

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**SIXTH DAY**

**MARCH 22, 2011**

**Verbatim Transcript**

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

**Verbatim Minutes Taken By:**

Alison Mahoney & Lucia Braaten - Court Reporters

**Verbatim Transcript Prepared By:**

Alison Mahoney & Lucia Braaten/Kim Castiglione - Legislative Secretary

*(\*The meeting was called to order at 4:06 P.M. \*)*

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

**P.O. LINDSAY:**

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

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

**LEG. ROMAINE:**

(Not present).

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Here.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Present.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

Here.

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

Here.

**P.O. LINDSAY:**

Here.

**LEG. ROMAINE:**

Here.

**MR. LAUBE:**

Sixteen (Not Present: Legislator Kennedy).

**P.O. LINDSAY:**

Okay. Could everyone rise for a salute to the flag led by Legislator Barraga?

***Salutation***

If everyone would remain standing, and Legislator Barraga is going to introduce our visiting clergy.

**LEG. BARRAGA:**

Thank you, and good afternoon. Elder Harry L. Francis currently serves as the interim Pastor of the First Baptist Church of Bay Shore. He was appointed to this position three years ago. Before becoming the interim Pastor, Elder Francis served the church in the capacity of Assistant to the Pastor for many years, spending hours visiting the sick and.

A Vietnam Veteran, Elder Francis was awarded the Purple Heart with an Honorable Discharge for his meritorious service. He is married to Lily Jean Francis and they have two sons who have seen action during war time. One son is a U.S. Navy Persian Gulf War Veteran, and the youngest son served in the U.S. Navy, had seven deployments with two tours in Iraq, and now is serving for over five years in the U.S. Army, trading in his blue for green in 2005. That son, like his father before him, was also awarded the Purple Heart after being wounded in Iraq last year when a truck was blown up.

Elder Francis and his family are proud of their service to our country and for the freedom we all value. It is an honor for me to introduce Elder Harry L. Francis to render our invocation this afternoon.

**PASTOR FRANCIS:**

May we look into the Lord. Eternal God of the Heavenly Father, we come in the precious name of your son Jesus, most of all to say thank you. We thank and pray to you for this gathering here today, oh God. We pray that you will just have your will and your way. We pray everything will be done decent and in order according to your will, oh God. We just submit our will to your will. We just thank you, oh God, for all that you're doing, Father God. We thank you for the Legislative offices, oh God. We thank and pray to you for the work that they are doing, oh God, and we pray in the name of Jesus that they'll continue, Father God, to look unto you for guidance, look unto you for strength, oh God. We just give you glory, honor and praise. So right now we just submit our will to your will. Have your will and our way. We will be careful to give you the praise, all the glory and all the honor. In Jesus' name we pray, amen.

***"Amen" said in unison***

**P.O. LINDSAY:**

Thank you, Reverend.

**PASTOR FRANCIS:**

You're quite welcome.

**P.O. LINDSAY:**

If everyone would remain standing. Unfortunately we have a lot of people to remember this month.

First, I'd like a moment of silence for the following people:

*Dennis*, the brother of Legislator Lynne Nowick, who passed away suddenly last week. We extend our deepest sympathy to Legislator Nowick and her family;

To *Nassau Police Deputy Geoffrey* of, a decorated member of the elite Department of Special Operations killed recently in a friendly fire incident by an MTA officer while confronting a knife-wielding man in Massapequa Park;

*Suffolk Detective Sergeant John Patrick Keane* was a member of the elite Emergency Service Section when he was badly wounded in 1989 during a hostage situation in Mastic. He never completely recovered from the gun shot to the head, but turned his energies to studying the science of fingerprints. Suffolk Detective Sergeant Keane died last week after a year-long battle with cancer;

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

***Moment of Silence Observed***

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

Presiding Officer Lindsay will present a proclamation to Thomas Isles, Director of Planning Operations for Suffolk County on behalf of the Suffolk County Legislature, with best wishes for a happy, healthy retirement. Tom, come on up to the podium with the Presiding Officer.

***Applause***

**P.O. LINDSAY:**

Tom, this is one of the moments that is happy. We're happy for you that you're going to retire and relax a little bit after many, many years of service, but it's really sad for us because you're a great public servant. You've served this County, and the township before the County, extremely well and we're going to miss you, and we're certainly going to miss your knowledge and expertise in the Planning Department. So on behalf of all 18 of us, we have a proclamation for you that we wish you nothing but the best. Thank you.

***Applause***

**DIRECTOR ISLES:**

Thank you.

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

Legislator Tom Muratore will present a proclamation to Donna for aiding Karen Ford, who lives in Georgia, when she was in medical distress. Is Legislator -- oh, there you are.

**LEG. MURATORE:**

Good afternoon, everyone. You know, being a Suffolk County Legislator, you get to meet a lot of great people who do a lot of wonderful things in their communities, but it's really special when a citizen from Suffolk County reaches outside the County and actually saves a person's life.

On January 21st, 2011, Mrs. Donna of Mt. Sinai, New York, was working at her customer service job at a Ronkonkoma-based on-line eye wear retailer, \$39glasses.com. While speaking to a regular customer, Karen Ford of, Georgia, Mrs. Realized that Mrs. Ford was having a medical emergency. Mrs. Asked Mrs. Ford if she was okay, she wasn't; then Mrs. Heard the phone fall to the floor in Mrs. Ford's home. Mrs. Petrosini stayed on the line and continued to try and talk to Mrs. Ford but did not respond.

A co-worker of Mrs. Petrosini contacted 911 where they re-routed the call to emergency responders in Georgia. Mrs. Ford's address was given to the emergency workers from the company's database and Mrs. Ford received the medical attention she required. Mrs. Ford stated, "I live alone, so had she not called, I really feel it would have been a possibility I would have died that day. I owe my life to Donna."

We tried to bring the lady up, you know, for this special day and unfortunately she cannot travel, but she did, you know, on behalf of her and her family thank Donna again for saving her life. So on behalf of the Suffolk County Legislature and the 80,000 residents of the 4th Legislative District, I say thank you so much and God bless you.

*Applause*

**P.O. LINDSAY:**

Next is Legislator Eddington for the purpose of a proclamation. Actually, you have two, Legislator Eddington?

**LEG. EDDINGTON:**

Yes, I do.

**P.O. LINDSAY:**

Okay.

**LEG. EDDINGTON:**

I have two proclamations. The first one is for a very honored student at Sequoya Middle School, Cynthia. Cynthia is one of 75 students to be -- Cynthia Brand, named Long Island Young Scholar of Mathematics. She's been accepted into the Institute of Creative Problem Solving for gifted and talented students, she was also selected as Long Island Scholar in Mathematics. She's in the top tenth of 1% in math; I've rarely been good in math, I can't even perceive that, it's unbelievable. She proudly -- her mother proudly announced that she's achieved more success and been tested for the John Hopkins Center for Talented Youth, and she scored in the high honors mathematics in the 9th grade level. She's been invited to attend the Hopkins Center this summer to study flight science, so we will have a future astronaut.

I think if we could get Cynthia to come up and her sister Sara and her mother and father, Joel and Diane. And I'd also like to have her Principal, Frank, and her teacher, Stacy Rose, to come up. Congratulations and thank you for being here. Keep up the great work.

**MISS BRAND:**

Thank you.

*Applause*

**LEG. EDDINGTON:**

You have to smile. When you hear bad things about kids today and we have so many wonderful students here. So proud for Cynthia.

The other proclamation is for my home town library, Patchogue-Medford Library. The Institute of Museums & Library Services selected Patchogue-Medford Library as one of five libraries nationwide to receive the 2010 National Medal of Museum and Science Awards.

This medal is the nation's highest honor for museums and libraries.

Our Patchogue Medford Library was noted as, *"serving its community with creative, new ways and lifelong learning for the commitment to address adverse community needs."*

I'd like to have Dina Chrils and Pat Seubert, President of the Library Board, to please come forward. I would like to give you a proclamation for the Patchogue-Medford Library.

**MS. CHRILS:**

Thank you very much.

**LEG. EDDINGTON:**

And Dina, this is for you as the Director. You've been doing a wonderful job, that place is packed. You're doing a great job.

**MS. CHRILS:**

Thank you so much.

**LEG. EDDINGTON:**

And Pat, thank you for leading the board there. They've accomplished a lot under your tenure. Thank you very much, ladies.

**MS. CHRILS:**

Thank you.

***Applause***

**P.O. LINDSAY:**

Okay. Next is Legislator Cilmi for the purpose of a proclamation.

**LEG. CILMI:**

Thank you very much, Mr. Presiding Officer. Today I have the distinct honor of recognizing I guess what I would call an every day hero, although you certainly don't come across these types of heroes every day. We tend to put sports figures and such on pedestals these days and musical artists, etcetera, but when you come across somebody like this, it really puts things into perspective.

Back on September 6th of last year, Robert {Pravetti} was sitting at a traffic light on Countyline Road when his car was rear-ended, and the force of the collision sent his vehicle up on to a grass embankment. Moments after the car came to a stop, it burst into flames. Fortunately, as a result of some very quick actions by a passerby, Mr. {Pravetti} is here today with us, as is the individual who rescued him, which I'll tell you more about in a minute. But if I could ask Mr. {Pravetti} and Mr. Salvatore Costa to come up and join me here at the podium?

So Mr. Costa here to my left happened to be passing by as the vehicle burst into flames, and others stood by and sort of watched as this took place. But rather than drive by or stand by and do nothing, Mr. Costa decided that it was the right thing to do to try and extricate Mr. {Pravetti} from his vehicle. So he literally, through the flames, broke through the driver's side window and pulled Mr. {Pravetti} to safety. Words cannot express how proud I am to recognize you for this heroic act.

I am sure that I join with all of my colleagues on the Legislature in saying God bless you for what you did. This man and his family have you to thank for having him with us today. And again, congratulations and thank you very much.

***Applause***

**MR. {PRAVETTI}:**

The only thing I can tell you is I was truly in the last second of life. The car was burning, smoke started to come in. I looked and I said I have a choice of whether I'm going to die by burning or by the smoke that started to come in; I decided I'd rather die by burning.

At that second, the last split second, the window breaks open and some guy rips me out of the car, it was incredible. I still have -- I have burns on my left arm, my leg, my hand; I had to go to the Burn Clinic and get all this stuff done.

