of keeping.

So when it comes to it, yeah, I'm going to support the dogs because I believe the dog will be used in the way that the Under-Sheriff has explained to me, in the way that this resolution says. Do I respect the argument of the PBA? Absolutely. Did they warn me of this? Absolutely. Are they right to do that? Absolutely. But this language is pretty clear to me. And someone said, "Well, you can't plan for every contingency". Well, I've got to tell you, all the Sheriff has to do over this \$50,000 dog, to lose total credibility with I don't know about the Legislature as a whole but with me, is to violate this agreement. We entered into an agreement, we should honor that agreement; it's as simple as that. This language is pretty clear to me. And I think even the removal of the fifth RESOLVED clause doesn't take away the fact that there is a fourth RESOLVED clause that spells out our obligation to the County to the PBA. So I'll just leave it at that. Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I could call Mr. Sharkey up, too, but I'm going to not do that. I'll assume that there's been multiple bomb threats at the jail in the past. I know other County facilities have had bomb threats, including DPW's buildings. So if the Sheriff says they need a bomb sniffing dog, I'll take them at their word that it would make them feel safer to have it. There's a grant to purchase the dog. I understand there might be some additional costs to maintain the dog.

I understand the PBA's concerns. They made tremendous concessions last year, \$12 million, I guess in today's dollars they're saying \$13 million are at stake on a condition that we not violate the agreement by allowing the Sheriffs to do Police work. The Sheriff says, "We're not going to violate the agreement, we're only going to use it at the correctional facilities but we have a technical problem. But they're not -- they are still maintaining it's going to be used for those purposes.

The PBA says, "Well, why create the chance?" Why create the chance that the dog might go do something to violate the agreement. Well, I have news for you. There's a hundred ways right now that the Sheriffs could violate the agreement. A Deputy Sheriff could respond to a 911 call, and you know what? They violated the agreement. So there's a certain level of trust here, and I think we have to do what makes sense to protect the public. If the Sheriff says they're concerned about bomb threats, we should do that. And we certainly hope, and we'll have to keep track, but we certainly hope that the dog is not used in a way that would jeopardize this carefully crafted agreement.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah, maybe this is for Michael. Where did he go? Mike, I've got a quick question. Legislator Schneiderman just talked about I don't know how I would verify, you know, that this dog would be used only at the jail, etcetera. But do you guys have any capability, if there is a bomb discovered, to diffuse the bomb; is that something that the Sheriff's Office has capabilities of?

CHIEF SHARKEY:

That's one of the points we brought up at Public Safety when concerns were raised, that wouldn't we feel obligated if there was an explosive incident and we were closer by to respond. And one of the points that we brought up was, you know, we're looking at this as a proactive animal to use in screening, etcetera. If, in fact, a call came in -- and by the way, we don't receive 911 calls for that type. We wouldn't know that something like that was coming in. The only 911 calls we receive currently have to do with the two highways. So the --

LEG. HORSLEY:

So the answer would be that you don't have that capability at this point in time, you would have to call the Police.

CHIEF SHARKEY:

If we were screening at our correctional facilities, which as you know are expansive and getting larger, and we came across something that needed a full response by a bomb squad, we work cooperatively with the Police Department in many areas of our operations and this would be one more area where we would have to work cooperatively with them and call them.

LEG. HORSLEY:

Yeah, that's what I would think, too. So in other words, there's an instant verification on -- because they're going to get the phone call from you, from the Sheriff's Office that the dog has discovered a bomb at the jail or whatever it may be, whatever the location. Or if it's off campus, the Police have to be notified because, frankly, the capability of bomb diffusing lies with the Police.

CHIEF SHARKEY:

That's correct. But what we're saying is we're confident, at the bare minimum, that using the animal at the correctional facilities for screening is something that did not ever fall in the purview of the Suffolk County PBA. So if we were to locate something and call them to respond to it, there would be no violation of the agreement.

LEG. HORSLEY:

I think I understand that. So there's verification -- so now it's almost like Iraq with missile detection; it's instantly verified because the Police have to be called to diffuse it, no matter where it may be.

CHIEF SHARKEY:

Yes, sir; if there was a confirmed package, they would respond.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Thank you. I just have a couple of questions, and I have to admit to being very, very conflicted on this issue. I'm not sure who can best answer these questions, but it seems to me what Chief Sharkey just said sort of, rather than clarifies it, it further complicates things. Because if presently you had some sort of an issue that required a bomb dog in your jail and you would call the Police to deal with that, by saying that you're going to use a bomb dog to take care of that yourselves in the future, aren't you, in fact, then doing something that the Police would have done in the first place?

That's my first question.

I tend to agree, however, with Legislator Romaine and Legislator Schneiderman in their assessment of this as well. And the other point that I would just seek clarification on or some understanding on from maybe the folks in the room who are from the Police Department, if we have anybody from the administration, I would welcome an answer from them as well, is that if we have eight bomb dogs currently now in the Police Department, what are they doing right now, literally, what are they doing? Are they, you know, eating lunch? I mean, do they -- are they out and about all day long, all eight of them? Are they -- is there any point in time where they're, you know, typically, you know, all being used, or are they laying in wait for some event to happen where they would go out and respond?

Those are some of the issues that I'm sort of struggling with. If you could respond and then maybe somebody from the PD could respond, that would be great. Thanks.

CHIEF SHARKEY:

Of course I can't respond to what the dogs do at Suffolk County PD, and I don't believe there's anyone here from their administration right now that would be able to do that for you.

As far as your opening statement in reference to screening at the correctional facilities would violate the agreement; what I said was if we were screening at the facilities and we came up with an alert on a package, etcetera, that we would call for the response of the Bomb Squad. I wouldn't be calling for another explosive K-9. In my history at the Sheriff's Office which stretches back over 22 years now, I am not aware of Suffolk County PBA members ever doing any screening at the correctional facilities. It's something that we see as a proactive move, something beneficial to the people of Suffolk County. Certainly, a correctional facility is a target and critical infrastructure. No one ever expected there to be an underwear bomber and that happened. So we're trying to be ahead of the curve and not behind.

LEG. CILMI:

All right. So just to the clarify, then, Chief, if you would, this dog, should you get it, would be doing something that's presently not being done at all.

CHIEF SHARKEY:

That's correct, that is not being done currently.

LEG. CILMI:

Okay. Thank you.

MR. DIGEROLAMO:

Just to answer your question about the Suffolk County Police Department and our K-9 services that we have out now, as was already pointed out, we have over 20 dogs that are on patrol. And if a request is made for a bomb dog that is not out on patrol, they're all on call also, so one would be called out immediately to whatever location is needed at that time. Given the amount of teams we have, there is usually a bomb dog that's already on duty to be sent to any location necessary. But should an occasion arise where you need more than one or one is not available, whatever the case may be, they're called out to your location.

LEG. CILMI:

So forgive me because I don't quite understand how this works. They are not all on duty at any given time?

MR. DIGEROLAMO:

No, there are several teams of K-9 that are out on duty. So you don't have all eight bomb dogs on duty at the same time, you may have one, you may have three. So depending on the needs of the County at any given time or the location of the K-9, they'll either respond accordingly or they'll call one out from home if that's necessary for a rapid response.

LEG. CILMI:

Theoretically, if we wanted to utilize one of those dogs to do this type of work that the Sheriff foresees for this new dog, could we do that, do you think? And you're probably not equipped, I shouldn't even ask you that question.

MR. DIGEROLAMO:

No, I think the Chief of Department on Thursday made it very clear that should the Sheriff's Department ever have a need for a bomb-capable K-9, that the Police Department would make it available to them any time they need.

LEG. CILMI:

Okay. Thanks.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And we had an opportunity to discuss most of the aspects of this at Public Safety at great length and we've had a lot of discussion around the horseshoe again. But my perspective on this for not supporting it today, I abstained in Public Safety, is because I feel that to accept this money at this point would actually put our Deputy Sheriffs in a situation that we as a policy body should never do. As I understand it, their oath is, they take an oath to serve and protect, and I believe notwithstanding any kind of multi-million dollar giveback, that if a trained law enforcement officer with an animal is proximate to a hazard that would require their expertise, they don't have the ability to sit and decide whether their action would or would not jeopardize any agreement. So sometimes I think we as a policy body have to make the tough decisions, and in this case foregoing 50,000 doesn't put our Deputy Sheriffs in a situation where they might be in jeopardy.

So for me, I've finally come to a point where I can accept it and say that I feel comfortable not supporting this because I would not want to put them in a situation of jeopardy. Thank you.

P.O. LINDSAY:

Legislator Vioria-Fisher.

D.P.O. VILORIA-FISHER:

The more we speak the more confusing it becomes. You know, I think -- Legislator Kennedy, I think you just made a very good point. But there are already -- Mike, you said there are already two dogs in the Sheriff's Department and there's someone who takes them home.

CHIEF SHARKEY:

There's currently five K-9 positions, three Deputy Sheriff and two Correction Officer positions.

D.P.O. VILORIA-FISHER:

Okay, there are five. And when you have a K-9, that K-9 goes home with the officer that trains him and works with the dog?

CHIEF SHARKEY:

Yes.

D.P.O. VILORIA-FISHER:

Okay. So we already have, Legislator Kennedy, that situation.

LEG. KENNEDY:

Right.

D.P.O. VILORIA-FISHER:

Because you have officers that are taking -- that have the dogs with them, are traveling with them, and if they had to respond to something could also violate the agreement.

LEG. KENNEDY:

But not a bomb dog.

CHIEF SHARKEY:

I apologize because I missed Legislator Kennedy's point, but I assume it had to do with us inadvertently or feeling obligated to respond to something. And I think I answered that at committee when I said that if there was a call for an explosive, it would be pointless to send the K-9 -- the explosive K-9 dog to it when you need the full response. So I would not feel at all obligated to respond when the full response has to be given. Further, we don't receive 911 calls of that nature, so someone would have to notify us of the existence of that call.

D.P.O. VILORIA-FISHER:

What I'm feeling, and it's very disturbing because -- Mike, that was the only question I had for you. Is we have a County Executive who has created such a toxic atmosphere that there's an unwillingness to have any trust between two very good and important departments here in Suffolk County. And we've been debating something for 17 months because there's a lack of trust that a public official giving his word that he will uphold the terms of an agreement, that he won't hold those terms of an agreement, and I find that very disturbing on a very basic level. Because I agree with what Legislator Romaine said, that I have been listening to both of you. I have a great deal of faith, Noel, in what you tell me and I accept -- you know, it becomes not a matter of truth because you're both telling us the truth, but what I'm saying is that there's a risk.

Noel, you've told us time and time again that we would be exposing the County to a great risk. You and your organization went to the table in good faith. You had a giveback under certain conditions. And because there's not a great deal of trust between your organization and the County Executive, you're always looking over your shoulder to see how he's going to try to get around it and gain you and violate it.

Now, we have the Deputy Sheriffs and the Sheriff's Department. And the Sheriff is an elected official to whom we gave a vote of confidence today by passing 2055 and saying we believe that you can manage hiring people in your department when you need to. And that Sheriff and Joe Caracappa who I've known for years have also said, "We have no intention of violating that Memorandum of Agreement. And so I feel like a mother with two kids beating up on each other, because you love them both and they're both saying, "Well, is he your favorite or is she your favorite?" And it's really a very untenable situation. It really is very, very difficult. And I think the blame goes to the 12th floor in the Dennison Building.

MR. DIGEROLAMO:

I just wanted to clarify something that you said, and I can appreciate what you're saying. And I do feel sorry that each and every one of you are put in this position right now because it's a position no

County official should really be put in, especially given the current state of affairs in the economy and government in general. However, I just want to clarify, the existing K-9's right now, it would not be a violation as easily as this one would, because the agreement is very clear that any service they did not provide prior to April 1st, they cannot provide period. Any service that they did provide prior to April 1st, if they did expand that in any way, it just could not displace my officer. So it's totally different. If one of their K-9's that currently exists responded to a call, as long as they didn't displace one of my officers that he's no longer working in that area or they say, "We don't need you," or they're going to get rid of one of them, it's not a violation to the extent of the payback of the funds, it would be determined on a different level.