So the point is there are wonderful people in the world, there are really wonderful people in the world and Sal is one of them, I mean, a true American hero. So I have to thank him for my life and that's a wonderful thing.

***Applause & Standing Ovation***

And please have a hammer in the front seat of your car.

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

Because when you get hit, you can't get out, the doors do not open, the windows don't open. Have a hammer, it's critical. Thank you.

**LEG. CILMI:**

Thank you very much. I have one other presentation to make. As you all know, it's been an honor for me to present sort of the Probation Officer of the Month Award at almost every meeting. I'd like to ask if Senior Probation Officer Mason Bryant can join me here at the podium.

On November 4th of 2010, Senior Probation Officer Mason Bryant, assigned to supervise adolescent sex offenders, conducted a home visit at the residence of a 21 year-old male registered sex offender; certainly we've spoken much about sex offenders in this County.

The offender was on probation for raping a 12 year-old girl.

The on-site inspection yielded the probationer's cell phone and i-pod; inspection of these devices revealed many recent photos and videos of the offender sexually assaulting yet another underage female. As a result of Probation Officer Bryant's awareness, the probationer was subsequently arrested and charged with three felonies and one additional misdemeanor, including a 2nd Degree Rape.

Senior Probation Officer Mason Bryant has been with the Suffolk County Probation Department for 13 years during his career. He has been assigned to Family Court, Criminal Court, Domestic Violence Units and he's currently assigned to the Adolescent Social Skills Program, a program designed to supervise adolescent and young adult sex offenders. Just another shining example of a County employee, and certainly another shining example of what goes on in our Probation Department. God bless you, Mason, and congratulations.

***Applause***

Thank you all very much.

**P.O. LINDSAY:**

Okay. In recognition of Women's History Month, in 2002 the Legislature passed Resolution No. 786 of 2002 to select a Woman of Distinction in March of every year. I'm pleased to announce that Susan Eckert, the Legislative Aide for Legislator Nowick, has been appointed as the Chairperson to the Suffolk County Women's Advisory Committee. And the woman that has been selected this year, Lorraine Boccio, cannot be with us tonight, and I'm told that Legislator D'Amaro would like to make some comments about Ms. Boccio.

**LEG. D'AMARO:**

Yes. Good afternoon, everyone. And thank you, Mr. Presiding Officer. We're going to defer recognizing Lorraine Boccio for this distinction being named the 2011 Woman of Distinction because Lorraine is unable to attend -- she's recovering from some surgery and she's undergoing some treatments -- but she will be here for the June 6th Legislative meeting and we will honor her at that time in person with the Women's Advisory Commission. But we did want to go on the record today because traditionally, to close out Women's History Month, we usually announce the person's who's been selected as the Woman of Distinction in Suffolk County in our second meeting of March, and I'm glad that's on the record today and we'll bring Lorraine in to honor her at a later date. Thank you.

**P.O. LINDSAY:**

Thank you, Legislator.

That concludes the presentations. Before we go into the Public Portion, I would like the Legislators to be aware, at six o'clock we're going to have an Executive Session on a legal matter. So I will be going into Executive Session at six o'clock.

First up, Public Portion. Chief Gerard Lauber. Chief, if you could come forward.

**CHIEF LAUBER:**

Good afternoon. Thanks for the opportunity to share a few minutes of your time talking about the Suffolk County SPCA.

**LEG. GREGORY:**

You have to hold the button.

**CHIEF LAUBER:**

I am holding the button, the green light is on.

**MR. LAUBE:**

You just have to lean into the mic a little bit.

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

But you're tall.

**CHIEF LAUBER:**

Lean into the microphone. If I lean into the microphone I'm going to fall over. Okay. How's that, better?

**MR. LAUBE:**

Yes.

**CHIEF LAUBER:**

If I fall over, will I be indemnified; that's the question. First of all, thank you all individually for your collective input in trying to reach a solution with regard to the indemnification of the Suffolk County

SPCA. Without this indemnification, the Suffolk County SPCA will close its doors approximately April 15th because we will not have insurance. We've tried to get insurance, we've spoken with six brokers, multiple insurance companies and we cannot get insurance.

Just some highlights. For the past 27 years, the SPCA has handled over 2,500 cases per year, and these cases are investigated at no cost to the County. Your Suffolk County SPCA was the first SPCA to respond to the needs of search and rescue dogs at Ground Zero. We spent 40 days there, serviced over 600 K-9's on behalf of our country and with your help in helping us to get that mass unit. The agency is responsible for County-wide pet evacuation; we operate that at no expense to the County. And you're asking us to also enforce the dangerous dog laws and the registry for pet offenders, again, at no expense to the County.

We're governed by very strict laws, by New York State Law, by regulations from the Attorney's General's Office, by DCJS, New York State Municipal Police Training Council, and all of our Peace Officers are screened by the Suffolk County Police Department. Resolution No. 1334, 205, was signed by County Executive Levy on 12/19/2005, and this gave us indemnification; each year that has been renewed for indemnification. We know of no law that prevents this body from granting indemnification.

Now, we've been told that there's a possibility that you would help us get insurance. The reality is we've dealt with six brokers, no one wants to give us insurance. We have had several lawsuits brought against the SPCA, all of them resulting in zero liability damage. If we're going to go and arrest somebody, it's done with the District Attorney's Office, the Suffolk County Police Department and with the authorization of a County Judge, so we're highly scrutinized.

I have copies of the laws that say that you can grant us indemnification, I'll be happy to share that with you. And just as a point of information, you currently give indemnification to members of FRES and to Community Emergency Response Team, CERT. And so we believe that if you grant indemnification to those groups and you have granted indemnification to us in the past, we don't understand why there was a problem continuing granting us full indemnification from this point forward.

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

Okay. Thank you, Mr. Lauber. Thank you.

**CHIEF LAUBER:**

Thank you.

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

If you have something that you want to distribute, you can just give it to the Clerk there.

**CHIEF LAUBER:**

Okay, I will do that.

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

Thank you very much. Our next speaker is Chad Tusnover? Trusnover?

**LEG. BROWNING:**

Trusnovec.

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

Trusnovec, thank you. You have three minutes, Mr. Trusnovec.

**MR. TRUSNOVEC:**

Good afternoon. My name is Chad Trusnovec, I'm the President of the Yaphank Civic Association and also a lifelong resident of the Hamlet of Yaphank.

I come to you today with a simple request, and that is simply to table the bill regarding the sale or lease of the Legacy Village Property. The greater Yaphank community, including the civics, certainly are in favor of the Legacy Village Property not being -- not being built under its current plan of the County Executive, but we are very, very concerned about the future of that property. The property is under much scrutiny presently, and the EIS that was commissioned by the County has just been released to the public, and I doubt that any of the general public has had ample time to assess it; I know I haven't, its volumes.

As you know, the Town of Brookhaven has also recently released the Carmans River Watershed Protection Plan which places this property squarely in the middle of an area that the town wants to protect. This plan is still ongoing and open to public comment and analysis. The bottom line is we don't even know what this property will be able to be even used for. This land has been owned by the taxpayers for many, many decades, and some parts of this property I believe go back over a hundred years. And while I understand the fiscal issues that your body has to tackle, I believe it to be an unwise choice and setting a poor precedent to sell County assets to balance the books.

For these reasons, I respectfully request the Legislator -- Legislature put on hold the sale of this land, at least until the issue with the Watershed Protection Plan is complete and all residents have had ample time to analyze and comment on the many documents related to this issue, both from the town and from the County. Thank you.

*Applause*

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

Thank you, Mr. Trusnovec. Our next speaker is Joe Toppler, or Tappler. Please press the button at the base of the microphone. Thank you.

**MR. TAPPLER:**

I would like to thank the Legislature for considering the proposal, particularly Legislator Browning for her sponsorship. It would indeed be an honor to have Main Street in Yaphank named in honor of Herbert Davis, a man whose wholehearted and unremitting dedication to the people and prosperity of his home town was and continues to be an inspiration to many.

The unofficial Mayor of Yaphank, he was widely known. Herb was a brother, friend and father figure to many, was widely loved and respected by all who had the pleasure of knowing him. Mr. Davis was a living definition of public service exemplified by his service in the airforce during the Korean War, over 60 years as a member of the Yaphank Fire Department, decades of service as Brookhaven Town's Chief Fire Marshal and Public Safety Commissioner, and subsequently Suffolk's Commissioner of Fire, Rescue & Emergency Services.

Some of you may also know him for his service as a three-time County Legislator whose commitment, honesty and dedication to the people of Suffolk was apparent in all that he did. He never turned his back on those in need and selflessly championed the cause of the less fortunate. Former colleagues in the Legislature most accurately described him, and I quote, "An honorable, loyal man who relished the opportunity to help people in need, and also the kind of guy you'd want to be in a fox hole with." His service to the people of Suffolk County cannot be understated, and anyone who had the pleasure of knowing him would agree that there is no one more deserving of this honor than Herbert Davis. Thank you.

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

Thank you, Mr. Tappler. Our next speaker is Cesar Malaga.

*(The following was transcribed by  
Kim Castiglione, Legislative Secretary)*

**MR. MALAGA:**

Good afternoon. My name is Cesar Malaga from the Hispanic American Association. First I want to apologize to you. Sometimes I sound too harsh in my statements. Many of us immigrants love this country. We do not want to see our country decline --

**LEG. MONTANO:**

Can't hear you.

**MR. MALAGA:**

We do not want our country, the United States, to decline like what happened in many other cultures. I said to you several times that greed is destroying our country, and our country is not what it used to be. Well, two weeks after I spoke at the chambers, my state -- like in the statement Time Magazine, dated March 14th, had an article, *Yes America is in Decline*. It also talks about politicians and unions. I hope you get to read Time Magazine. This article starts on page 28. As you can see here, *Yes, America is in Decline* on page 28 is very important. Newsday also has several articles and letters concerning politicians and level unions.