The payback of the funds are automatic given the circumstance we're talking about here today, and that's why I'm stressing the importance of that. It's not in any way a threat or intimidation of any sort, it's just to make it very clear that being that this is a service they never had prior and since they're expanding into this field, as soon as they do it it's a violation. That's the concern that we have. And I don't want you to mistake that with a service that they currently provide at some other level.

P.O. LINDSAY:

Thank you. Legislator Cooper. Let's see if we can wrap it up.

LEG. COOPER:

I just have a couple of basic questions. I can't remember the last time I've read in Newsday or seen in News 12 a story about a bomb going off or even a bomb threat. Could you both answer, how often is there a call for an explosive situation? Does it happen more frequently than we may be led to believe?

MR. DIGEROLAMO:

It does happen more frequently than you would realize on News 12 or in the newspaper, because not everything gets reported; 911 calls are handled as they come in. I could not answer to the need for a bomb detection K-9 at the corrections facility, maybe the Chief can.

LEG. COOPER:

Well, I guess my question -- I mean, we have, what, 20 to 25 Officers/Deputy Sheriffs/Correction Officers, if you add it all together it's about 25?

MR. DIGEROLAMO:

Twenty-two Police Department, and I believe the Chief said five total, four that are currently staffed in the Sheriff's Department.

LEG. COOPER:

So there are 27 explosive K-9. I mean, that just seems like an awful lot. I mean, I can't believe we're having 25, 30, 50 explosive situations per day. So, I mean, what do these officers do on their down time; are they on patrol with their dog in a patrol car or do they sit behind a desk?

MR. DIGEROLAMO:

No, they're not all explosive. There are eight explosive with the Police Department, there then are cadaver, three cadaver dogs, and then there are narcotics dogs, and then the Sheriff's Department has the patrol dogs and narcotics dogs assigned both to the Deputy Sheriffs and to the Corrections.

LEG. COOPER:

Just speaking about -- for the explosives K-9's; again, how does it work? Is -- the K-9 is paired with an officer, so if a call doesn't come in, while they're waiting is the officer behind -- is the dog in a cage and the officer is behind a desk or --

MR. DIGEROLAMO:

No, the officer is on patrol. He does patrol throughout the County, the entire Police District and the East End and all the independent departments, the towns, villages, etcetera, that have their own departments throughout the entire County. The K-9 is a County-wide function.

LEG. COOPER:

Okay, thank you.

P.O. LINDSAY:

Okay. Is everybody okay before this debate goes to the dogs?

*(*Laughter*)*

Anybody have any other questions? No, we're done with Public Portion. I'm sorry, would somebody get that lady's card from her, please?

UNKNOWN AUDIENCE MEMBER:

I just want to say --

P.O. LINDSAY:

No, you can't, not now. Thank you very much.

Okay. We have a motion and a second, Mr. Clerk? I'm going to call the roll on this. I think it's explosive enough for a roll call.

D.P.O. VILORIA-FISHER:

It's getting late.

P.O. LINDSAY:

Roll call. The only motion we have is a motion to approve. And in due respect to the Sheriff, one of the things that he's requested with this thing is to vote it up or down, so I would appreciate no tabling motions, all right? Go ahead.

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

LEG. BARRAGA:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Abstain.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Abstain.

LEG. SCHNEIDERMAN:

You can make mine a yes.

D.P.O. VILORIA-FISHER:

Abstain.

P.O. LINDSAY:

No.

MR. LAUBE:

Five. Six; pardon me, six.

P.O. LINDSAY:

We disposed of the dog.

2161-10 - Appropriating funds in connection with the safety improvements at the police firearms shooting range in Westhampton(CP 3111) (County Executive). I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Do you have -- second?

LEG. LOSQUADRO:

Yeah.

P.O. LINDSAY:

Legislator Schneiderman, you know the improvements here, right? Okay. We have a motion and a second.

MR. LAUBE:

Negative, I did not catch the motion and second on that.

LEG. LOSQUADRO:

Bill and myself.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying Bonding Resolution, *2161A (Bond Resolution of the county of Suffolk, New York, authorizing the issuance of \$30,000 bonds to finance the cost of planning for proposed safety improvements at the Police Firearms Shooting Range in Westhampton (CP 3111.110))*. Roll call.

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

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:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not present).

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 2162-10 - Appropriating funds in connection with the replacement of existing fireworks burn pits (CP 3016) (County Executive). I'll make a motion

LEG. COOPER:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. KENNEDY:

Abstain.

MR. LAUBE:

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

P.O. LINDSAY:

Okay. Same motion, same second on the Accompanying Bonding Resolution **2162A** (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$60,000 bonds to finance the cost of a study relating to alternatives for disposal of seized fireworks, including the proposed replacement of existing fireworks burn pits (CP 3016.110)*). Roll call.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Abstain.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not present).

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Sixteen (Abstention: Legislator Kennedy - Not Present: Legislator Kennedy).

P.O. LINDSAY:

2164-10 - Accepting and appropriating Federal funding in the amount of \$17,202 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the FBI Joint Terrorism Task Force with 83.37% support (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

2166-10 - Accepting and appropriating Federal funding in the amount of \$17,202 from the United States Department of Justice, Drug Enforcement Administration, for the Suffolk County Police Department's participation in the Tactical Diversion Task Force FY2011 with 83.37% support (County Executive). Same motion, same second, same vote okay with everybody?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

2184-10 - Accepting and appropriating Federal funding in the amount of \$51,606 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the Safe Streets Task Force FFY2011 with 83.37% support (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

2185-10 - Accepting and appropriating Federal funding in the amount of \$17,202 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the Long Island Cyber Crime Task Force (LICCTF) with 83.37% support (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

2186-10 - Accepting and appropriating a grant in the amount of \$800,000 from the United States Department of Justice, Office on Violence Against Women, for Project SCOPE (Suffolk County Orders of Protection Enforcement) administered by the Suffolk County Police Department with 98.46% support (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

2189-10 - Accepting and appropriating Federal funding in the amount of \$16,000 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in the Regional Fugitive Task Force with 83.37% support (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

2207-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with expansion of the Sheriff's Enforcement Division at the Criminal Court Building (CP 3013) (County Executive). I'll make a motion. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

2207A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$125,000 bonds to finance the cost of improvements in connection with the expansion of the Sheriff's Enforcement Division at the Criminal Court Building (CP 3013.311).

Same motion, same second. Roll call.

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

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:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not present).

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Tim, yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it was approved, 2207.

2209-10 - Appointing a member of the Suffolk County Vocational, Education, and Extension Board (Dr. Alan B. Groveman) (Stern).

LEG. STERN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2225-10 - Authorizing the placement of a monument on the grounds of the 2nd Precinct in Honor of Glenn Ciano (Stern). And I'd like to make a motion, he was my constituent. And second by Legislator Stern okay?

LEG. STERN:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2091-10 - Naming County Road 39 "The Edwin M. 'Buzz' Schwenk Memorial Highway" (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Seconded by Legislator Romaine. And this went through the naming --

LEG. STERN:

It went through the Sitings Committee and was approved.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. **2092-10 - Increasing County bus fare for the implementation of Sunday bus service (Schneiderman).** Legislator Schneiderman, would you like to make this motion?

LEG. SCHNEIDERMAN:

I would love to make the motion. Motion to approve.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

And seconded by Legislator Viloría-Fisher. And Legislator Schneiderman, you asked for the floor; you want it first or last?

LEG. SCHNEIDERMAN:

Yes. I'd actually -- since there was testimony earlier by Mr. Zwirn from the County Executive, and I know it's a question of how much are we going to get for the, 50 cent increase, to what extent are we -- BRO has worked up some numbers so we can all take a look. So I would like to ask Robert to take us through that and then we can debate the merits of the bill.

MR. LIPP:

Okay. Actually, there's an elaborate spreadsheet that Legislator Schneiderman put together and I looked it over. But to make a long story short, you have -- you have the original fare of \$1.50, as you can see over here, it's going up to \$2 if the proposed resolution comes through, so that's a one-third increase. At the end of the day, you would be adding Sunday ticket sales on top of that of 200,000 ticket sales, and that's based upon DPW estimates, and that excludes reduced fare, student and senior tickets. On top of that there -- we would be netting out the cost of DSS tokens, we'd be adding reduced fare, student/senior ticket sales and we'd be getting a total revenue, after we net out also a drop-off of 10% in first-year ridership because it's a new program, people aren't aware. Typically, with these types of programs, it takes a year for people to become aware of it. To make a long story short, the net revenue over here in yellow is 1.26 million net new revenue first year based upon these estimates. And on top of that, there's also additional revenue from first-year for SCAT. So actually, the net new revenue is 1.3 million in change.

So here's the deal. You have net new revenue of 1.3 million, you need to compare that to a cost. The cost here based upon DPW consultant estimates during the public hearing, 125,000 per route. So if you compare the two, it averages out that you could do in the first year eleven routes based upon these estimates. And if you then put back the 10% drop-off first year only, then you could -- if the numbers do work out, in reality it could be 16 of the total of 24 routes based upon these estimates.

That being said, there are estimates that we cobbled together from various sources, it's a new program so it remains to be seen if that were -- if these numbers of eleven routes in the first year, sixteen in year two and beyond, prove to be accurate. And of course, the number of routes are based upon a break-even scenario where the County wouldn't have to spend money.

LEG. SCHNEIDERMAN:

Okay. So if I could have the floor for a minute. So our fare of \$1.50 goes back to 1992, it's 18-years old, we haven't adjusted it. If we adjusted it, the same purchasing power of \$1.50 in 1992 is somewhere in the neighborhood of \$2.35 cents today, so we still would be below the inflation adjusted rate, still below Nassau County's rate.

We have been searching, as you know, for a way to provide Sunday service. The riders have been asking for Sunday service. We don't have the grant money to do it. How do we do it? The riders right now are struggling on Sundays to go to work. They're paying taxis. Taxis, as you know, can be extremely expensive. If they want to go shopping, if they want to go to church, they have to spend a lot of money; 10, \$20 on taxi rides. So yes, this does cost \$5 more per week to ride the bus. It's still a great fare and it gets us Sunday service which I believe is going to have a tremendous economic stimulus just from the added sales tax that we're going to receive.

I think it's the right thing to do. Newsday thinks it's the right thing to do. The Welfare-to-Work Commission who advocates for the poor thinks it's the right thing to do. It's time to move forward. This doesn't cost the County anything additional, it's all built in to this fare. There will be a -- two public hearings based on this, and the public has input in terms of when or where these routes ought to be. The direction that the bill provides is that they look at the highest ridership routes projected on Saturday ridership, as well as income factors, areas that are disadvantaged economically.

We did a Needs Assessment Study, they recommended 24 routes that were appropriate for Sunday service. Understand that some of our routes would not have Sunday ridership because they're just pure industrial routes that the buildings are closed. Having no route -- no Sunday service is a vestige, as you know, to the old Blue Laws when retail was closed, that decades behind us. We have to find a way to provide Sunday service. I think this is a valid way to get started. It gets the ball rolling, it cracks the door, so-to-speak, and within two years we have about two-thirds or three-quarters of the recommended routes up and running for Sunday service, and we can figure out what to do at that point in terms of can we expand it and how might we expand it.

So I urge you to support this. I believe it's the right thing to do. Riders have come to me overwhelmingly asking for this, I believe it's in their interest. No one wants to raise fares, we all know that, but the riders ultimately are going to be saving money, not spending more money, and that's why they are pleading for this.

P.O. LINDSAY:

Legislator Barraga and then Montano.

LEG. BARRAGA:

Thank you. I don't think it's the right thing to do. These are low income people, they're the working poor. This particular bill has a tremendous negative effect on them. Many of them work for minimum wage. They depend on buses to take them back and forth to work every day. And yes, five days a week, it's an extra dollar a day, \$5 a week, \$20 a month, \$240 net a year. They probably have to gross between three and three-and-a-quarter. If they make less than 20,000, that's about 1.5% of their gross; that's a real hardship on these people.

This is a classic bill. This is not a case of a few sacrificing for the many; it is the many having to sacrifice for the few. There are 52 bus routes. Everybody has to pay the extra 33%, only six or seven or eight or nine of those routes will have Sunday service. The rest, 45 or 46 routes the people use, they get absolutely no benefit whatsoever.

Yes, the Welfare-to-Work Commission, and I listened this morning, believes that this is justified. Raise it from \$1.50 to \$2, and I read their letter, because the fare hasn't gone up in 16 years. But I have to question where they're coming from. These people are not dealing with just a unique singular increase in one expense. What about the increases in food? Have you ever been to a supermarket lately and see the tremendous increases in what you pay for groceries? How about rent, clothing, electric, heat, telephone, Cablevision, insurance, property taxes if they're lucky enough to have a home, credit card debt? All of these expenses have just burgeoned in the last several years. And who do they hit the hardest? The working poor, low income people. Much more

difficult for them to pay these bills. Now you're going to pile on again a 33% increase, and in most cases they will never benefit because the routes are not going to be inclusive of Sunday service.

We all know, and we've talked about this over the years, the question of mandates. Nobody supports a mandate until you see one. This is a mandate. A mandate is one level of government passing a bill that sounds great, but the cost is then relegated to another entity, whether it be a County, a town, a village, a school district. That's what we're doing today, we're passing a mandate and flipping the cost to the lowest income people to pick up the tab. If this is such a great idea, why aren't we paying for it? Why isn't the County appropriating the money? And we're not. Again, it's something that sounds great and let's do it because certain groups want it, even though certain groups, these poor people, can't afford it but, you know, we get to feel good but they get to pick up the tab.

If tomorrow morning you pick up the paper and LIPA increased its rate by 33% or National Grid increased its rates by 33%, in this horseshoe all hell would break loose. There would be a public outcry, public meetings, public hearings. What about this group? Thirty-three percent. My learned colleague, Mr. Romaine, he contacted me, and justifiably so, because he said, "You know, National Grid, Tom, is going to increase rates 1.5% to offset the costs associated with these old manufactured gas plants," and I have one in my district. And he said to me, "Tom, that isn't right. The shareholders should pick that up. That's a 1.5% increase." And he's right and he's right to fight it and I'll join him on that. This is a 33% increase for people who often don't have anybody stepping up for them. This is totally inappropriate. It is completely negative, it should be defeated. It's not in their best interest and it's not in the best interest of this County.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I have a couple of questions to the sponsor. The third WHEREAS clause says that these public hearings confirm that the ridership of Suffolk County buses want and are willing to pay the increased fare. What do you base that on?

LEG. SCHNEIDERMAN:

Well, we held public hearings.

LEG. MONTANO:

Where?

LEG. SCHNEIDERMAN:

Last year based on --

LEG. MONTANO:

Where, though?

LEG. SCHNEIDERMAN:

There was one in Hauppauge and one in Riverhead.

LEG. MONTANO:

Okay.

LEG. SCHNEIDERMAN:

Okay, and it was based on going up to the MTA fare which is two and a quarter. That's what it's based on.

LEG. MONTANO:

Was there a survey? Well, let me say this. I believe that the bus stop in my district on Brentwood Road and Suffolk Avenue; am I correct, Bob?

MR. MARTINEZ:

Yes.

LEG. MONTANO:

Is the highest ridership in Suffolk County. And I dare say -- I dare say that I don't think anyone there knows that when they get on the bus next week they're going to be paying a 33 -- or whenever it's implemented, a 33% increase. Has there been a survey? Has anyone gone to the bus stops and given people information and asked them, "Do you want this? Are you willing to pay the increase? Do you need" -- has that been done?

LEG. SCHNEIDERMAN:

Not a survey per se. We did post -- when we did the public hearings last year on the higher fare increase, it was on every bus route. It was extensive, in English and Spanish throughout all the bus lines. Everybody was notified and had opportunities to comment on the higher fare.

LEG. MONTANO:

The problem I have with this bill -- and I have to agree with Legislator Barraga on this issue. I don't think necessarily bus fare -- the bus ride -- not necessarily. I agree that maybe that Sunday service is needed, but I don't think that we've done the proper background work to notify the people and to get the ridership. Not public hearings, they don't bring out -- you know what public -- just like public hearings here; we introduce a bill, 99.9% of the public probably doesn't even know that this is going on. Certainly in my district, I don't think that anyone knows this is on the table. What was that, Vivian?

D.P.O. VILORIA-FISHER:

Lynne made me laugh while I was drinking my tea.

LEG. MONTANO:

Is that tea or a power drink?

*(*Laughter*)*

What's in that tea? So, you know, I don't think that we're ready to vote on this bill. I'm going to oppose it. I don't think in good conscience, for a lot of the reasons that Legislator Barraga said, I can just impose a 33% fare increase on the people in my community who are struggling on many different levels, who are probably one of the lower economic areas, if not the lowest, maybe the second lowest, in Suffolk County. And I don't think that, you know, it would be fare for them to be subjected to this when we haven't really done what I think is the proper background in terms of surveying -- you know, doing a survey. And it's not that hard; you go to the bus stops in the area, you give them a piece of paper, in English and in Spanish because I have a lot of Spanish-speaking riders there, and ask them, "Do you need the Sunday service? If so, are you willing to pay 33% and a third for the Sunday service?" And if that comes back with a positive, I would certainly be willing to support this. We don't have that.

The other issues I have with the bill is I don't think there's -- while the first RESOLVED clause talks about we'll develop a pilot program for Sunday taking into consideration; I'm not so sure, has that been -- have those bus routes already been identified? And when you talk about the first eleven in Robert's presentation, do you know which eleven bus routes we're talking about, or is that to be developed by Public Works?

LEG. SCHNEIDERMAN:

You know, DPW -- yeah, right.

LEG. MONTANO:

It's going to be developed in the future.

LEG. SCHNEIDERMAN:

Public Works will develop it. We do have a list of the highest ridership routes on Saturday and we do have a list of economically depressed areas.

LEG. MONTANO:

Right, but --

LEG. SCHNEIDERMAN:

And they have been pared up. So we have a sense --

LEG. MONTANO:

But DPW hasn't come out --

LEG. SCHNEIDERMAN:

Right.

LEG. MONTANO:

-- with the list of which areas are going to be serviced. Now, they can take that into account under this bill, but that's not necessarily what I think is going to result. So I think before I want to vote on something like that, I'd like know that my ridership, number one, is in agreement; and number two, that the ridership that's in agreement is actually going to be serviced by this increased service. And I don't think, you know, we have enough in this bill to move forward.

The other problem I have is it's a pilot project. It works, okay.

It doesn't work, how do we stop it down the road? How do we roll back, you know, the services?

You know, there are just -- there are just so many questions, Legislator Schneiderman. I'm going to ask my colleagues to not support this. I think it's premature, I think we need to go back. And I certainly would ask that if we're going to do this, we need to survey those people that, number one, are going to be affected, and number two, you're asking a 33% increase. And I understand that, you know, according to the rate of inflation or the Consumer Price Index, we haven't raised the fare. But you know what? Everything else around them has been raised. And I think it's just too much at this point in time without the notice to go in there and, you know, have them hit whenever it takes effect; what is it, January 31st? Whatever date you have there, to say, you know, shell out another 50 cents, 33 and a third percent increase per day, I just think it's too much, Legislator. I wish that this would be either tabled for more study so that we can, you know, get that and at least prepare them. You know, I don't want to be in a situation where the MTA tax was passed and, boom, look at the consequences and the uproar. I think people need a right, have a right to be notified that this is on the table and that they have a say in whether or not they're willing to do it.

P.O. LINDSAY:

Legislator Montano, are you making a tabling motion?

LEG. MONTANO:

You know what? I don't know if it's going to pass or not. I'm going to make a motion to table this.

LEG. SCHNEIDERMAN:

I would ask for an up or down vote.

LEG. MONTANO:

No, I would be willing to reconsider this when the study is done. I don't -- we don't need to rush this. I know that you put a lot of work into it and you're there, you know, you're almost there. Once you -- you know, if you came back with a survey, I'd be willing to reconsider it. So if it doesn't -- if it doesn't get tabled, you'll have your up or down vote. In fact, I'd probably -- you know what? I think I'll make a motion to send it back to committee. That's the motion I'll make, we'll see what happens.

P.O. LINDSAY:

To recommit, okay.

LEG. KENNEDY:

And I'll second it.

P.O. LINDSAY:

And seconded by Legislator Kennedy, and Legislator Kennedy has the floor.

LEG. KENNEDY:

Thank you, Mr. Chair. Legislator Barraga and Legislator Montano brought up some of the many points that I think need to be ferreted out with this issue. But more importantly, I think we need to look at what was a study that was commissioned probably going back two years ago, three years ago, with Public Works about the effectiveness of our current 56 routes that our bus system operates under now. And quite candidly, we waited and were promised that study and promised that study and promised that study and I still have not seen what the outcome was.

We had public hearings, we had a prestigious Washington D.C. consultant who came in, and it was precisely because many of us are very unhappy with the way the existing system operates or, quite candidly, doesn't operate. We've done an anecdotal polling out of our office and the current ridership does not want to see a 50 cent increase.

I'll also say that, as you know, my office is right across the street, and night after night after night I look at empty buses that go through that bus stop, four routes; at six o'clock and seven o'clock and eight o'clock at night. And I say to myself, "What the hell are we paying for?" So rather than asking the ridership to sustain a 33% increase, I think it's incumbent on us to go back and see why do we underwrite a dysfunctional system that continues to roll around this County and not meet clearly what the needs are out there.

Sure, we need to go ahead and expand service to Sunday. But I don't think we have to go ahead and perpetuate the dysfunction that's out there now and then go back to the ridership, as Legislator Barraga has said, that is on the lower end of the socioeconomic scale with a regressive increase and compel them to underwrite our dysfunction. We need to take care of our own house first, get it operational, get it efficient, dump the inefficient routes, pare back the times, open up those contracts that apparently are sacrosanct at this point, make it run better and expand within our current means what we have to meet the service that's necessary out there. And that's why I'm happy to go ahead and second the motion to send it back to committee. And either the Commissioner of Public Works is going to be able to produce a study, or then I'll be asking the Comptroller to find out what happened to the money that we paid this outfit and where was the product.

Finally, and this only came to my attention within the last 48 hours, by embracing this increase, the Department of Social Services -- and every one of you has just seen this e-mail -- would incur a \$101,000 cost increase to provide that service. That makes no sense. We sit here and we're screaming bloody murder about our losses, we just authored a letter to the Comptroller about where

things are going and we're willing to support a resolution to increase cost on ridership and eat a one hundred and one grand loss to us. Makes no sense at all. Unfortunately, it's a good idea, but the implementation at this point is just -- it's not here, it's not ready yet.

P.O. LINDSAY:

Okay. Legislator Browning?

LEG. BROWNING:

Yeah. You know, I toyed with this, too, and I'm hearing a lot of conversation about, you know, less fortunate people and this tough economy. And I look at -- I have constituents who work at John J. Foley, and let's talk about the less fortunate like the residents of John J. Foley. Nobody had a problem voting to sell it because we have a tough economy and we have to fill a budget hole, and let's use John J. Foley, our least fortunate, to fill that budget hole. So the reality is I have employees at John J. Foley who use that bus also. That's a 24/7 operation, they need a Sunday bus to get to work to John J. Foley. I have a constituent in a wheelchair who contacted me to get a Sunday SCAT bus, and she would like to be able to go visit her family on a Sunday but she can't go because there is no Sunday SCAT bus for her.

I played around with this, I thought about it. I initially was not in support of raising the fare, but in conversation and having met constituents who work on a weekend, work on a Sunday, you know, in Bellport I have districts where they don't have cars and they need some kind of transportation, and a taxi is way too expensive. So, you know, they are willing to pay what's needed for a Sunday bus, so I think I'll be supporting this.