Now, let me go out to another item. 2236-10, the land sale or lease of property in Yaphank. County Executive Levy said, referring to the Legacy Village, the project was aimed at halting the exit of the region's young. People are leaving Suffolk County due to lack of high paying jobs and high taxes. There are many houses now existing for sale in Suffolk County. Affordable houses can be built at the site of the Bellport factory outlets where all the stores are boarded up. The place is abandoned, and all the factory outlets left. I have indicated various times here at this chambers that the property in Yaphank should never be sold. We the taxpayers own that property. Instead I said that it should be divided in plots of land and be rented to the residents of Suffolk County to have community gardens where they can plant organic vegetables.

The other item I would like to discuss is flying glass, is that 1002? The proposed law should be approved. There are drivers who do not clean the top of their vehicle of ice and ice flies, which is dangerous to other drivers. I often drive from Southampton to Babylon. I see drivers that they don't even clean the windshield. They clean one-fourth of the windshield and put a small hole. The rear window has just a small whole. Seniors, by the way, do not drive in the bad weather conditions, and they know it's not safe to drive. Since Police cannot be at all places all the time, I suggest all the drivers take pictures of that car with license plates and be sent to the Police Department. The one sending the picture should get \$25, and the name should not be disclosed, the fine should be \$100.

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

Your time is up, sir.

**MR. MALAGA:**

Cell phone use. Someone at the last meeting in Riverhead last year said that the County does nothing to enforce the laws. People continue to use the cell phones while driving. The laws that you enforce, as indicated, all the drivers should take a picture and send it to the Police Department, which should incorporate in the cell phone use that people crossing the streets should not be using the cell phone. Many of these people are not looking for the traffic along the streets.

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

Please wrap up, Mr. Malaga.

**MR. MALAGA:**

They put the drivers in danger and also the pedestrians. The last thing, since 1994 I have been asking this Legislature about concerning the limited Sunday bus service. The last time, about two years or three years ago, I spoke with Bob Shinnick, and he told me that it would cost about \$3 million for Sunday bus service. It is required -- it's needed here in Suffolk County, and people can come and enjoy the beauty of Suffolk County and we can have what we call, you know, an all day pass. People can stop anywhere and, you know, farm stands and see the beauty of Long Island. Please, you know, it's time that we have Sunday bus service. Thank you very much.

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

Thank you, Mr. Malaga. Marvin Smith.

**MR. SMITH:**

Good evening, Distinguished Members of the Suffolk County Legislature. Ladies and gentlemen, my name is Marvin Smith, Chair of the Civic Engagement Committee of the Islip Town NAACP. I come before you today to express Islip's NAACP support of Introductory Resolution 1041-2011, establishing understanding, acceptance and respecting our cultural differences week in remembrance of Marcelo Lucero.

The mission of the National Association for the Advancement of Colored People has always been to ensure the political, educational, social and economic equality and rights of all persons and to eliminate racial hatred and racial discrimination. This County and the entire nation were paralyzed by the tragic murder of Marcelo Lucero. The establishment and promotion of a week of understanding, acceptance and respect of cultural differences in Marcelo's memory falls directly in line with the mission and vision of the NAACP. We support and commend the sponsors of this bill and encourage the entire body to unanimously support this legislation. Thank you.

*Applause*

**P.O. LINDSAY:**

Nancy Gamby.

**MS. GAMBY:**

Good morning. Do I have it on? I have to hold it, okay. Sorry. I'm going to be speaking -- first of all, thank you for letting me speak on IR 1228 and IR 1247. As far as the discretionary operating -- oh gosh, I'm sorry, I don't know why I'm nervous today. Okay, the discretionary spending cap, if we go for the 2% versus the cost of living, if we take whichever is greater, as does my representative Cooper want, as opposed to our Executive Levy, whichever is the least, I'll give you an example of why I feel Executive Levy's choice is a whole much better option.

First of all, you are taking whichever is least and as far as curbing our spending, that's the way we should go always. But I went to the food store the other day and two months ago I purchased lettuce at 99 cents a head for a head of Iceberg lettuce. Now it's costing \$2.49 for a little tiny head of Iceberg lettuce. Now, that's 150 percentage points that it went up. How can we use the 2% versus our inflation rate of 150 you say on that cost of lettuce. I don't want to increase our spending by 150%. I would much rather go with the 2% cap. So I really feel that if we are going to get a cost -- a handle on everything, we need to go with Levy's.

I'm sorry, I don't know why I'm nervous. You guys are making me nervous here. I'll give you an instance. I just looked up on See Through New York, my Superintendent of Commack Schools is making 600 -- I hope there was a typo on this, \$657,970 for the year 2010. There is 284

administrators and teachers in Commack School District making over \$100,000. My town there is 55 people making over a hundred thousand. This all comes out of my pocket and my money that also my lettuce price is also coming out of. There is 162 people in Suffolk County that are making more than our County Executive. We need to cut back on things. We need to do whatever is least expensive, not what is most expensive. That's why I'm in support of IR 1247. Thank you.

### *Applause*

#### **P.O. LINDSAY:**

Vince Taldone.

#### **MR. TALDONE:**

Good evening, Presiding Officer Lindsay, Members of the Legislature. I'm here tonight to speak in favor of IR 1134, the Sunday and holiday bus service legislation. I'm here tonight in a way wearing three different hats, one as a member of Five Town World Transit, a citizen advocacy group on the East End of Long Island working hard to improve our transit services. I'm also a member of the Suffolk County Planning Commission and I am, because of limited vision, a regular user of the Suffolk County transit system. So I'm quite familiar with the bus operations and also quite dependent on their service levels.

I'm asking that you support this bill in part because of the overwhelming East End business community's support for the legislation. I have with me, and I believe in your packets are letters from the Tanger Outlet Center, the Riverhead Chamber of Commerce, East End Getaways and many others. The Riverhead Town Board also will be passing a resolution, a Sense Resolution in support of this bill, because we recognize out on the East End that we need the labor force of Riverhead and points west out on the Twin Forks, particularly during the peak season. The businesses there need the laborers, the laborers need the jobs; it's quite clear to us that the service is essential to the future of our economic expansion.

Also, I want to mention that Suffolk County DPW itself conducted a study, actually paid for a consulting study done by Urbitran, which recommends Sunday and holiday bus service, east end -- Five Towns World Transit, along with the East End Transportation Council, conducted a coordinated rail and bus study just last year, which also supports expanded service on the East End, if not for the entire County, which I would support later on when that bill comes up.

Lastly, I want to say that the system that exists now was created back in the 70's when the blue laws were in effect. Nobody did much of anything on Sundays, other than go to church and have family dinners. Today all businesses, service businesses, are open on Sundays and holidays. One cannot get a job if you say to a perspective employer I can't work on Sundays and holidays. It's just not going to happen, and those jobs go begging because people can't get there, and they're not high wage, they are not high salary jobs. So if we want people to access those entry-level positions, we need to enable them to get there.

Also, the principle point here of this legislation is that we know, we all recognize that Suffolk County can't contribute more money to the bus system currently. We understand the economic conditions going on on the Island and around the country, but the fare increase covers the cost of running this service on Sunday and holidays. We, the riders, will be paying the extra 50 cents so that we can have access, not just to our jobs, but to our recreational facilities, our beaches, our friends on holidays.

And so until some day when we can get our money's worth out of the MTA, because you all know I'm sure, and you have heard it many, many times, how much we send to the MTA and how little we get back in subsidies. We need to do this.

**P.O. LINDSAY:**

Vince, could you wrap up?

**MR. TALDONE:**

I understand. I will wrap up. So again, we would just like to say we would love to do this. We would like to show you that it will work on the East End, and then you can consider making this a County-wide system in the near future, and I hope you will support us.

*Applause*

**P.O. LINDSAY:**

Kathy Cunningham.

**MS. CUNNINGHAM:**

Good afternoon. Kathy Cunningham. I live in East Hampton. I'm here today to speak in favor of the Sunday and holiday bus service that my colleague, Vince Taldone, just discussed with you. I am the President of Five Town World Transit, we're a citizens advocacy group. We do a group of volunteers that are advocating for better public transportation on the East End. We're very excited about the option of Sunday and holiday service because it's a first small step to an integrated transportation system. We do not have an integrated public transportation system on the East End. There's a tremendous need for it, and I would urge you to pass it.

I also want to reiterate, and I'm sure you have it in your packets today, that the East End business community, the Montauk and East Hampton Chambers of Commerce, East Hampton Business Alliance, have all written in -- their support of this bill as well as Bob DeLuca, who's the Director of the Group for the East End. So this is a wonderful combination of environmental community and municipal advocates for public transportation coming together to support the same bill. I think it's a great opportunity to demonstrate how this can work. The 50 cent increase should pay in fares, it's actually kind of an overdue increase in the rate of a fare hike and that will help to pay for it.

While I'm here I would also like to support IR 1162, which bans the sale and use of coal tar sealers. I can't emphasize more strongly how our water is so dependent. We have a sole source aquifer here on Long Island, as I'm sure you are aware. It's imperative that we do everything we can to protect that source of water from any contaminants. It's been demonstrated very carefully that coal tar contaminants are a terrible contaminant and I would urge you to pass that bill as well.

I want to thank Legislators Schneiderman and Romaine for their support on the Sunday service and holiday service issue and thank you for the opportunity to speak.

**P.O. LINDSAY:**

Thank you, Kathy. Reverend Charles Coverdale. Following the Reverend is Adrienne Esposito.

**REVEREND COVERDALE:**

To the Honorable Presiding --

**MS. ORTIZ:**

You need to hold the button, Reverend Coverdale.

**REVEREND COVERDALE:**

I'm glad I don't have one of these in my church. The Presiding Officer, all the Legislators here, Resolution 1041-2011, introduced by Legislator Romaine, Gregory and Vilorio-Fisher. I am the Reverend Charles A. Coverdale, the First Baptist Church and I am speaking today on behalf of LION, the Long Island Organizing Network. I am presently serving as LION's President. LION is an organization of churches, unions and other community based organizations in Suffolk County. We

have a history of work in the public arena on issues affecting our families and our communities, including housing, education and immigration reform.

LION has supported this legislation for three reasons. First, we owe it to the memory of Mr. Lucero and his family. His violent death is the result of our failure as a community to stand up to each and every incident of intolerance. Whether it is preacher or politician who fails, silence in the face of hatred is coward, dangerous and wrong. We must not allow consent to such acts by our silence.