P.O. LINDSAY:

Anybody else? Yes, Legislator Stern.

LEG. STERN:

Thank you. Through the Chair, to the sponsor. I'm wondering if you had the opportunity to read that correspondence from the Commissioner regarding the \$100,000 additional cost. How that might play into these numbers that we have before us, is that something that you can see considered here?

LEG. SCHNEIDERMAN:

It's factored -- it's in the numbers. So there's a \$101,000 reduction because of that. Basically, DSS has to buy these tokens. They buy them at a higher rate because the main fare is higher. There is some subsidy there and after their subsidy it comes to \$101,000. There's an additional cost and that 101,000 has been backed out of the total figures. It actually cost one of the routes, we could have had one additional route more than what the numbers are showing if it wasn't for that subsidy. So instead of getting 12, I think we're getting 11 routes in the pilot program.

LEG. STERN:

So that's been factored in; the DSS subsidy, in your numbers, is based on the Commissioner's correspondence.

LEG. SCHNEIDERMAN:

Yes.

LEG. STERN:

Very good. Thank you.

P.O. LINDSAY:

Anybody else? No? Okay. We have two motions -- oh, I'm sorry, Legislator Romaine.

LEG. ROMAINE:

I'll make it very brief. First of all, I want to compliment my colleague here for his efforts. I want us to think, just for a second, forgetting the issue of the fare increase, I just want you to think, we're a County of one and a half million people. We have limited Sun -- Saturday service and no Sunday bus service, no Sunday. You want to ask people what it means? You don't have to go far. It's a little late now, but if earlier in the day you had walked out to our lobby, the girl that works at our desk there, the receptionist, has no car. Talk to her. She said, "Mr .Romaine, I can't get around."

I used to be on the Public Works Committee and I've advocated for Sunday bus service. Jay tried to be responsible and come up with a way to pay for it. I'm impressed by John's and Tom's argument, I'm impressed by Ric's argument. But I've got to tell you, at some point, collectively, I think we all know the right thing to do is to consider a way that we can provide Sunday bus service. I don't know if this is the way. I don't know if 50 cents is justified. But on balance, on balance, you offer people that have no other mode of transportation, transportation. Yeah, it's 50 cents more. Yeah, we're forcing some of the others to subsidize it. But how else are we going to pay for this? How else are we going to provide service to people? One of the most heaviest traveled routes, as Jay will tell you, is the S-92 route that begins in Greenport and ends in East Hampton. These people don't know about our deliberations here. They don't know about our financial struggles, they just know about their struggles.

How do we not have in 2010 Sunday bus service? How do we not have Sunday bus service? We're talking about green Counties, about less emissions. We're talking about people who need to get around to get to work. And there's a lot of people, believe me, that work on Sunday and Saturdays, and we have limited Saturday service. And you look at our buses? Out east we're trying to solve the problems. We want to secede from the MTA and create our own transportation authority and provide light rail and small bus services into the neighborhood. We've worked long and hard on a study, Jay and I have contributed to that study, but we're concerned. No Sunday bus service? If not this way, then what way? Saying no to people who desperately need transportation clearly isn't an option. I don't want to raise the fare 50 cents. What else can we do? Thank you.

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

P.O. LINDSAY:

Legislator Viloría-Fisher and then Horsley and then Montano.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I've ridden the buses a few times to work, and when I made the transfer at Smithhaven Mall a few times where I had to wait 25 minutes for the connecting buses, I talked to a lot of people who were riding buses from different areas of the County. When I had the Transportation Committee with the young people who went to Suffolk Community College, Brentwood Campus and Ammerman Campus, they spoke to me about how it sometimes took them three hours to get to school. I heard a lot of stories. And most of the workers that I spoke to and I spoke with and I listened to said that they needed a Sunday bus. Because the poor people in this County -- and this is why when Steve Levy said that stores should be closed for at least a few hours on Thanksgiving, I supported that because people who are making minimum wage, people who are earning less than our living wage criteria are the people who have to go and clean the bathrooms in the gyms, the people who are mopping the floor in your mall, the people who are going -- there was once -- I got off the train on a Sunday and there was a woman who was waiting for a cab and the last cab had left and she was so upset because she was supposed to take over for the other person who was the home health care aide that she was relieving. I took her; I put her in my car and I brought her there. There was a woman who testified today that she has to pay for four hours of a car service on Christmas Day, you know, with her husband who is disabled.

The people need Sunday bus service. And it's not going to be something that will be an easy lift, it will never be an easy list. We all -- lift. We all know that public transportation has to be heavily subsidized. I agree with everything John Kennedy said, because I worked very closely with Transportation and I could not stand their lack of vision and it seemed that the only thing that moved them was inertia. Couldn't get them off the dime. I have a bus route in my district which is a very necessary bus route, but it could be done with a smaller bus. I have a lot of senior citizens who live in certain old neighborhoods, they can't drive anywhere but the bus is empty. By the way, all the restaurants we go to on Sundays, those people take buses to the restaurants.

P.O. LINDSAY:

They've got to pay cash.

D.P.O. VILORIA-FISHER:

And they've got to pay cash (laughter). But anyway, the point is that, you know what, the less people make, the more they have to work on Sunday. It goes with the territory with those service jobs. And I have ridden on the bus with those people, and I have waited at the bus stops with them. I once went to visit my brother out in East Hampton, and I wait -- and I saw the people out there and I waited on the bus stop with the people out in East Hampton. And I know that what Jay is doing is the same kind of work that Sister Margaret is doing with her Apostellate, that she sees the need for the people out there, it's a real need. Those buses are packed out, they're packed. And they are going to work. They're not going -- it's not a joyride. They -- I mean, I just remember this woman saying to me how much she had to pay to go to work at a gym on Sunday to clean the showers and the toilets. That's adding insult to injury. We need this.

P.O. LINDSAY:

Legislator Horsley:

LEG. HORSLEY:

Yeah, I just want to quickly -- Vivian, I think your comments are on the mark. I think that the concept of Sunday buses is a concept for economic development of this County, and that's -- the working people are the ones that have to get there on Sundays and it speaks -- it speaks for so many.

I just want to, just on a very parochial basis, I want a commitment from you, Jay. You're going to get the 110 on this, right?

LEG. SCHNEIDERMAN:

Look, I'm not devising the pilot program, but it is based on ridership. The 110 is the number one route on Saturday, it would be crazy to not include it. If you're basing it on ridership, that's the most ridden route, the 110 Corridor.

LEG. HORSLEY:

Okay, I just wanted to --

LEG. SCHNEIDERMAN:

Again, and I just wanted to also --

LEG. HORSLEY:

I wanted to get you on the record.

LEG. SCHNEIDERMAN:

You know, in terms of regional economics, also the Suffolk -- the Long Island Regional Planning Board also endorsed this, if you saw that, too.

LEG. HORSLEY:

Yeah, and I recognize, you know, it's not just an East End deal, and I wanted to make that perfectly clear. Because I know it is stressful, particularly during the summer months, for the workers out on the East End. But it is across Long Island, across Suffolk County. If you're talking about economic development, growing our County, to get the workers to the job you have to have Sundays.

P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

Yeah. Just no disrespect meant, but it's one thing when we're campaigning to take the bus ride; I've done it also, all right?

D.P.O. VILORIA-FISHER:

I wasn't campaigning, Ric.

LEG. MONTANO:

Well, I was with you on the bus.

D.P.O. VILORIA-FISHER:

Well, I just want to -- since I'm the one who talked about a bus ride, I have to just say that.

LEG. MONTANO:

No disrespect meant, all right? I don't disagree that a Sunday bus route is something that we should seriously look at. And when you talk about the poor people that need this, I understand that and I can relate to that. But I don't think -- maybe on the East End you've spoken to them, but I don't think that you've spoken to the people, certainly the poor people in my district. And if there were a need and a willingness and the proper back -- the proper background work, forget about, you know, these organizations that talk about, "Oh, this is great for the economy," blah, blah, blah, I understand all of that. But you're still dipping into the pockets of poor people, and I don't believe that you have done -- not you personally, that the proper study, notification, survey, analysis has been done to sock them with a 33 and one-third percent increase just like that. And you know, with all due respect, I've said what I had to say, I'm going to vote against it.

P.O. LINDSAY:

Maybe the last word, Jay, or should I say Sister Jay?

LEG. SCHNEIDERMAN:

I would just like an up or down vote. I've been working on this issue, as you know, for the last seven years. We need Sunday service. The riders, at least, you know, what I've heard from riders is overwhelmingly in support of this. And we have an opportunity here to make a difference in a lot of people's lives, that's why we're here, to make the County a better place. We've seen reductions in services all over the place. We debate about closing nursing homes. We can actually expand the County service here and do it within our budget and we ought to do that, I think it's the right thing. It's really long overdue. This goes back to the Blue Laws, and since then we haven't added Sunday service since the Blue Laws ended. Let's make a difference. Let's vote this, please, an up or down vote.

P.O. LINDSAY:

Okay. I think that's it. We have two motions. We have a motion to recommit and a motion to approve; am I correct?

MR. LAUBE:

That is correct.

P.O. LINDSAY:

All right, recommit goes first. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. MONTANO:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No.

LEG. MONTANO:

Pass.

MR. LAUBE:

No, sorry, pass. I'll come back to you, sorry.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Montano?

MR. STRAUSS:

Montano is --

MR. LAUBE:

No. I'm sorry, I thought he said pass.

LEG. MONTANO:

I voted, I made the motion.

MR. LAUBE:

No, but he passed on his first round, didn't he?

LEG. MONTANO:

No, I didn't, I said no.

P.O. LINDSAY:

He said yes.

LEG. MONTANO:

I mean yes, I said yes.

MR. LAUBE:

It sounded like pass, I'm sorry. We've had that problem before.

LEG. MONTANO:

It happens.

MR. LAUBE:

Five.

P.O. LINDSAY:

Okay. Motion to approve. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Okay. Let's see if we can move along now, all right?

IR 2132-10 - Amending the 2010 Capital Budget and Program appropriating funds in connection with improvements to CR 36, South Country Road, Town of Brookhaven (CP 5541) (County Executive). Do I have a motion?

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution, ***2132A (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 36, South Country Road, Town of Brookhaven (CP 5541.310).*** Roll call.

(Roll Called By Mr. Laube, Clerk)

MR. LAUBE:

The second was Browning and -- I couldn't hear it.

MS. BRAATEN:

Losquadro.

MR. LAUBE:

Losquadro? Thank you.

P.O. LINDSAY:

Legislator Browning made the motion, Legislator Losquadro seconded it.

(Roll Called By Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

What was that?

P.O. LINDSAY:

Vote on the Bond.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2155-10 - Updating Resolution No. 1045-2008 requiring identification of County purchasing personnel pursuant to New York General Municipal Law Section 104-b(f) (County Executive). I'll make a motion.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Let's go, guys. Come on.

IR 2158-10 - Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2010 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 7 – Medford (CP 8150) (County Executive).

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Stern, seconded by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2159-10 - Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2010 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 7 – Medford (CP 8119) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2160-10 - Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2010 Capital Budget and Program and appropriating funds for improvements to Suffolk

County Sewer District No. 11 – Selden (CP 8117) (County Executive). Motion by Legislator Muratore. Do I have a second? Come on, guys.

LEG. BROWNING:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2170-10 - A Resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 3 - Southwest (CP 8180) (County Executive). Legislator Gregory makes a motion, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2171-10 - Appropriating funds in connection with dredging of County waters (CP 5200) (County Executive).

LEG. LOSQUADRO:
Motion.

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

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:
Okay. Same motion, same second on the accompanying Bond, **2171A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 bonds to finance the cost of the dredging of County waters (CP 5200.443).** Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. LOSQUADRO:
Yes.

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

LEG. COOPER:
Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2172-10 - Appropriating funds in connection with construction and rehabilitation of highway maintenance facilities (CP 5048) (County Executive). Do I have a motion?