Second, we owe it to our children and future generations. They must be able to function in a world where our interrelationship with people who are not like us is critical to social and economic success. The blindness of bigotry will only limit their options.

Third, we owe it to ourselves as the people of faith and as guardians of the American dream. We still have a chance to follow the guidance of our better selves and our fundamental teachings to see our brother and sister in everyone. This legislation is just a step, but LION believes it is an important one. We trust that you will, too. I urge you to adopt this legislation to make Suffolk County a place where all people can live with dignity. Thank you.

### *Applause*

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

Thank you.

**P.O. LINDSAY:**

Thank you, Reverend. Adrienne Esposito followed by Michele Lynch.

**MS. ESPOSITO:**

Good afternoon, Members of the Legislature. My name is Adrienne Esposito. I'm the Executive Director of the Citizens Campaign for the Environment. I'm here one more time, hopefully the last time on this issue, to ask you to please support and vote yes for Suffolk County Resolution 1042. As hopefully you know by now, since I'm sure you read very studiously the letter I sent you, that 41 million Americans are drinking water that's contaminated with one or more pharmaceutical drugs. Right here in Suffolk County the latest tests show that 40% of drinking water also contains one or more pharmaceutical drugs, the top two being antibiotics and anti-convulsants. Eighty percent of America's rivers and streams also have this contamination.

So what can we do? Well, we can do something. This bill is a terrific start. It simply requires that health care facilities put together a plan once a year for safe disposal of unwanted and outdated and unused pharmaceutical drugs. This issue is very real, Legislators, it's very insidious. We can't taste it, we can't see it, we can't smell it, we don't know it's there; but it's there. What we can do is prevent it. We know that preventing pharmaceutical contamination is much safer and much cheaper than dealing with the situation after it occurs. The bill is a preventive measure, it will cost the County nothing, and yet it will prevent contamination of drinking water and surface water supplies.

I want you to know also our office has been getting calls from health care workers from these particular facilities telling us in some cases they are already doing this and why do we need this bill, and in other cases, too many cases, that they agree, because at their facility they are still flushing the drugs down the toilet, leading it into groundwater and surface water supplies. We have had several tell us, as a matter of fact, it's their job to flush and they had no idea the protocols changed. This bill is about providing the education we need, providing the incentive we need, and providing the really -- the impetus we need to get health care facilities on board with the new protocols and safe disposal.

And also, I know you will be very happy to know, this has overwhelming public support. I thought I would bring and submit to the Clerk for you the almost 6,000 signatures throughout many of the legislative districts of members of the public, who also support and would urge you to also join us and to vote yes. Thank you so very much. We appreciate your support on this.

*Applause*

**LEG. COOPER:**

Thank you.

**P.O. LINDSAY:**

Thank you, Adrienne. Michele? Michele Lynch followed by Ruth Gaines.

**MS. LYNCH:**

Good afternoon. Unfortunately I'm here on behalf of 1199 SEIU. We're in four states representing over 350,000 health care workers. I'm also the Chairperson of the Long Island Immigration Alliance and a member of the Long Island Organizing Network. Unfortunately, this Friday marks the hundredth anniversary of Triangle Shirtwaist fire -- factory fire in which 146 young, mostly women of Italian and Jewish descent, immigrants, died tragically. Out of that, though, came good laws and unfortunately bad things happen to make good laws. We have now health and safety regulations and labor laws because of that.

Unfortunately, Suffolk County, because of the past anti-immigrant rhetoric and the murder of Marcelo Lucero, is known throughout the country and the world. Marcelo Lucero's name is also along with the names of Jonathan Bird and Matthew Shepherd. It's very symbolic with the hatred which characterizes it and Long Island, which is the third most segregated suburb in the nation.

So I would like to thank Legislator Ed Romaine, Legislator DuWayne Gregory and Vivian Vilorio-Fisher for introducing this legislation, which establishes understanding, acceptance and respecting our cultural differences week in remembrance of Marcelo Lucero. Today gives you all an opportunity to start the dialogue in Suffolk County and begin a healing process of all Suffolk County residents by passing this -- the resolution and stop trying to pass anti-immigrant laws and the guys who are protecting workers, when workers are the ones being hurt. We would like you to affirm that you will stop anyone who tries to pass these type of laws. Thank you.

*Applause*

**P.O. LINDSAY:**

Ruth Gaines followed by Jane Fasullo.

**MS. GAINES:**

Good afternoon, Presiding Officer Lindsay and Deputy Presiding Officer Vilorio-Fisher and members of the Legislature. Thank you very much for this opportunity to come before you to talk about 1041, which is a resolution to providing understanding, accepting and respecting our cultural differences.

I stand before you as a resident of Suffolk County since 1959, and also I am representing the National Association of Puerto Rican and Hispanic Social Workers. I have been here in this County that I love very much and I have seen many, many people come and join us as residents, wonderful, it is what you call a rainbow of colors. It's a lot of languages that are spoken here and it's wonderful when you go around and you see the many people that are brothers and sisters. However, somebody said to me, "Ruth, why does Suffolk County have to pass a resolution regarding acceptance, understanding and respect?" And I said, "Well, you know, sometimes things happen."

I am so sorry to hear -- I was so sorry to hear and so was the Association, to hear what happened to Mr. Lucero, and we are hoping that in the future that our future generations will be able to be given the opportunity with the education that they need, our children and also many of our adults too, about understanding and respecting each other. Thank you very much. And I ask you to support and to adopt this resolution.

*Applause*

**P.O. LINDSAY:**

Thank you, Ruth. Jane Fasullo followed by Maryann Slutsky.

**MS. FASULLO:**

This is difficult, I have two very good acts to follow. First, on the issue of the pharmaceuticals, Adrienne Esposito has given you many pieces of information, very statistical in nature, that certainly qualify and tell you that we do need to protect our drinking water from pharmaceuticals. The Sierra Club has a program of water testing, but it is not possible without extremely large budgets to get really good handles on the type of pharmaceuticals that we are finding in our rivers and streams. As much as we might like to, it's beyond our scope. We are nonetheless aware that these things do exist. It has been evidenced by changes in sex of fish, it has been evidenced by a number of scientific supporting data that pharmaceuticals are not good in the water. I'm happy to see this bill here. I hope you approve it.

I further hope it is just a beginning to expanding this kind of collection. The County has put in the collection facilities for individuals to bring pharmaceuticals to these mailbox type of units. They are not sufficient. I would hope that you would expand this to consider using drugstores as drop off places in some way in the future, where human beings that cannot travel 20 or 30 miles to drop off their drugs or have some reason not to go that far, can go to their local pharmacy with their expired drugs, leave them, and know that they'll be taken care of properly.

The second issue I wanted to address was the declaration of surplus of the Yaphank land. Again, I dare not try to pronounce the name of the gentleman who's the President of the Yaphank Civic, but he kind of took the wind out of my sails. He had a lot to say and rightfully so. The civics and local people were not involved in making the decision, they were not on the task force. Not only them, but many other organizations need time to digest that material. I really would like to see that decision be postponed, but I want to thank you for including in the legislation now the potential for lease of the property instead of an outright sale. Thank you.

*Applause*

**P.O. LINDSAY:**

Maryann Slutsky followed by Joselo Lucero.

**MS. SLUTSKY:**

Good afternoon, Honorable Members of the Legislature, and thank you for this opportunity for me to share my thoughts. My name is Maryann Slutsky, I'm the Director of Long Island Wins. Long Island Wins supports the resolution establishing understanding, accepting and respecting our cultural differences week in remembrance of Marcelo Lucero. This resolution will give our community the opportunity to continue the healing process and to join together in a collective and unified effort to say no to hate. We ask you to you unanimously support this resolution, and thank you to Legislator Romaine, Legislator DuWayne Gregory and Legislator Vivian Vilorio-Fisher for introducing this resolution. Thank you.

*Applause*

**P.O. LINDSAY:**

Joselo Lucero. Please come forward, Mr. Lucero. Followed by Dr. Luis Valenzuela.

**MR. LUCERO:**

Good evening, Ladies and Gentlemen. Thank you so much for giving me this opportunity to come forward about this -- this resolution that establishes an understanding and acceptance and respect to the culture of the immigrants is one of the first steps we have to go in looking forward to -- this is a big change for us. We -- I'm really -- I really love to have this resolution passed because we have to understand our communities suffer so much, and we have with my family and also for my community. I would to raise my voice to say this is something positive for us. We have to understand. We have to have only one week just to educate the community. We talk about this country fighting overseas for human rights everywhere, but you know what? They don't do nothing here. This should be started right here.

*Applause*

We have a 265 days every day where we see so many new, so many commercials, sometimes really against immigrants and against gays and bullying and stuff like that. When we should have one week of many commercials to educate the community, to educate the kids, because when we're talking about my family or my brother, we forget something. It was seven families that day destroyed, and there was teen-agers. You don't know how I feel to know 18 years old guy is staying in jail for 25 years and another for seven. Their lives is ruined already. They're not going to have the same life as before. They got to carry that in the conscience every single day, and because you know why? Because us, we let it happen. We should be changing.

I see many people, I know faces, I see comments about immigrants, about illegals. You know, what is illegal for you guys? Illegal is what, a drug dealer? A rapist? What is that? You know what is for me an immigrant, an illegal? A person who comes from overseas looking forward to have a dream come true, because he can provide their family to survive. That's what they're here for. I see one person last week, I attended to the funeral, he was like seven years here, he don't have a chance to go back to his country. How do you explain he's dead now? How do you explain to his family he's dead because he followed the dreams but they're not going to see all seven kids. So you should be starting now a change. Stop holding the hot potato, throwing it side to side. You know, it's time to hold it and say let's change it.

Thank you.

*Applause*

**P.O. LINDSAY:**

Dr. Luis Valenzuela, followed by Doug Swesty.

**DR. VALENZUELA:**

Thank you, Joselo. Distinguished Ladies and Gentlemen, I am here of course to urge you to pass Resolution 1041.

A year ago, March 21st, many of us in this room, including Joselo Lucero, were in Washington among 500,000 persons who were looking to make our country a better place, and one of the first speakers who spoke mentioned Marcelo Lucero. Marcelo Lucero's name has become a symbol. Unfortunately it's associated with hate, and what we have here today is an opportunity to start to change that. It would be nice, it would be welcome, to have that name reflect a new attitude in Suffolk County, a welcoming, a new attitude in Suffolk County of inclusion and integration.

The name Lucero, as I mentioned here a couple of years ago, means light, and that young man, his death is providing us the light to make changes here in Suffolk County. We need to be a County that's an example for the rest of the nation, an example of inclusion. All too often I also hear

comments about Suffolk County. Before Arizona Suffolk County was called ground zero. If you have seen over the last few days, regular people have put a stop to the anti-immigrant, anti-Latino legislation in Arizona. I think we can do that here. I think we need to turn that corner. I think that the name Lucero has to reflect an appreciation of all of our residents and a welcoming of all who come here. I urge you to pass 1041.

### *Applause*

**P.O. LINDSAY:**

Doug Swesty followed by Linda Ogno.

**MR. SWESTY:**

Good afternoon, Members of the Legislature. I thank you for the opportunity to address you. My name is Doug Swesty, I am a resident of East Setauket, but I am here representing the Suffolk County Chapter of Trout Unlimited, which is a national conservation organization dedicated to the preservation of cold water fisheries.

I would like to speak today to two particular resolutions. The first of these, which is a no-brainer, is Resolution IR 1042, which Ms. Esposito talked about, and we would like to add our support to that, asking you to please pass that resolution to preserve the surface water integrity of our rivers and streams here on Long Island.

The second resolution I would like to speak to you is IR 2236 regarding the surplusing of property in Yaphank. All of you are well aware at this point of the Carmans River watershed planning process that had been ongoing for a number of months now with the Town of Brookhaven. Many of us have been working to come up with a stewardship plan which would maintain the integrity of the Carmans River. The river is in many ways one of the finest examples of coastal plain stream on the east coast, yet at the same time it is already impaired; this is not a matter of opinion, it's a matter of fact.

DEC has just released a biological assessment of the river that shows in the reaches of the river that are immediately adjacent to the properties under discussion, the river is already classified at the middle level, that is moderately impaired. We have recently released a generic EIS for this action. The citizens haven't yet had time to assess what's in that. There are a number of issues on which environmental NGO's, in particular Trout Unlimited, have disagreed with other organizations like the Yaphank Civic Association. This is not one of them. We are in complete agreement on this issue.

We would like to see this property preserved as a legacy for all of our generations to come. You surplusing it in the attempt to balance a budget, which would be a one-time irrevocable action, doesn't really make sense. We ask you to act to please give us a legacy of a wild scenic and recreational river, not a legacy of a so-called village which is really masquerading for a development. Thank you.

**P.O. LINDSAY:**

Linda Ogno followed by Nanci Dallaire.

**MS. OGNO:**

Hi. My name is Linda Ogno. I just wanted to talk about one of your favorite subjects, the John J. Foley Skilled Nursing Facility. I'm just here to put on record my opposition as a taxpayer of the sale of this beautiful facility, and I think that it's an end of an era and the beginning of a sale of a lot of our County assets. I think in this one case right over might or might over right did not prevail, and I'm sorry to see this sad day in Suffolk County. Thank you.

**P.O. LINDSAY:**

Nanci followed by Lance Reinheimer.

**MS. DALLAIRE:**

Thank you for this opportunity. I just wanted to express my gratitude to all who supported the John J. Foley Skilled Nursing Facility and who tried to preserve the legacy for Mr. John J. Foley, but I must express my disagreement with the faulty process and the inadequate procedures that allowed this detrimental decision to sell John J. Foley. I do what I can to better our society; I vote, I obey the laws, I work hard, I pay taxes and my dues, but today criminals are being given higher priority. Even sex offenders are provided for.

It's insulting to me to be told we cannot afford vital health services, yet the Vanderbilt Museum will receive a \$3 million overhaul and park fees, not taxes, were raised to help them. Nothing against the beautiful Vanderbilt Museum, but I cannot get help unless I'm irresponsible enough to rack up \$10,000 in credit card debt. I need to be a heroin addict to qualify for a program. I must be desperate and destitute to receive any assistance, and these services are disappearing. It's discouraging. Where are we to turn? I once again voice my concerns for our future needs.

Last week I received my tax bill. The County General Fund was \$58.80. It stated there was zero percent change from the prior year, but actually that's not true. My prior year was \$64.30, the difference of \$7.50. I paid \$7.50 less, while John J. Foley was so draining on our County. Selling off this County facility and abolishing vital health services was in our best interest? Maybe I'll see that someday, but not today. Today I'm disappointed in a system that I trusted in, but that system is broken and it's failing the people. And without more courageous souls who are not afraid to stand up for us when it may not be popular or profitable, I fear the future here in Suffolk.

The sad reality of these times we live is seeing more people attend a rally for that dysfunctional animal shelter than for John J. Foley and the important steps to fix those problems and protect those animals are already in place. They hired proper personnel and they improved the operations to secure their futures. What does this say about our attempt? We could have saved Foley.

*Applause*

**P.O. LINDSAY:**

Lance?

**MR. REINHEIMER:**

Good afternoon. I'm Lance Reinheimer. I'm the Director of the Vanderbilt Museum. I'm here to speak on four resolutions. The first resolution is IR 1201, which is a transfer of two vehicles to the museum. One vehicle is a full-sized utility van and the second vehicle is a mini-van. The utility van will be used by our maintenance people to move artifacts on the campus of the museum and to pick up building supplies for maintenance. Currently they use a dump truck which is -- it's reaching its useful life and it's many times not practical being that the weather -- it doesn't protect materials from the weather. The second vehicle will be used for visitor transportation in addition to our trams. It provides protection from the weather. Our trams are open and are not suitable for people with limited mobility.

The second resolution, 1202, is rewiring of historic buildings, capital appropriating resolution as scheduled in the Capital Program. This provides \$50,000 for safety improvements, wiring improvements in various buildings determined by a list that was prioritized by the Department of Public Works.

Resolution 1203, the third resolution, is another capital appropriating resolution. This appropriates \$100,000 for weather-proofing and roofing of buildings. This is going to specifically be used for the planetarium prior to the installation of the equipment. I talked to Public Works, if everything goes through okay they should be able to do the roofing in June, which is before the installation of the star projector.

The fourth and final resolution is 1238, which is the transfer of a surplus printer to the museum and will help us with our technology improvements. Thank you very much.

**P.O. LINDSAY:**

Thanks, Lance. Douglas King. Douglas King followed -- ladies, ladies, would you help that man, please? Followed by Sandra Thomas.

**MR. KING:**

My name is Douglas King, I live in the Town of Amityville, and the reason why I'm here today is to talk about IR 1165, which is about extending SCAT, which is Suffolk County Transit for disabled people. I think it should be expanded to Sundays because there are a lot of times when a person who is working in retail is not able to get to work because the SCAT is not running or even the holidays like Mother's Day, Father's Day and all of the other holidays are happening and people are not able or cannot use SCAT, you know, on Sundays. So I please ask that you please extend it to Sundays because it's really something that the disabled people need.

Just to give you a further note, I also sit on the Suffolk County Disability Advisory Board, and it's something that we have all been discussing within our board, and it is something that is truly needed for the disabled people within Suffolk County. Thank you.

**P.O. LINDSAY:**

Thank you very much. Sandra Thomas.

**MS. THOMAS:**

Good afternoon. I didn't plan to speak here this afternoon, but I noticed on the agenda of 1237, a recommendation to remove John J. Foley's name from the Skilled Nursing Facility, and I would just like to say that I'm very saddened that Mr. Foley's name is going to be removed and that Mr. Foley is not being honored. John Foley was an educator, an advocate for education and a very active member of this Legislature. And I'm saddened that the Skilled Nursing Facility, the monies are being transferred and that that facility no longer is -- and that was what he wanted for this community and for the poor and down-trodden of this community. And I do think that this Legislature should do something to honor John J. Foley. I feel that his name should have stayed on that Skilled Nursing Facility, even if it didn't belong to the County. Thank you.

**P.O. LINDSAY:**

Mary Finnin.

**MS. FINNIN:**

Good afternoon. Thank you for allowing me to speak. With respect to the resolution authorizing the removal -- 1237, removing the name of John J. Foley, I support the resolution. I was here the day that his daughters spoke to the Legislators and said the day that you privatize the nursing home, you take my name off. He wanted that to be a County facility. He worked hard for many, many years as a Legislator to make sure that we had that kind of a facility for the public. And on his dying bed he told his daughters he did not want his name left if they did privatize that facility. I think you can verify that with the Foley daughters, but it's on prior legislative minutes. So I support that. I don't think there's an amount of money that you can put on the name and so, therefore, this new vendor should not be allowed to use it or misuse it.

I also wanted to address 1190, authorizing a project spotlight. I believe if you want to put a spotlight to honor the veterans of this County or this country you should put it on the memorials that are down on Vets Highway and on other communities where we have veterans memorials and not on the Dennison Building. That to me does not represent the veterans that have served in this country. Put the spotlight where it belongs, on the veterans memorials. Thank you.

*Applause*

**P.O. LINDSAY:**

That's all the cards I have. Is there anyone else in the audience that would like to address us? Seeing none, I will accept a motion to close the public portion.

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington, seconded by Legislator Muratore. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Fifteen.

**P.O. LINDSAY:**

Okay. Could I have all Legislators to the horseshoe? We're going to start addressing the agenda. I'll make a motion on the consent calendar --

**MS. ORTIZ:**

Actually it was 13.

**P.O. LINDSAY:**

-- with one exception and Counsel will tell you one of the resolutions has been removed.

**MR. NOLAN:**

1125 has been removed from the Consent Calendar. We're going to consider that under Ways & Means separately. A Legislator requested that it be moved.

**P.O. LINDSAY:**

Okay. So with that provision we have a motion to accept the Consent Calendar. Motion by Legislator Barraga, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions? Is the Davis Family in the audience?

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

Yes.

**LEG. BROWNING:**

Yes, they are.

**P.O. LINDSAY:**

Yes they are, okay.

**LEG. BROWNING:**

Can I make a motion to take 2275 out of order?

**P.O. LINDSAY:**

That's just what I was going to do. I'll second that motion.

**LEG. MONTANO:**

What page is that?