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying resolution *2172A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$315,000 bonds to finance the cost of construction and rehabilitation of highway maintenance facilities (CP 5048.315)*, same motion same second. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

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:

(Not Present).

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yep.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Montano).

P.O. LINDSAY:

2173-10- Appropriating funds in connection with the rehabilitation of parking lots, drives and curbs at County facilities (CP 1678). Come on, guys, lets go. Motion by Legislator Muratore.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Montano).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution ***2173A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$300,000 bonds to finance the cost of rehabilitation of parking lots, drives and curbs at County facilities (CP 1678.320).*** Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not Present).

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Montano).

P.O. LINDSAY:

2174-10 Appropriating funds in connection with the improvements to County environmental recharge basins (CP 5072) (County Executive). I'll make the --

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Okay, I've got a motion by Legislator Losquadro, seconded by Legislator Muratore. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Montano).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution, *2174A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance a part of the cost of improvements to County environmental recharge basins (CP 5072.311),* roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

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:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2175-10 - Appropriating funds in connection with building safety improvements (CP 1603) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern.
All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay. Same motion, same second on the accompanying Bond Resolution, *2175A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$750,000 bonds to finance the cost of building safety improvements (CP 1603.311)).* Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

No, no, no. It was Legislator D'Amaro and Stern.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

No, Stern. Stern was the second.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

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 (Opposed: Legislator Barraga).

P.O. LINDSAY:

IR 2176-10 - Appropriating funds in connection with safety improvements at various intersections (CP 3301). Motion by Legislator Browning, second by Legislator Muratore.
All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay. Same motion, same second on *2176A, the accompanying Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of engineering in connection with safety improvements at various intersections (CP 3301.128)).* Roll call.

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

LEG. BROWNING:

Yes.

LEG. MURATORE:

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:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2177-10 - Appropriating funds in connection with traffic signal improvements (CP 5054) (County Executive). I'll make the motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

No.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution, **2177A**
(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost engineering for of traffic signal improvements (CP 5054.112)). Roll call.

(Roll Called By Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yep.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yeah.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay. *2178-10 - Appropriating funds in connection with intersection improvements on CR 94, Nugent Drive (Center Drive) at CR 51, East Moriches-Riverhead Road and CR 63, East Moriches-Riverhead Road at CR 104, Quogue-Riverhead Road and NYS Route 24, Flanders Road, Towns of Riverhead and Southampton (CP 5557)(County Executive).*

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Not Present: Legislator Barraga).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution, *2178A (Bond Resolution of the County Of Suffolk, New York, authorizing the issuance of \$300,000 bonds to finance a part of the cost of the planning and engineering for intersection improvements on CR 94, Nugent Drive (Center Drive) at CR 51, East Moriches-Riverhead Road and CR 63, East Moriches-Riverhead Road at CR 104, Quogue-Riverhead Road and NYS Route 24, Flanders Road, Towns of Riverhead and Southampton (CP 5557.110).* Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2179-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with the County share for participation in the replacement of CR 16, Horseblock Road over the LIRR Bridge, Town of Brookhaven (CP 5850) (County Executive).

LEG. BROWNING:

Motion.

D.P.O. VILORIA-FISHER:

Second.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution, **2179A.**

Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$850,000 bonds to finance the cost of planning and engineering in connection with the replacement of CR 16, Horseblock Road over the LIRR Bridge, Town of Brookhaven, (CP 5850.111).

Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

IR 2180-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with the County share for the replacement of Smith Point Bridge over Narrow Bay, Town of Brookhaven (CP 5838) (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution, **2180A** (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 bonds to finance the cost of planning and engineering in connection with the replacement of Smith Point Bridge over Narrow Bay, Town of Brookhaven (CP 5838.112)*). Roll call.

(Roll Called By Mr. Laube, 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:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes. Loam.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

IR 2191-10 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 – Southwest (Sludge Management Plan) (CP 8180) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bonding Resolution, *2191A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of planning and engineering in connection with proposed improvements to Suffolk County Sewer District No. 3 – Southwest (Sludge Management Plan) (CP 8180.115), same motion, same second.*
Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. D'AMARO:

Yes.

LEG. STERN:

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.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2193-10 - Amending the map of the County Road System to remove County System Road No. 38, North Sea Road-Noyac Road (from a point located approximately 500+ feet north of Millstone Brook Road, northerly and easterly ending at the westerly boundary of the Village of Sag Harbor) and authorizing the County Executive to execute an agreement with the Town of Southampton transferring ownership and maintenance of said roadway to the Town of Southampton (County Executive).

LEG. LOSQUADRO:

That was very specific.

LEG. SCHNEIDERMAN:

Could you repeat that?

P.O. LINDSAY:

You said you want me to repeat it, Jay? What are you out of your mind?

*(*Laughter*)*

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Schneiderman to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR-2228-10 - Appropriating funds in connection with Public Works buildings operation and maintenance equipment (CP 1806) (County Executive). I'll make the motion. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

On the accompanying *Bond Resolution, 2228A, (Appropriating funds in connection with Public Works buildings operation and maintenance equipment (CP 1806),* same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay. We did 2231, we did 2055.

We're up to **2147-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Valena Hays (SCTM No. 0100-058.00-06.00-019.000) (County Executive)**. Do I have a motion, Legislator D'Amaro?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 2148-10 - Sale of County owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of East Hampton) (SCTM No. 0301-002.00-01.00-016.000).

LEG. D'AMARO:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Schneiderman.

This isn't that parcel that we had all the discussion about, is it? No, okay. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 2149-10 - Sale of County owned real estate pursuant to Local Law No. 13-1976 Janice Cooke-Giugliano (SCTM No. 0400-245.00-02.00-017.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2176-10 (2167-10) - Authorizing the sales of surplus property sold at the October 20 and 21, 2010 Auction pursuant to Local Law No. 13 1976 as per Exhibit "A" (Omnibus Resolution).

LEG. BARRAGA:

We're on 2167.

P.O. LINDSAY:

Twenty-one --

LEG. BARRAGA:

Sixty-seven.

D.P.O. VILORIA-FISHER:

Sixty-seven.

MR. NOLAN:

You said 76. No big deal.

P.O. LINDSAY:

No, but I said Local Law No. 13-1976. Oh, okay. Did I say it? I'm sorry. 2167, to get the record straight.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

2224-10 - Reappointing Commissioner of the Suffolk County Board of Elections (Wayne Rogers) (Losquadro).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro and I'd like to second that, if I could. Okay? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

(*The following testimony was taken & transcribed by Lucia Braaten - Court Reporter*)

P.O. LINDSAY:

Okay, that concludes that. Now we're going to go to CNs. There's a loose -- a couple of loose ones here.

LEG. MONTANO:

What are we doing, the C of Ns?

P.O. LINDSAY:

Yeah. I got one here, *2281 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with the purchase of equipment for ShotSpotter Gunshot Location System.*

LEG. COOPER:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

I've got to make a motion to table. I'm sorry. All right?

MR. LAUBE:

Motion and second on that approval was Cooper --

P.O. LINDSAY:

And D'Amaro.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

And I'm going to make a motion to table, and the reason why is it's bonding this money, it's pushing -- it's moving the class back to March, which we went through a couple of times and we -- by moving the class to September, we keep more cops on the street and we pay for this technology with cash.

LEG. COOPER:

Mr. Chair, where do you get that it moves the class back to March?

P.O. LINDSAY:

That's what I thought was in here.

MR. NOLAN:

It's not in here.

P.O. LINDSAY:

Huh?

MR. NOLAN:

It's not in the resolution.

P.O. LINDSAY:

It's not in the resolution, but where did we get that from, then?

LEG. COOPER:

That was actually something that was requested of me in return for the CN, but I refused to agree to that.

P.O. LINDSAY:

Okay. Well, maybe you could tell me, Legislator Cooper, what it -- what this reso does, then.

LEG. COOPER:

This will establish a pilot program in Huntington Station for ShotSpotter. It would implement it in a two-square-mile area, which would basically cover approximately 90% of the territory where the gun violence has occurred over the past year-plus. There is tremendous grassroots community support in Huntington Station and --

P.O. LINDSAY:

I believe in the technology.

LEG. COOPER:

Right.

P.O. LINDSAY:

Don't try and sell me on the technology. I want to know, how is it paid for?

LEG. COOPER:

The County Executive's Office identified three capital --

P.O. LINDSAY:

Okay, so we're bonding it.

LEG. COOPER:

Right.

P.O. LINDSAY:

In the capital -- in the budget, we provided a technology fund to pay for this technology.

LEG. COOPER:

Right. Well, that's in the Operating Budget.

P.O. LINDSAY:

Right.

LEG. COOPER:

And so -- which is a separate matter. There's still \$600,000 in the Operating Budget. These are monies in the Capital Budget that are available. If you look at the projects in question, 5375 for bulk heading, there is \$994,000 available in 2011. And Eric Naughton says that he chose the project because no funding was requested for this project and the year was almost over. For the next project, 7510, ditto, no funding was requested, the year's almost over, and the funds are not scheduled until 2012. So the monies are available right now, we can move forward with this project immediately in Huntington Station. And that would allow the other \$600,000 in the Operating Budget to be used for expansion of ShotSpotter to other communities such as North Bellport, or Wyandanch, or Brentwood, or what have you.

P.O. LINDSAY:

Maybe I only heard the first rendition of this and the details on the CN are very sketchy, and I certainly know the difficulty that your district has went through in Huntington Station, so I'll withdraw my motion to table. Legislator Browning wanted to talk, and then Legislator Montano.

LEG. BROWNING:

Yeah, just real quick. I mean, I was a little surprised when I'd seen this myself. And, you know, my constituents in North Bellport have been trying to advocate for ShotSpotter also. So there's 600,000 in the Operating Budget, and I have talked to George and I know Dwayne. We are going to work together on appropriating that 600,000 for -- in fact, the presentation showed North Amityville being the area that needed it more than anywhere. So I think, you know, I will support Jon in this resolution, but the 600,000, I think it's necessary that we appropriate it for Bellport and North Amityville, and I'll be talking to George about putting that reso in.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. First of all, I just want to ask Robert a question. The comment is made that the money is available, but I just want to be clear. We're bonding this money, so it's not like it's available, it's -- we're borrowing it, am I -- was that simple enough?

MR. LIPP:

Correct.

LEG. MONTANO:

So it's like saying I have a credit card with a \$5,000 limit and I've only used up 3,000, so I have 2,000 available and I'm going to go and spend it.

MR. LIPP:

This is giving you your credit limit, right, so perhaps he went from zero to this amount in your credit limit.

LEG. MONTANO:

Was this introduced prior, Legislator Cooper, or is this the first time?

LEG. COOPER:

No, this is the first time. This is --

LEG. MONTANO:

And why is it coming in as a C of N as opposed to going through the committee route? What is the necessity of doing this right now, other than that if we don't bond it -- I guess, if we don't bond it today, we can't bond it this year; is that what we're saying?

MR. LIPP:

This is the last meeting of the year, so the appropriations that have not been used elsewhere could be used as an offset and that's what it's doing.

LEG. MONTANO:

Right, but we're still adding to our debt.

MR. LIPP:

Correct.

LEG. MONTANO:

Okay. I heard the presentation, Jon, and I like what I heard, but I think it's a little early --

LEG. KENNEDY:

I have to address that.

LEG. MONTANO:

I'm sorry.

LEG. KENNEDY:

I'm sorry.

LEG. MONTANO:

No, you want to -- on this?

P.O. LINDSAY:

No, no, no, go ahead.

LEG. MONTANO:

Number one, it's -- as I look at it now on the C of N, it's only covering Huntington Station, it's not covering Amityville, North Amityville, Bellport, Brentwood, which are areas that also need it.

LEG. COOPER:

Right. As we heard the testimony today, Chief Moore said that they'd like to -- that the Police Commissioner is supportive of a pilot program.