**P.O. LINDSAY:**

It's on page 11. We have a motion and a second to take 2275 out of order. All in favor? Opposed? Abstentions? 2275 is before us. **2275, Renaming Main Street in Yaphank in Honor of Herbert W. Davis.**

**LEG. ROMAINE:**

Tim.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Would someone like to make a motion to approve?

**LEG. BROWNING:**

Yes, I would like to make a motion to approve 2275.

**P.O. LINDSAY:**

Seconded by Legislator Eddington. Any discussion?

**LEG. BROWNING:**

Bill, real quick, on the motion. I'm very glad to see that Mrs. Davis is here today. When I took office six years ago I got to meet Herb Davis. I actually got to see him the night that he passed away. Herb Davis, in the years that I have been in office, I have had -- I have not nothing but the utmost respect for him. He was always at the Yaphank Fire Department, that was his second home. And as a Legislator he would come and tell me how I was doing, and I would always say to him, "Well, let me know if I'm doing something wrong".

A couple of the things that Herb had talked to me about was John J. Foley and the Yaphank development and he told me don't let it happen. And I'm sorry to say that John J. Foley didn't happen, that it is being sold. However, we will continue to keep Legacy Village from becoming a reality because I know Herb was passionate about that issue also. So I'm very happy to be the sponsor to rename Main Street in Yaphank in honor of Herb Davis. He was a great Legislator and a good man.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes. Herb Davis succeeded me as Legislator. I served in the late 80's and after I left office Herb took my place. He was someone that was known to me even before that because we both were Commissioners in the early 80's in the Town of Brookhaven and Herb had been Commissioner and Chief Fire Marshal and a whole host of other things for many, many, many years. He was a strong advocate for his district, someone that engendered great respect, particularly amongst the fire service. And for every Legislator here, for every Legislator here, that has asked for information so they can make wise and intelligent decisions and had been denied that legislation, thank Herb Davis for the Davis Law that requires department heads to respond within five days of a request; he was the Legislator that drafted that. And although sometimes that is not always honored, there is a law

on the books that does require that. And it's that type of information as Legislators, because we don't run the day-to-day events for the County, we do policy and general policy, but sometimes we need specifics to formulate that policy. That has been very helpful.

He left his legacy in many ways. I know in his community and for his family he will be missed. But he also served this County and the Town of Brookhaven with great distinction, so I'm happy to strongly support this resolution.

**P.O. LINDSAY:**

Okay. We have a motion and a second on 2275. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

And to the Davis Family, I just congratulate you on this honor.

### *Applause*

**P.O. LINDSAY:**

I went a little too fast after the Public Portion. We have reports from the Executive, Commissioners, Directors and nobody told me that Commissioner Anderson wanted to report something to us, so I'm going to go back and do a little do-over. If, Commissioner Anderson, if you would come forward and tell us what you have on your mind.

**MR. LAUBE:**

Gil, do you want to sit?

**COMMISSIONER ANDERSON:**

No, that's okay. If you have to move that stuff I'm in trouble. Thank you for this opportunity to speak. I just want to speak on a couple of resolutions just to clarify a few issues before today's meeting, you know, in case we don't talk about them later.

With regard to 1138. I would start by commending Legislators Schneiderman and Romaine on their attempt to initiate the Sunday service. As Legislator Schneiderman knows -- I'm sorry?

**LEG. SCHNEIDERMAN:**

1134, you said 1138.

**COMMISSIONER ANDERSON:**

Oh, I'm sorry, 1134. At best we can provide this year a two-and-a-half month, ten hour Sunday program or a three month, eight-hour Sunday program. I have a table that can be circulated, if you like. I have provided it to BRO and Budget, so they're aware of it. I do have concerns which we've spoken about in committee regarding the increase not being vetted to a public hearing, but obviously that's been overridden.

IR 1185 asks for an additional \$500,000 which will allow us to complete all of the sidewalks contemplated under this project. We received bids on the project, very favorable bids, and we only needed the additional funds to complete the work. The remaining funds that were anticipated for this year we would like to use as an offset to help fund 1170, a project which we will also -- we also desperately need to help our department man the projects that we have before us this year.

1170 -- bear with me a second, sorry. 1183 there were some -- there was an error on our part with regard to the actual recharge basins that will be used. I'm going to try to open this up and hold the button. I just wanted to let you know which of those recharge basins -- here it is -- will be contemplated under this project. The first one is the recharge basin at Terry Road, on Terry Road at Annetta Drive. The second is the recharge basin on Terry Road at South Avenue and Hallock Avenue. The third is on Fifth Avenue at the northwest corner and at Yarnell Street. The last would be Montauk Highway east of Route 24 and across from the Hampton Bays Fire Department. The list that was submitted with the resolution was incorrect and identified the wrong ones. And that's it. Thank you.

**LEG. SCHNEIDERMAN:**

Can I ask a question?

**LEG. MONTANO:**

Yes, question.

**P.O. LINDSAY:**

Yes, Legislator Montano and then Schneiderman.

**LEG. MONTANO:**

Good afternoon, Commissioner. How are you?

**COMMISSIONER ANDERSON:**

Good. Thank you.

**LEG. MONTANO:**

With respect to resolution 1134, the bus route, the question I have is the financial analysis. As I understand this bill, it will increase the fare in certain designated areas to allow for the Sunday service.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. MONTANO:**

Have you done an analysis to determine whether or not it is going to be cost effective in that the fare increase in and of itself will allow you to pay for the service that is provided without asking for additional funds or tapping into any additional budgetary items?

**COMMISSIONER ANDERSON:**

Maybe I didn't make myself clear enough. Given the increase that's proposed for the S-92 and the 10-C, we feel that we would only be able to run, over the course of a year, it would be a five-month operation for a 10-hour Sunday service. In fact, if this proposal starts in July, we feel we'll only be able to do two-and-a-half months for a ten and a half -- I'm sorry, for a 10-hour Sunday service.

**LEG. MONTANO:**

And then you said you would be able to do three months for an 8-hour service?

**COMMISSIONER ANDERSON:**

Yeah, if we ran an 8-hour service on a Sunday it would be able to be extended for three months.

**LEG. MONTANO:**

For the same period of time or would they be combined? In other words, you are talking about a five month period?

**COMMISSIONER ANDERSON:**

No, it's --

**LEG. MONTANO:**

It's either/or.

**COMMISSIONER ANDERSON:**

Either/or, yes.

**LEG. MONTANO:**

All right. But there really is no revenue generated at this point because we don't have the 50 cents extra, so we're sort of running this program on a credit basis? In other words, we're fronting the money for the service and collecting it subsequent?

**COMMISSIONER ANDERSON:**

Well, yes, once we initiate the service we will begin the increased fares. At some point there may be a little bit of a dip depending on the actual revenue that's received. But, again, the anticipation would be that by the end of the year it would pay for that time that we've had the Sunday service.

**LEG. MONTANO:**

What if in the eventuality that at the end of the year it did not pay for the service, where do we go there?

**COMMISSIONER ANDERSON:**

Right now unfortunately we run in a deficit as it is. You know, we do rely on Federal funding. It would have to come from County coffers to make up the difference.

**LEG. MONTANO:**

Okay. Thank you.

**LEG. D'AMARO:**

Bill?

**LEG. SCHNEIDERMAN:**

I want to, if I may, get some clarification.

**P.O. LINDSAY:**

Legislator Schneiderman, don't make it too long, because we don't know whether this man is getting paid or not getting paid, you know?

**LEG. ROMAINE:**

Hopefully getting paid this week.

**LEG. KENNEDY:**

Are you off detention yet?

**LEG. SCHNEIDERMAN:**

He deserves every penny.

**LEG. MONTANO:**

And more, that's true.

**LEG. SCHNEIDERMAN:**

Commissioner Anderson, first of all, thank you for crunching the numbers for me. The way this bill is written and designed is so that it doesn't impact the County taxpayers at all, that the increased costs are all borne by the riders themselves, and that you would extend the service to the greatest extent that you can. I personally favor the 10-hour day because people work 8-hours days so they need to get to work and be able to get back from work. The two-and-a-half months, although I think you will be able to go further than that based on my revenue projections, if yours prove true, at least gets us past Labor Day, so from July 4th through Labor Day it is the busiest time on the East End and that's covered. Next year the five months, based on your numbers, Memorial Day through Labor Day, maybe to Columbus Day, that's significant. That will make a major difference. Hopefully the revenues will prove higher.

In terms of Legislator Montano's question, in terms of cash flow, I believe you are treating this quite conservatively so that by ending after Labor Day, and you will have a pretty good sense of how much revenues are coming in and at what pace those revenues are coming in, you should have a pretty good sense of when you need to terminate the service to make sure all the costs are fully covered. So I certainly don't anticipate there being any cash flow issues during the course of the year. Is that correct?

**COMMISSIONER ANDERSON:**

Again, these are projections and a lot of that is based on the SCAT. If the SCAT services are used, you know, extensively, then it does put a big hole, you know. So this is, you know, it -- there is a certain amount of risk involved with this, but, you know, we feel with the numbers that are here we can run that type of program.

As we discussed, what I would like to, if possible, consider this a pilot program over the course of this year, next year, and then we, you know, at the end of that time we can analyze the numbers and make a good assessment of how successful it was or how unsuccessful it was. And at that point if it is unsuccessful obviously we would look to remove it from service.

**LEG. SCHNEIDERMAN:**

And, Gil, under this plan we are actually starting the fare increase about two weeks before we start Sunday service, so there will be a little build up of revenues before we begin as well. I just wanted to point that out to Legislator Montano. I think we start mid-June and then Sunday service starts in July.

**LEG. MONTANO:**

Well, if I may.

**P.O. LINDSAY:**

Okay, Legislator Barraga.

**LEG. BARRAGA:**

Commissioner, in the memo that you had sent out, if I recall correctly, you were talking about if the rate was increased for a period of 12 months that would be enough to cover six months of Sunday service.

**COMMISSIONER ANDERSON:**

Correct, that was at the 8-hour per day.

**LEG. BARRAGA:**

Right, the 8-hour.

**COMMISSIONER ANDERSON:**

Yes.

**LEG. BARRAGA:**

And then you said for a -- if the length was six months that's enough to cover three months.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. BARRAGA:**

Now, in the dialogue between yourself and the sponsor, Mr. Schneiderman, are you pretty much in agreement that the length of the service will consist of whatever timeframe the additional money covers?