LEG. MONTANO:

As we all are.

LEG. COOPER:

But we can make that --

LEG. MONTANO:

I support it, I support the technology, but I think I would like -- again, I would like to know more. We talked about the clusters of one mile, two miles, three miles, we talked about the ratio. I just think that this is coming at me too fast. You know, I think it's a great program. I read earlier that in Roosevelt there was a number of shots fired and they were -- I think 16 rounds were fired, they were picked up by ShotSpotter. So I think that you're definitely on the right road, but I can't support bonding this at this point in time. I think it really is something that -- you know, at the last minute, certainly coming in on a C of N.

LEG. COOPER:

If I may respond.

LEG. MONTANO:

Sure.

LEG. COOPER:

We just voted to bond I don't know how many road projects and other DPW projects and --

LEG. MONTANO:

As well as the Vanderbilt Museum, and as well as environmental, and we've been bonding, bonding, bonding. Some of us have abstained on them. So, yes, we have bonded other projects, there's no doubt about it, but at least those went through committee. This one comes in last minute, comes in the last day of the session, and I don't feel that that's the right mechanism for a C of N. There is no need in my mind to have this come in through a C of N. And if you'll recall, I'm the Legislator that

introduced the resolution that requires the County Executive to certify why we need a C of N in terms of -- in terms of introducing a bill. I'm not even sure why -- what's this, the most effective way to determine -- that doesn't -- you know, we don't defeat bills simply because they come in on a C of N, but we really should have a necessity for it and I don't see it in this bill. I see this as a, you know, rush-it-through, ram-it-through. And you know what, let's spend -- let's spend a couple of more dollars at the end of the year and let's take care of one particular area when we've got other areas that need to be covered. So, with all due respect, I'm going to -- you know, it probably won't pass, but I'm going to make a motion to commit this to committee.

LEG. COOPER:

I appreciate it, but again, I have to respond. For the past, what, six months, eight months, we've heard countless presentations about ShotSpotter. And, actually, several meetings ago, two or three folks from ShotSpotter flew out here and I think for about two hours or three hours any Legislator that wanted to sit in were available to watch the PowerPoint, look at all the stats and hear the firsthand testimony, and about a half dozen of my colleagues did sit through that. They've spoken before Public Safety, they've spoken before the General Meeting multiple times. I believe that it's proven technology. There are constituents in my district that are dying, that are dying. We had I think it was eight or nine incidents of gun violence last year within the span of a two-week period. And I know that Legislator Browning can say the same thing. You can certainly say the same thing about your district, Legislator Gregory. So I don't want to wait any longer. I'd like to move forward with these appropriations. We were ready to --

LEG. MONTANO:

Well, it's not these, it's this appropriation.

LEG. COOPER:

Right, but we --

LEG. MONTANO:

Which is in your district, and I understand you advocating for your district. But, you know, don't get me wrong, I don't need to -- I don't need to be convinced on the technology or -- you know, I'm convinced that we need to do this. I'm not convinced that we need to do this at this moment, in this fashion, without a bill having gone through the proper channels.

LEG. COOPER:

Well, I don't want to continue going back and forth, but again, there is another \$600,000 in the Operating Budget. Any Legislator that would like to try to access that money to expand ShotSpotter to their districts is free to do so. I believe that Legislator Browning has already expressed that intent, Legislator Gregory. If they do move forward, there'll still be another \$200,000. I also strongly believe that we can use asset forfeiture funds, as Nassau County has done for five communities to date. And, as I said earlier, there are Federal grants available, and our two Senators are willing to work with us.

LEG. MONTANO:

I heard all of that, Jon.

LEG. COOPER:

But, in any case, I respectfully disagree with you.

LEG. MONTANO:

You know, this to me is really not the way to do it. All right? There's \$600,000 you said in the budget, and this one is for what, 450,000? How much is this one for?

MR. NOLAN:

Four-fifty.

LEG. MONTANO:

Four-fifty, and there's only \$600,000 left over for the other parts of the county that are -- that need it. So this is a lopsided appropriation when you look at it. And we haven't had a chance to study it full blown, because we just had the presentation today from the Police Department and we didn't even finish that presentation because there's more work to do. So -- well, let the vote -- let the vote take place. That's my position on it.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Does anyone second that motion, by the way?

D.P.O. VILORIA-FISHER:

What was the motion?

LEG. MONTANO:

To recommit to --

P.O. LINDSAY:

The motion is to recommit this bill .

LEG. MONTANO:

To commit, not to recommit.

P.O. LINDSAY:

To commit.

LEG. MONTANO:

To commit to committee.

P.O. LINDSAY:

Yes. Legislator Schneiderman, are you making -- are you seconding that?

LEG. SCHNEIDERMAN:

No, I'm not seconding, I'm on the list.

P.O. LINDSAY:

Okay. We're still looking for a motion to commit to committee. No motion -- no second. Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

First, on the offset, because, you know, we have procedures. We can't spend money that wasn't budgeted, and we had budgeted for various capital projects, and this bill is eliminating some capital projects and shifting it over for ShotSpotter, so -- and the main capital item happens to be a capital project that I was involved in getting into the budget, and let me just say what it was. This

bulkhead repair actually was for the Long Wharf. I know Legislator Barraga is familiar with this because we've been battling this out in committee. The Long Wharf in Sag Harbor the County owns and has maintained for years. It needs to be repainted and some other work. We had \$600,000 budgeted to do that work. I had been trying in committee to get this approved and it hasn't passed. One of the reasons why it hasn't passed is the question is us not getting any revenues and the Village of Sag Harbor getting the revenues. Anyway, the end of this story, to cut it short, is that Sag Harbor Village is saying they're willing to take the Long Wharf, which would be a really happy ending, and we wouldn't need to spend this \$600,000 to maintain it, they will take over the maintenance. So, legitimately, since I can't get the money expenditure -- expended for the Long Wharf, it really is available should we decide to spend it. So I don't -- you know, I think it's a valid offset to use that \$600,000.

The only question really I have is for BRO. Since I always thought ShotSpotter was something that was part of the Suffolk County Police District in terms of a project, this offset is a County-wide program, typically the things that are Suffolk County P.D. are funded by Suffolk County P.D. I just want to make sure it's appropriate in terms of using the offset.

MS. VIZZINI:

Yeah. This is a traditional capital amending resolution, it does meet the offset requirement. There is nothing precluding us from taking a project that might -- the debt service might be funded in the General Fund or the Police District in using it as an offset.

LEG. SCHNEIDERMAN:

That service would be funded by the Police District for this?

MS. VIZZINI:

No.

LEG. SCHNEIDERMAN:

No?

MS. VIZZINI:

Based on discussions with the Budget Office, the resolution is accurate. On the last page it references the General Fund. Because of the -- based on what the Budget Office is indicating, based on the responses of the detectives who are budgeted in the General Fund, they thought it was appropriate that the debt service be from the General Fund.

LEG. SCHNEIDERMAN:

So the detectives respond, then, to the ShotSpotter alarms?

MS. VIZZINI:

After the police respond, the detectives respond and do the investigation.

LEG. SCHNEIDERMAN:

Okay. So my only caveat, basically, is if we're going to be -- if this is a pilot program and we're funding it with General Fund revenues, and this is really for Legislator Cooper as well, if we are going to expand it, we look at the whole county, whether it's Riverhead, or wherever it might make sense --

LEG. COOPER:

Absolutely.

LEG. SCHNEIDERMAN:

-- to expand it, not just within the Police District.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. To the sponsor, well, to Legislator Cooper, I'm going to support the CN today. I think it's incumbent on us to prioritize. I will just point out that one of the offsets is something that actually every one of us has projects that are funded out of, and in particular 7510 is the source for funding at the Blydenburgh Mill, something that I've worked on for the last seven years; so is the Commerdinger Property on the eastern end of my district. And the only comment that I'd offer is, is that we are here on December 21st, and I can tell you that there is a residuary sitting in this, not for the lack of me having contacted parks all year long asking them when were they going to be able to move forward, when were they going to go ahead and do the basic structure work, when were they going to be able to do those things. Now, in no way, shape or form am I suggesting that renovation of a historic home should take prioritization over a public safety system, that takes precedence, but I question how it is that there is this surplus in this Capital Budget item at this late date. It's not for lack of myself and many of us around the horseshoe having petitioned steadily to have these projects funded, for what it's worth.

LEG. COOPER:

Legislator Kennedy, I know that's a rhetorical question and, obviously, I can't answer that, but I share your frustration at the slow pace of moving forward with many projects, including some historical preservation projects in my own district.

LEG. KENNEDY:

Absolutely.

LEG. COOPER:

But, again, the question is being directed to the wrong person.

LEG. KENNEDY:

And, as I said, under no circumstances would I do anything other than support this CN. And I guess in this case maybe it's fortunate that we have the surplus there, but it's not there because of a lack of need for any of these projects in any of the districts.

LEG. COOPER:

I understand.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Just very quickly, we need the pilot program and we have to start somewhere. And Legislator Cooper is absolutely correct in that he's made so much information available about this. He brought people in to give us presentations. I just want to state for the record that we should all be very mindful, though, once we do the pilot program, not to pit one area against the other. And I think most of you would agree that we're all hoping that this pilot program will be successful, as successful as has been represented, and I think it will be, and I think, certainly, Huntington Station is an area that will benefit from this. But then going forward, we do have funding available to expand the program and I think it should be expanded. So, you know, there was some talk today about whether or not we should do the CN. It's my understanding that some of these offsets would

lapse if we don't go ahead. This is the appropriate time to do this from a budgetary standpoint. It's certainly not a moment too soon from a public safety standpoint. But, again, I think that if this is a successful program, we should be very mindful not to be competing against one another, but really joining together and expanding this for every area that needs it.

LEG. ROMAINE:

Call the question.

LEG. MONTANO:

No. I've got -- I have comments on that I want to answer.

P.O. LINDSAY:

Legislator --

LEG. MONTANO:

No, I'll wait my turn, but --

P.O. LINDSAY:

-- Viloría-Fisher is next, and then Legislator Montano.

D.P.O. VILORIA-FISHER:

Actually, I was going to expand on the comments made by Legislator Kennedy, but, Legislator D'Amaro, I don't know if you heard my response to the Chief this morning, which is -- which was that I was -- I appreciated the data that he was showing us, so that, hopefully, we won't run into that kind of logjam where you have Legislators competing, we have to base it on the empirical data that he presented for us, that's really important.

The second thing is what Legislator Kennedy pointed out, I just -- it's very, very frustrating to know that these capital programs haven't moved forward, particularly when the County Executive diverted the funds for historic services out of the Operating Budget and they're being paid for out of the hotel-motel tax, which wasn't supposed to be done. So there's no expenditure going toward our historic services. And, of course, I'm supporting this, it's critical, and I agree with Jon when he said we have to put public safety first, but we have to keep this in mind. Our infrastructure will crumble if we don't pay attention to those buildings. They're an investment and we cannot let them crumble.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yes. With respect to the comments, unfortunately, we are -- we do need a project, we need this program I think down the road. But when you look at the empirical data that was submitted this morning, I want to put this on the record, when you look at the crime index on the second -- the third page of the report that was submitted, North Amityville has a crime index of 3.475. Bay Shore, which is not my Legislative District, has a crime index of 4.362; North Bellport, 1.6; Brentwood, 3.039; Central Islip, 2.518; Huntington Station has 2.3, which is lower; Mastic Beach has a 3.5 crime index, and Wyandanch has a 6.8, which is four times that of Huntington Station. When you go to the next page, a view of the hamlets contrasting their relative violent crime index per 1,000 persons to that of the respective precincts, again, I'll go back to we talk about not pitting one community against the other, all right, but that's exactly what we're doing by selecting one area that has the lower crime -- precinct crime index in Huntington Station of .0841, whereas North Amityville has 1.782, Bay Shore has 1.888, Brentwood has 1.888, and Central Islip has 1.888, and Mastic Beach has 1.345.