**COMMISSIONER ANDERSON:**

Yes.

**LEG. BARRAGA:**

So that the taxpayers aren't paying anything?

**COMMISSIONER ANDERSON:**

Yes.

**LEG. BARRAGA:**

But that's indeterminant at this point because you really don't know how much revenue is going to come in.

**COMMISSIONER ANDERSON:**

Right. We can keep an eye on the budget as it gets towards the end of the summer and if we have --

**LEG. BARRAGA:**

And, Mr. Schneiderman, you are in agreement with that?

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BARRAGA:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. D'AMARO:**

Bill?

**LEG. MONTANO:**

Thank you. I just wanted to go back to the point that we ended on, because what I'm hearing from Legislator Schneiderman and yourself seems to be a little inconsistent. We're going to start collecting -- as I understand this, we're going to start collecting the additional 50 cents in that area a couple of weeks before we commence the service. And what I thought you said at the end of our discussion was that if, in fact, the fare increase doesn't support the cost of services, we would run into a deficit.

**COMMISSIONER ANDERSON:**

That is a possibility, yes.

**LEG. MONTANO:**

Now, when will you -- when will you make that determination; is it at the end of the calendar year, the end of the fiscal year, which is December 31st? In other words, this program, you are going to start it in the summer, you are going to end it, I guess, around Labor Day.

**COMMISSIONER ANDERSON:**

That's the --

**LEG. MONTANO:**

And we're going to continue to collect the revenue -- I'm sorry, Gil -- we're going to continue to collect the revenue. And when do you make that determination as of what's in the kitty December 31st?

**COMMISSIONER ANDERSON:**

Well, we would monitor it as we go through the summer. I would anticipate the ridership to be at its highest during the summer.

**LEG. MONTANO:**

During the summer, right.

**COMMISSIONER ANDERSON:**

So once we get to that point where we start getting in toward September we're going to have to look at our revenues to make sure that there are going to be enough to get us the additional two weeks. If it looks like we're not successful we'll have to, you know, pull back the service by a couple of weeks. If -- at the same time, if we find that during the first month or second month the SCAT ridership increases, because that would put a significant hit into our program, that would further cause us to reduce or shrink the program time period.

**LEG. MONTANO:**

So are you saying that you have discretion in terms of how long this experimental bus service is going to run based on the numbers, or are we locked into a three month period?

**COMMISSIONER ANDERSON:**

From reading the legislation it says, "To the fullest extent possible." And the way I understand it and discussing it, you know, is that this gives us the ability to say, you know, come Labor Day we're shutting it down or if there's an excessive draw we may have to protract it even further.

**LEG. MONTANO:**

That's post Labor Day.

**COMMISSIONER ANDERSON:**

Post Labor Day or even, again, even -- there's no -- our target is right now based on this is September 15th, two-and-a-half month period. And it's a target. It --

**LEG. SCHNEIDERMAN:**

You can modify that based on cash flow.

**LEG. MONTANO:**

You can modify it forward or you can modify it back depending on -- in other words, if you are making a ton of money, then you can extend the period, but if you are losing money, you can shorten the period; is that what you are saying?

**COMMISSIONER ANDERSON:**

We would have to provide sufficient notice, but yes.

**LEG. MONTANO:**

And then let's assume that you ran the program until the end of the summer season, and we've extended funds because we're actually fronting the money for the service. It's not paying for itself initially.

**COMMISSIONER ANDERSON:**

Theoretically, right.

**LEG. MONTANO:**

Theoretically. At what point does this cut-off -- does it not cut off at the end of the year, isn't that where you determine whether or not this program was successful or not successful?

**COMMISSIONER ANDERSON:**

Yes, at the end of the year you would look back. I mean --

**LEG. MONTANO:**

So if it's not successful, at the end of the year, let's say, I don't know what the numbers are, I haven't seen your analysis, but we've spent \$200,000 and we have collected \$100,000, and on December 31st we're \$100,000 short. What do we do? Where does the money come from at that point? That's just a theoretical, hypothetical, whichever way you want to take it.

**COMMISSIONER ANDERSON:**

Right. I mean, it would have to come from the Operating Budget, you know, we would have to take from another line and transfer it over.

**LEG. MONTANO:**

Okay. Thank you.

**P.O. LINDSAY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. My questions don't go to the bus service, they actually go to another resolution that's in Public Works, so in order not to break the flow --

**P.O. LINDSAY:**

Why don't you let Legislator D'Amaro go.

**LEG. KENNEDY:**

Absolutely.

**LEG. D'AMARO:**

Okay, thank you. Commissioner, good afternoon. Just a couple of quick questions to help me make a decision. In the bill the fee -- if the program does not become self-sufficient and we have to subsidize the Sunday bus service, is there any mechanism in the legislation to sunset the fare increase on the folks that are paying for this? I mean, we might have a one-time subsidy.

**COMMISSIONER ANDERSON:**

Right.

**LEG. D'AMARO:**

Or is the intention to then go forward again, keep the fare increase in place and cut back the service to a point where, based on the figures from the prior year, we'll be able to maintain service for a lesser period of time.

**COMMISSIONER ANDERSON:**

There's nothing within the resolution that allows us or tells us one way or the other. It's my hope and one of the things that I wanted to express was that this be considered a pilot program. If at the end of the year we find it's a terrible, you know, mess, then we withdraw it. If we find that it's a success and we go on to next year, then at the end of the next year we analyze it again.

**LEG. D'AMARO:**

Right, but the bill does not do that, so to pick up on what Legislator Montano was, I believe, driving at, if there turns out to be -- the projections are just that, projections, and it turns out that there was a miscalculation and, in fact, we need to subsidize the bus service for that year, first year let's say. What adjustment is made in the next year so that there's not a further subsidy from the County General Operating Fund.

**COMMISSIONER ANDERSON:**

Well, based on our projections we would not be running the service in the beginning part of the year. So I would anticipate at that point if it's -- if we find that it's, you know, done that poorly, we would then make a recommendation or try to pass or ask to pass some type of resolution basically stopping the program.

**LEG. D'AMARO:**

But at that point, short of getting a resolution, what discretion do you have to cut back the service once it's been implemented?

**COMMISSIONER ANDERSON:**

It says "to the fullest extent possible", that's the terminology that's in the legislation. So I would anticipate that if I see this is going bust early, we end it. We give everybody sufficient notice and end the program.

**LEG. D'AMARO:**

So you feel that under the legislation you would have the authority without any further legislation to cut back the length of service.

**COMMISSIONER ANDERSON:**

That's my understanding, but I would ask Counsel certainly.

**LEG. D'AMARO:**

George, if you don't mind.

**MR. NOLAN:**

I agree with the Commissioner.

**LEG. D'AMARO:**

Okay. My other question, very quickly, was what is the projected monthly cost to provide the service, the Sunday service?

**COMMISSIONER ANDERSON:**

Can I -- well, what I can tell you -- let's see. Well, actually it's going to be about -- the revenue -- okay, the revenue coming in is about \$12,000 per month for the Sunday service. The cost per week, or was it month did you ask?

**LEG. D'AMARO:**  
Month.

**COMMISSIONER ANDERSON:**

Month is about 40, about \$40,000. At the end of the day to run, and I can certainly share this with you if you want, my table. The net in -- the revenue, that revenue increase for a 10-hour day of Sunday service for half a year is going to be 93,688. For a two-and-a-half month period at 10-hour Sunday bus operations would be 81,399. And it might be a little more clearer if you --

**LEG. D'AMARO:**

No, I understand; so based on your projections there's sufficient funding for one of those programs.

**COMMISSIONER ANDERSON:**

Correct.

**P.O. LINDSAY:**

Okay.

**LEG. D'AMARO:**

Thank you.

**P.O. LINDSAY:**

Legislator Kennedy, I'm going to ask you to make it really quick because we're going into an executive session at six o'clock and I would like to get Mr. Culhane's resolution before us because his family's here. Otherwise we're not going to get to it until eight o'clock.

**LEG. KENNEDY:**

Okay. Yes, Mr. Chair, I will. I had the opportunity to speak to the Commissioner this morning at length, so the only item that I see on here that I wasn't able to chat with you about before is the road project that's actually in the southern part of CR 17, Wheeler Road. We have a resolution on there. It kind of overlaps between myself and Legislator Montano, and I was just curious. There's a portion of Wheeler Road that's south there, just south of the Expressway, it was excavated probably a year ago, eighteen months ago, and now has just sat there without anything else going on. Tell me that this resolution is about that and I'll stop talking.

**COMMISSIONER ANDERSON:**

No, it's not about that.

**LEG. KENNEDY:**

Oh, okay. Well, then I have to talk.

**COMMISSIONER ANDERSON:**

This is actually about the intersection of Motor Parkway with Wheeler Road.

**LEG. KENNEDY:**

Motor Parkway and?

**COMMISSIONER ANDERSON:**

And CR 17, Carleton Avenue. Is that the --

**LEG. KENNEDY:**

Oh, okay. All right.

**LEG. ROMAINE:**  
Mr. Presiding Officer?

**P.O. LINDSAY:**  
I have -- are you done?

**LEG. KENNEDY:**  
Yeah, I'll let it go based on the fact that we have short time.  
Thank you, Commissioner.

**P.O. LINDSAY:**  
I know you want to take a reso and I have two others in front of you, and I'm trying to get done by six.

**LEG. ROMAINE:**  
Okay.

**P.O. LINDSAY:**  
I would like to make a motion to take Resolution 1194 out of order.

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

**P.O. LINDSAY:**  
I'm going to get you the page.

**D.P.O. VILORIA-FISHER:**  
That's in Environment.

**P.O. LINDSAY:**  
Page nine, third reso down. I have a second to that by Legislator Viloría-Fisher. Is there any discussion?

**D.P.O. VILORIA-FISHER:**  
I would like to make a motion to approve.

**MR. LAUBE:**  
Wait, wait.

**P.O. LINDSAY:**  
Did we take the vote on taking it out of order?

**MR. LAUBE:**  
No, you didn't call the vote.

**LEG. ROMAINE:**  
What resolution?

**MS. LOMORIELLO:**  
1194.

**P.O. LINDSAY:**  
1194, third reso down on page nine.

**P.O. LINDSAY:**

Did you count to take it out of order?