So, while I agree with the arguments, and I like the language, that we shouldn't be -- we shouldn't be putting one district over another, in reality, the empirical data that I see before me says if we're going to do a pilot project, we should probably do it in that area. I give you a lot of credit for having worked on this, but that doesn't entitle you to get the pilot project, it should be based on the need, and the need shows that there are other areas that have greater need than the Huntington Station. And I think we should look at this comprehensively, as opposed to doing it last minute, into one particular district.

LEG. COOPER:

If I could just briefly respond. I, for one, would like to see ShotSpotter expanded to every single community that you just mentioned. The difference between many of those and Huntington Station, though, is that we've been talking about this in Huntington Station for a year, a year-and-a-half now. I've had countless community meetings, met with community leaders.

LEG. MONTANO:

So have I. I don't want to cut you off, but we had a meeting with 650 people. We had a second meeting with 430, and we have 13 unsolved shootings in the Brentwood area. We had a body that laid in the street. So I don't want to get into that argument with you.

LEG. COOPER:

No, no. But I'm talking about meetings specifically about ShotSpotter. There's, as I said at the outset, tremendous grassroots support in the community for ShotSpotter. ShotSpotter came into Huntington Station several months ago and did a site survey. All the leg work's already been done. They know where they're going to put the microphones. We're ready to go on this. That's not the case in the other communities that you mentioned, with perhaps the exception of North Bellport where I think they also did a site survey.

So, in any case, if I had my druthers, every one of those communities would have ShotSpotter up and running over the next year or so. There's funding certainly for many of those communities, and there may well be funding if we tap into Asset Forfeiture Funds for every single community that you mentioned, and I, for one, would support that.

LEG. MONTANO:

Again, Jon, you know, the empirical -- I commend you immensely for bringing this forward. I support it fully, but I don't support the fact that you're taking money through a C of N to fund something in your district when the empirical data shows that there is probably greater needs in other districts, and then the argument is raised that we don't want to pit your district against my district when, in fact, that's exactly what you're doing.

P.O. LINDSAY:

Okay. Anybody else want to talk?

(*Negative Response By Legislators*)

All right. I'm worn out. Okay. We have a motion and a second; am I correct?

MR. LAUBE:

You are correct.

P.O. LINDSAY:

Roll call.

(Roll Called By Mr. Laube, Clerk)

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:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen.

LEG. COOPER:

Thank you very much.

P.O. LINDSAY:

Okay.

LEG. BARRAGA:

You've got to do the Bond.

P.O. LINDSAY:

Okay, on the same motion, 2281, there's a bond now. Same motion, same second. Roll call.

(Roll Called By Mr. Laube, Clerk)

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:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. Next up is *2249-10 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Felipe Orellana and Rosa Orellana, as to a 99% interest and Cesar Ulloa, as to a 1% interest. (SCTM No. 0204-006.00-01.00-010.000) (County Executive).*

LEG. D'AMARO:

Motion.

LEG. NOWICK:

What is this?

P.O. LINDSAY:

2249.

MR. NOLAN:

It came in late.

P.O. LINDSAY:

It came in late. It came in late. Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. Are you all right, did you find it?

LEG. LOSQUADRO:

Got it.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2262-10 - Accepting and appropriating a grant in the amount of \$69,527 from the New York State Education Department for a local Government Records Management Improvement Fund (LGRMIF) Project to digitize at risk microfilmed records with 100% support (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2263-10 - Accepting and appropriating 100% funding from the New York State Office of Children and Family Services (OCFS) for improving staff-to-client ratios in the Department of Social Services – Child Protective Services Bureau.

D.P.O. VILORIA-FISHER:

Motion for the kids.

P.O. LINDSAY:

Motion by Legislator Vioria-Fisher.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. On the question?

LEG. GREGORY:

I have a question about the bill.

P.O. LINDSAY:

Go ahead, Legislator Gregory.

LEG. GREGORY:

I don't know who's here to answer it, but is this bill going to be funded to pay overtime or is it going to be funded to provide personnel to reduce the caseworker ratio?

D.P.O. VILORIA-FISHER:

It says here temporary staff and overtime.

P.O. LINDSAY:

And to answer your question, I don't think there's anybody left here.

D.P.O. VILORIA-FISHER:

But it's the third paragraph, DuWayne. It says temporary staff and overtime.

LEG. GREGORY:

Well, I saw that it could be used, but it didn't say definitively what it was going to be used for.

MS. VIZZINI:

The detail in the resolution shows that it's accepting \$75,000 in aid and \$65,000 will go -- it will split 36,000 in overtime and 29,000 in temporary salaries, and then some associated minor benefits. So it is not full-time staff.

LEG. GREGORY:

Now, through the Chair, do we have any vacancies in this department that's not being -- that are funded that haven't been filled? I know we did before, a couple of years ago we had about seven or eight vacancies.

MS. VIZZINI:

Are there vacancies in CPS is what you're asking.

LEG. GREGORY:

Correct, yes.

MS. VIZZINI:

Yeah, there are vacancies in CPS, but there's also the automatic backfill.

LEG. GREGORY:

Do we have the number of vacancies?

MS. VIZZINI:

Yeah, you have to give me a minute on that.

LEG. GREGORY:

Okay, all right. You can give it to me later.

P.O. LINDSAY:

Legislator Gregory, I mean, it's 100% funded.

LEG. GREGORY:

Well, a lot of these positions are 100% funded and we've been arguing, and even in the health -- Welfare-to-Work Commission came before the committee two years ago and said why aren't we filling these positions when we get 100% reimbursement. I'm just trying to make that point you can call the vote.

P.O. LINDSAY:

Okay. I don't know. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:
2268-10 - Donating decommissioned insulated jackets to Suffolk County Veterans in-need (County Executive).

LEG. MURATORE:

Motion.

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi. The only question that I have about this is who screwed up that we have 100 extra jackets that's never been used?

LEG. NOWICK:

I know. It sounds like Marshall's.

P.O. LINDSAY:

That's Marshall's?

D.P.O. VILORIA-FISHER:

They ordered too much.

P.O. LINDSAY:

Okay. I see, I see. Okay, we have a motion and a second on 2268.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2269-10 - Amending Resolution No. 693-2010 Authorizing transfer of funds from the Tax Stabilization Reserve Fund to the General Fund. Authorizing transfer of funds from the Tax Stabilization Reserve Fund to the General Fund (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. GREGORY:

Second.

D.P.O. VILORIA-FISHER:

DuWayne wants to second it.

P.O. LINDSAY:

Second by Legislator Gregory. Is this --

LEG. LOSQUADRO:

This is the termination pay, right?

MS. VIZZINI:

Yeah. If you remember, we're paying the termination on the early retirement from Tax Stabilization Reserve.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

We had agreed to ten million. However, when we fine-tuned it and determined the detail, not everybody, in fact, was in the General Fund. So the amount is slightly less than the ten million, it's 9.6, so this corrects that.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And you know, not for nothing, but we did discuss this in July. Why the hell is it here as a CN on the last meeting of the year?

2272-10 - Accepting and appropriating grant funds received from the United States Department of Justice, Bureau of Justice Assistance (County Executive). Do I have a motion?

LEG. NOWICK:

Motion.

D.P.O. VILORIA-FISHER:

Jack?

P.O. LINDSAY:

Motion by Legislator Eddington?

LEG. EDDINGTON:

Sure.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Tim, cosponsor on 2276.

P.O. LINDSAY:

2276 --

LEG. LOSQUADRO:

Tim, before you call the next vote. Tim, I'm sorry, change my vote to an abstention on that, please?

MR. LAUBE:

On 2272?

LEG. LOSQUADRO:

Yes, please.

MR. LAUBE:

Okay, change the vote to 17 (2272-10 - AMENDED VOTE: Seventeen (Abstention: Legislator Losquadro)).

P.O. LINDSAY:

But weren't -- didn't you make the second?

LEG. LOSQUADRO:

I apologize. It doesn't matter. I mean, I'll keep the second but I'll abstain on it.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

I thought it was a different bill.

P.O. LINDSAY:

Okay. *2276-10 - Appropriating funds in connection with the Stony Brook University Hospital Comprehensive Psychiatric Emergency Program (CP 4018) and authorizing execution of agreements in connection therewith (County Executive).*

LEG. KENNEDY:

I'll make the motion, please, Mr. Chair.

D.P.O. VILORIA-FISHER:

Second, cosponsor.

P.O. LINDSAY:

Motion by Legislator Kennedy and second by Legislator Viloría-Fisher.

LEG. KENNEDY:

On the motion, if I can just very quickly, Mr. Chair?

P.O. LINDSAY:

Can I just ask a question?

LEG. KENNEDY:

Absolutely.

P.O. LINDSAY:

What does this do different than the bill that you had in?

LEG. KENNEDY:

There is some modification to the language with this, Mr. Chair, which allows the Bond to actually flow. There is a Bond that's associated with this.

P.O. LINDSAY:

So your resolution was defective?

LEG. KENNEDY:

The way it was originally drafted, it had one modification in order to deal with a SEQRA clause, but apparently we had some items that weren't in there. And quite candidly, the County Executive's Office has done yeoman's work in working with Stony Brook in order to resolve what the legal issues were. There is still an underlying memorandum that needs to be worked out, but I'm pleased the County Executive brought this forward and it allows us to fulfill a commitment for emergency psychiatric care in this County that had been woefully under addressed, as Legislator Viloría-Fisher, who's been a long-term proponent of this, knows firsthand.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

MR. NOLAN:

There's a Bond with this, too.

P.O. LINDSAY:

Okay. There's an accompanying Bond, ***2276A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 bonds to finance the County's share of the cost of capital improvements in connection with the Stony Brook University Hospital Comprehensive Psychiatric Emergency Program (CP 4018.310)***, same motion, same motion. Roll call.

(Roll Called By Mr. Laube, Clerk)

LEG. KENNEDY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yep.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *IR 2280-10 - Amending the 2010 Operating and Capital Budget and Program, accepting the proceeds of the trade in for the MD-902 and appropriating funds in connection with the purchase of a Suffolk County Police Department replacement helicopter (County Executive).*

D.P.O. VILORIA-FISHER:

Can I ask an explanation?

P.O. LINDSAY:

Let me see if I can get a motion first. Motion?

LEG. SCHNEIDERMAN:

Motion to commit.

P.O. LINDSAY:

Motion to commit? Is that what you want to make, Legislator Romaine?

LEG. ROMAINE:

I'll second.

P.O. LINDSAY:

Okay. We have a motion to commit by Legislator Schneiderman and a second by Legislator Romaine. Is there any other motions on the floor? I'd like to get some explanation. This -- would you have any information, Gail? I'm at a loss because there's nobody here from the Executive.

LEG. ROMAINE:

He had a press conference three weeks ago proclaiming this, I guess that's why the Certificate of Necessity.

MS. VIZZINI:

I'm sorry, Mr. Presiding Officer, I was talking to Legislator Gregory. What's the question?

P.O. LINDSAY:

Well, just I don't know whether you've had a chance to look at 2280. Again, if there's anybody in the building --

MS. VIZZINI:

Oh, yeah. No, I'm familiar with this, yes.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

What happened here was -- they briefed me on this yesterday.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

We were able to get, fortunately, more money for the trade-in than we are paying for the helicopter. So this sets up a mechanism whereby we're able to channel the proceeds from the trade-in to the Capital Program to pay for the helicopter.

LEG. SCHNEIDERMAN:

They're not the same helicopter.

MS. VIZZINI:

Correct. One's a trade-in --

LEG. SCHNEIDERMAN:

No, one is a full-service Medevac helicopter, one is a modified attack pursuit -- you know, a --

MS. VIZZINI:

Right, and that's why we got more money. We got more money for the --

LEG. SCHNEIDERMAN:

We're trading in a big helicopter for a small helicopter.

MS. VIZZINI:

Right, we traded in a Lexus and we bought a Ford Focus was the way I --

LEG. SCHNEIDERMAN:

That's basically it.

MS. VIZZINI:

Right.

LEG. SCHNEIDERMAN:

And that's why I think the committee needs to review this and the needs of Emergency Service. We need some full-sized Medevac helicopters.

P.O. LINDSAY:

But could I just point out to Legislator Schneiderman; the big helicopter didn't work. Wasn't that the one that was broke all the time?

LEG. SCHNEIDERMAN:

No, I don't think this is the one that was the problem.

P.O. LINDSAY:

Yes, it is.

LEG. SCHNEIDERMAN:

It had the rotor problem?

P.O. LINDSAY:

Yeah, but that's what this is, it's the M.D.; M.D. 902.

D.P.O. VILORIA-FISHER:

Uh-huh.

LEG. LOSQUADRO:

Mr. Chairman?

LEG. SCHNEIDERMAN:

That's why I think the committee ought to review it.

P.O. LINDSAY:

Go ahead, Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I thought the agreement was to purchase another single engine at this point. And in the future, we would seek to purchase another twin-engine larger unit. Obviously the problem with the hub rotor problem on the M.D. helicopters was what led us to trading this in. But my understanding, the agreement all along was in trading this one in, that it would be close to a break-even in purchasing another single-engine for our fleet. Better to have a single-engine that is

fully operations than a twin-engine that's down all the time.

LEG. SCHNEIDERMAN:

I just think Public Safety should review this, vet it entirely before we -- you know, I don't understand why we have to do this as a CN.

P.O. LINDSAY:

Legislator Eddington, was there any discussion in your committee on this at all?

LEG. EDDINGTON:

No, I don't remember.

LEG. LOSQUADRO:

A while ago.

LEG. EDDINGTON:

Oh, a long time ago. Oh, we discussed it, God, eight, twelve months ago, maybe, you know.

LEG. LOSQUADRO:

We made the decision to make the purchase.

LEG. EDDINGTON:

Right, right. So it's been over -- it's probably been over a year that we had discussed it. But I wouldn't mind, if we could spend 12 hours on a dog, I could spend a few hours on a helicopter.

LEG. LOSQUADRO:

Oh, dear God.

P.O. LINDSAY:

Okay. So what we have is a motion and a second to commit. Does anyone want to make a motion --

LEG. LOSQUADRO:

I'll make a motion to approve.

LEG. BROWNING:

Well, is this a -- now, the A-Star, is this one that -- we have the helicopter, right?

LEG. LOSQUADRO:

Not a pursuit.

P.O. LINDSAY:

No, we have the M.D. 90 which is the rescue helicopter. It's the bigger, it's the twin-engine helicopter that hasn't worked that well. We had two of them.

LEG. BROWNING:

No, I know the background. But is this trading in for one that we -- I'm trying to understand. Do we have that A-Star currently, the one in this resolution?

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

MS. VIZZINI:

I believe we have -- I believe we are trying out or using the new helicopter. I don't know anything firsthand. I mean, I know based on what I was briefed.

P.O. LINDSAY:

So we're test driving the new one.

MS. VIZZINI:

Yes. And the indication to me was that we want to set up a mechanism to pay for it.

P.O. LINDSAY:

That's a good thing. And the mechanism is we give them the old twin-engine that doesn't work well and we keep the new single-engine.

MS. VIZZINI:

Yes.

P.O. LINDSAY:

I'm sorry, I think that sounds -- you know, I'm not happy that this is here by CN and I'm not happy that nobody is here to explain it properly, but it sounds like a good deal to me.

LEG. KENNEDY:

I'll second the motion to approve, Mr. Chair. I'll second the motion to approve.

P.O. LINDSAY:

We have it.

MR. LAUBE:

No, no.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I do recall the particulars of this from when I was on the Public Safety Committee; again, you know, my brain being wired for the technical stuff. Therefore, there are after-market parts available to replace these components that work better than what McDonnell Douglas was providing. FAA rules say that operators are not allowed to use those parts in this country. So the trade-ins are taking place and these units are being sold out of the country where these after-market parts can be used, which is why there is a market for these helicopters that have such a poor track record here in this country. We made the decision back when I was on the Public Safety Committee, it took a while to go through the machinations, that this trade-in would take place and we would get a single-engine helicopter for, you know, hopefully close to a break-even price. As it turns out, we got a little more money because the market is strong overseas for these units.

LEG. SCHNEIDERMAN:

To me, we ought to be making the decision with input from the Public Safety Committee, with the Emergency Service personnel who ride -- use these helicopters. You're getting a smaller helicopter.

LEG. ROMAINE:

I just would add that --

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yeah. I would just add that, you know, this may be the best thing since sliced bread, but it should have gone through the committee process and I'll tell you why. I picked up a newspaper over two weeks ago and I saw the County Executive in a press conference announcing this helicopter. Why could this not have been brought before our last meeting on December 7th, laid on the table even by CN so it can go through the committee process? That's something I don't understand.

P.O. LINDSAY:

I don't disagree with you, Legislator Romaine.

LEG. ROMAINE:

And you know where the photo was taken, it was at McArthur, I believe.

P.O. LINDSAY:

Okay.

LEG. BROWNING:

That was for the wrong-way driver thing.

*(*Laughter*)*

P.O. LINDSAY:

Yeah. Legislator Eddington and then Gail, maybe you could enlighten us.

LEG. EDDINGTON:

I missed the photo, Ed, but I can tell you that --

LEG. ROMAINE:

So did I. The only photo of me up there is the one with the darts in it.

*(*Laughter*)*

LEG. EDDINGTON:

That we did deal with this over a year ago and I think this is just been a delay in the sale or whatever. But we did talk about it a lot in committee. I think -- yeah, Tom was there when we were doing it, too. And it came off as a very good deal and I think it's just that it's been brought back a year later with no fore warning. As always, the communication gap is what we're dealing with right now. So I would support this.

LEG. SCHNEIDERMAN:

All right. With the Chair of the committee's support, I'll just withdraw my motion to recommit.

P.O. LINDSAY:

Thanks, Jay. I appreciate it.

LEG. ROMAINE:

Let's get out of here.

P.O. LINDSAY:

Okay. We have a motion and a second to reluctantly go through with this deal.

MR. LAUBE:

Legislator Lindsay, I did not hear the motion and the second to approve. I just had send to committee. Nobody was ever recognized.

P.O. LINDSAY:

I think it was a motion by Legislator Losquadro to approve, right?

LEG. LOSQUADRO:

Yes.

MR. LAUBE:

Okay. And the second?

D.P.O. VILORIA-FISHER:

Kennedy.

LEG. KENNEDY:

I seconded it.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

Maybe we can get a group picture at the helicopter. Okay, we have a motion and a second. All in favor? Come on, can we just -- guys, we're almost done. Could everybody just settle down a little bit?

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2281-10 - A resolution amending 2010 Capital Budget --

MR. NOLAN:

We already did that.

P.O. LINDSAY:

We did it already?

MR. NOLAN:

This is ShotSpotter.

P.O. LINDSAY:

Oh, that's the ShotSpotter, we did that one already.

Okay, Late Starters. I make a motion to lay following Late Starters on table and assign them to the following committees: 2264 to EPA; 2265 to EPA; 2266 to Ways & Means; 2267 to Public Safety; 2270 to Public Works & Transportation; 2271 to Health & Human Services; 2273 to EPA; 2274 to Health & Human Services; 2275 to Public Works and Sitings; 2277 -- there's no 76, right -- to Public Safety; 2278 to EEE; 2279 to Labor, Workforce & Affordable Housing and setting the Public Hearing for the first General Meeting in 2011 and 2:30 in Hauppauge. Okay, I need a second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

I have a second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And before we adjourn, if I could have everybody's attention. Come on. Legislator Cilmi would like the floor for personal privilege, and then Legislator Losquadro would like to say his fond farewells.

LEG. CILMI:

Thank you, Mr. Presiding Officer. I just wanted to say on behalf of myself, and I think I speak for Legislator Muratore as well, that it's been a terrific first year here very much, despite political differences and differences of opinion. It's a pleasure getting to know each and every one of my colleagues and working with all of you as well as our Counsel and his staff and Budget Review and your staff, just absolute Ladies and Gentlemen to work with, and we look forward to a challenging 2011. Merry Christmas and Happy New Year.

LEG. COOPER:

You too, Tom.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Okay. Dan the man, you've got the floor.

LEG. KENNEDY:

There you go, the final word.

LEG. LOSQUADRO:

I'd first --

P.O. LINDSAY:

You can't come back, you know that.

*(*Laughter*)*

You can't refuse to go now.

LEG. LOSQUADRO:

No deposit, no return.

P.O. LINDSAY:

No.

LEG. LOSQUADRO:

I just would like to start with a few thank-yous. First and foremost, I think it's, you know, fitting we only have a couple of people here, because I really wanted to speak to you, to my colleagues to just say thank you for your friendship and for the respect that you've shown to me. To my caucus, the

opportunity to be the Minority Leader and to be our voice for the time that you've given me.

To my staff, even though they would truly be sick if they're home listening to this, but we all know that none of us could have the success that we do or be able to accomplish things that we do without the staff that we have and the people that were behind us.

Someone who I certainly know is not listening, and that's to my wife whose support I simply would not have even entertained entering this realm. If she had said no to me at any point during this process, or making the decision to move forward to the State level, I would have gladly given this up and moved back into my private sector life.

To the Presiding Officer and his staff, what a pleasure it's been to work with you over the years, with Counsel's office, with Budget Review. It's really been a wonderful process and I've learned a great deal from you and got a lot of pieces of wisdom over the years that I will certainly take with me. And to the County Executive, a relationship that has been certainly contentious at times and wonderful at others, being able to accomplish very important things for this County and for my district.

I can say personally that this job has helped me to grow a great deal as a person. I began campaigning when I was 30 years old, took office at 31, still, I'm sure, very immature in many ways and really helped me to grow a great deal as a person. I want to thank everyone who has been here, both past and present, for helping me in that process.

I can say this job has been satisfying to me on many, many levels, and I'll just share a quick story. Just on Friday, myself and my staff and Councilwoman Bonner and her staff got a call from neighbors who had complained about someone whose cesspool had backed up. And if you could imagine at this time of year that these people didn't get together to help this individual, and we found out that this person, who was a sole provider for a granddaughter, was in desperate need of assistance. And in speaking with Commissioner Blass and representatives from the town, people from private industry, we were able to not only get this individual's heat turned back on, a cesspool pumped, we have a dinner being delivered to them for Christmas and a family that adopted them locally. And that, I believe, is why we do what we do here. That was so gratifying to me on a personal level to do that not only right before Christmas but right before I leave this office really meant a great deal to me.

Now, those who know me and the things that I've done, you know, from the Summer Concert Series to the creation of a new sewer district to water distribution systems, to those who have been here a while, marijuana-flavored candies (laughter), this job has given me the ability to be part of so many issues that affect people's day-to-day lives. I am eternally grateful for that. And I'm also grateful for the chance to have chaired our Environment Committee for two years and it's really given me a wonderful perspective on the importance of the preservation of our environment and our drinking water here in Suffolk County and I will certainly take that experience and that passion with me to the State level.

I know I certainly am looking forward to the new challenges. I mean, I think it was very fitting that we had a presentation from the Presiding Officer today outlining one of the largest challenges that we face in our pension system. And really, nothing short of the future of New York is at stake in this upcoming Legislative cycle. I think we all know, having been here locally and seeing the effects that State policies have on every local level of government is a daunting task, but I think this experience has really prepared me for that.

I'll just close by saying thank you and that I will miss working with each and every one of you, and really, for this wonderful and open process that has allowed me to accomplish so much so early in my life. So thank you.

Applause & Standing Ovation

P.O. LINDSAY:

After that speech, the only thing we can say is who wants to make the motion to adjourn?

LEG. LOSQUADRO:

So moved, Mr. Chairman.

P.O. LINDSAY:

Motion by Legislator Losquadro to adjourn. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We stand adjourned.

(*The meeting was adjourned at 7:50 P.M*.)

{ } - Denotes Spelled Phonetically