**MR. LAUBE:**

You didn't call the vote yet.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions? To take it out of order, okay.

**MR. LAUBE:**

Sixteen (Not Present: Legislator Cooper).

**P.O. LINDSAY:**

Okay, the reso is before us. ***1194-11 - Confirming appointment of Commissioner of Environment and Energy (Brian T. Culhane) (County Executive)***. Do I have a motion?

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

I would like to make a motion to approve.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher. Seconded by Legislator Barraga. The motion is before us. Is there anybody who wants to say anything, any discussion?

**LEG. ROMAINE:**

Good guy.

**LEG. BROWNING:**

No, good luck.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Not Present - Legislator Cooper).

**P.O. LINDSAY:**

Congratulations, Mr. Culahne.

**MR. CULHANE:**

Thank you.

**P.O. LINDSAY:**

Okay.

***Applause***

Okay. And then Legislator Cilmi wants to make a motion to take a resolution out of order, and then Legislator Romaine.

**LEG. CILMI:**

I would like to make a motion to take IR 1209 out of order. It should be on the last or second to last page, it's under Public Works.

**P.O. LINDSAY:**

It's on page 13, third down.

**LEG. CILMI:**

1209.

**P.O. LINDSAY:**

I will make a motion to take 1209 out of order. I'll second the motion to take it out of order. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Not Present: Legislator Cooper).

**P.O. LINDSAY:**

Okay. Motion is behind -- before us; not behind us, before us.

***1209-11 - Requesting legislative approval of a contract award for implementation of a Collection System Treatment Process Improvement Project for Sewer District No. 3 – Southwest (County Executive).*** Would you like to make a motion, Legislator Cilmi?

**LEG. CILMI:**

Please; motion to approve.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

Motion to approve Legislator -- well, I was just going to the sewer guy.

**LEG. HORSLEY:**

Go with it.

**P.O. LINDSAY:**

The sewer guy seconds it. Legislator Horsley seconds it.

**LEG. HORSLEY:**

Seconds it.

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

I have sewers on both sides.

**P.O. LINDSAY:**

We have a motion and a second. Would anybody like to -- the reason Legislator Cilmi took it out of order is this is that new in pipe technology and the folks are here from Indiana. There you are. And we wanted to -- didn't want to keep them all hours of the night.

**LEG. HORSLEY:**

Worthwhile project.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen (Not Present: Legislator Cooper).

**LEG. CILMI:**

Cosponsor on this bill, please.

**MR. LAUBE:**

Will do.

**LEG. HORSLEY:**

Same here, Tim.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes, thank you, Presiding Officer. I would like to take Resolution 1041 out of order, under Health & Human Services.

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

Second; I'll second that, Mr. Chair, if I may.

**LEG. MONTANO:**

What page is that?

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

Health & Human Services, page nine.

**LEG. ROMAINE:**

It's the first one under Health & Human Services.

**P.O. LINDSAY:**

1041. Okay, motion to take it out of order by Legislator Romaine, second by Legislator Viloría-Fisher. On the motion, on the vote to take it out of order, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen (Not Present: Legislator Cooper).

**P.O. LINDSAY:**

1041 is before us, *Establishing "Understanding, Accepting, and Respecting our Cultural Differences Week" in remembrance of Marcelo Lucero (Romaine).*

**LEG. ROMAINE:**

Motion to approve.

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

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Romaine.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen (Not Present: Legislator Cooper).

**LEG. ROMAINE:**

That's unanimous.

**LEG. SCHNEIDERMAN:**

Tim, could you list me as a cosponsor?

*Applause*

**P.O. LINDSAY:**

Okay. Mr. Like is with us, but before -- we have five minutes, I'm going to try to get in.

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

Make a dent.

**LEG. NOWICK:**

Go for it, make it work.

**P.O. LINDSAY:**

Okay, we'll start on page seven, *Resolutions Tabled to March 22nd, 2011:*

*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).* Do I have a motion?

**LEG. BROWNING:**

Motion to table.

**LEG. ROMAINE:**

Motion to table.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen (Not Present: Legislator Cooper).

**P.O. LINDSAY:**

*2236-10 - Declaring as surplus and authorizing sale and/or lease of real property in Yaphank pursuant to County Law Section 215 (Presiding Officer Lindsay).* I am going to make a motion to table.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen (Not Present: Legislator Cooper).

**P.O. LINDSAY:**

*2244-10 - Adopting Local Law No. -2011, A Local Law to regulate the off-road use of four wheel drive vehicles and motorcycles (Browning).*

**LEG. BROWNING:**

I would like to find out from Counsel, are we good to go on this? Because I know there were some questions.

**MR. NOLAN:**

Right. We amended it per the comments of the County Attorney's Office, so it should be ready to go now.

**LEG. BROWNING:**

Okay. So I'll make a motion to approve.

**P.O. LINDSAY:**

Do I have a second?

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

I'll second it.

**P.O. LINDSAY:**

Second. On the question, could the sponsor explain what the bill does?

**LEG. BROWNING:**

A little bit of history. We had some County-owned property and private land off of William Floyd Parkway, it's the ADR property where there were people going in there with their four-wheel-drive -- we have an ATV bill. However, they are going in there now with their trucks. I received a call from the owner, plus LIPA, that these vehicles have been going into the property and they actually showed me pictures of electrical cables that have been exposed because of what these vehicles are doing. We only have the ATV laws, so we're expanding it to the four-wheel-drive vehicles. We also have County-owned property next to that, Pine Barrens. They have been going in there also and destroying up the Pine Barrens properties. So this is just basically extending the ATV law to include four-wheel-drive trucks.

**P.O. LINDSAY:**

Okay. We have a motion and a second. Anybody else? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Maybe this is for Counsel.

**LEG. CILMI:**

I have a question.

**LEG. SCHNEIDERMAN:**

We have a lot of parks in my district, County-owned parks, extensive four-wheel-drive use to go fishing, etcetera. Most -- a lot of the access to the beaches are by four-wheel-drive. Does this impact that on County land? And if so, I just would ask --

**MR. NOLAN:**

What the law says is that if they go on public land, they have to do so with a valid permit.

**LEG. NOWICK:**

Don't they have to do that now?

**MR. NOLAN:**

That's all it says.

**LEG. SCHNEIDERMAN:**

They have to do that now, right?

**MR. NOLAN:**

I think so, yes.

**LEG. SCHNEIDERMAN:**

So how does this law change anything?

**MR. NOLAN:**

Well, it's going beyond ATV -- well, it's saying expressly that those prohibitions now extend out to the motorcycles and these four-wheel-drive vehicles. So probably on our public land, County land, it probably wouldn't make that much of a difference since they already do need a permit to come on.

**P.O. LINDSAY:**

Anybody else?

**LEG. CILMI:**

Yeah.

**P.O. LINDSAY:**

Legislator Cilmi.

**LEG. CILMI:**

Thank you. To Counsel; could you just, I guess, briefly describe what the ATV law is and then tell me why, I mean, it would seem to me that this would just -- don't we have trespass laws that would take care of this?

**(\*THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY  
LUCIA BRAATEN-COURT REPORTER\*)**

**MR. NOLAN:**

Well, it applies to -- it applies to public and private property, both. And what the ATV law says now is you cannot go on to public property or private property with these vehicles unless you have permission to do so. So what this law -- it's basically taking that law and it's extending the -- those provisions out to these other types of vehicles. So that if somebody wanted to take their four-wheel-drive vehicle on private property, they could do so, but only with the permission of the property owner. And if they didn't have that, then they would be subject to criminal penalties and also forfeiture law.

**LEG. CILMI:**

Okay. So, just with reference to trespassing laws, the criminal penalties, I guess, would apply for the trespassing laws, but the forfeiture laws wouldn't; is that correct?

**MR. NOLAN:**

That's probably correct, yeah.

**P.O. LINDSAY:**

We've passed a couple of pieces of legislation on the ATV's, the problem is we can't catch them.

**LEG. ROMAINE:**

Can't enforce it.

**P.O. LINDSAY:**

You know, we can't enforce it. I mean, we pass all kinds of legislation, but it's -- nothing seems to work. Anybody else? Okay.

**LEG. SCHNEIDERMAN:**

I would make a motion to table this. I'm sorry.

**LEG. MONTANO:**

Is this --

**P.O. LINDSAY:**

You're going to make a motion to table?

**LEG. SCHNEIDERMAN:**

Yeah, I want to take a little bit more look at the impacts potentially in parkland in my area.

**P.O. LINDSAY:**

Okay. Is there a second to the tabling?

**LEG. MURATORE:**

Second.

**LEG. MONTANO:**

I'll second it.

**P.O. LINDSAY:**

Seconded by Legislator Muratore. The tabling goes first. We have a motion and a second. Roll call.

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

**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. MURATORE:**

Yes to table.

**LEG. ROMAINE:**

Pass.

**LEG. BROWNING:**

No.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

No.

**LEG. GREGORY:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**MR. LAUBE:**

Thank you.

**LEG. COOPER:**

(Not Present)

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

No.

**P.O. LINDSAY:**

No.

**LEG. ROMAINE:**

No.

**LEG. EDDINGTON:**

No.

**MR. LAUBE:**

Six.

**P.O. LINDSAY:**

Okay. Motion to approve. Roll call.

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

**LEG. BROWNING:**

Yes.

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

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

No.

**LEG. MURATORE:**

No.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

No.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

(Not Present)

**P.O. LINDSAY:**

Yeah.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Twelve.

**P.O. LINDSAY:**

Okay. We are going to go into Executive Session at this point. I need a motion to go into Executive Session.

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Montano. It's to discuss the ongoing LIPA litigation. And don't anybody go too far, because it's going to be quick.

**LEG. D'AMARO:**

And --

**MR. LAUBE:**

Call the vote.

**P.O. LINDSAY:**

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

**LEG. D'AMARO:**

Okay.

**MR. LAUBE:**

Seventeen.

**LEG. D'AMARO:**

And I'm going to recuse, Bill. And also, I'll recuse from participating in the Executive session. Thank you.

**MR. LAUBE:**

Sixteen.

*(\*Executive Session Was Held from 5:03 P.M. to 5:27 P.M. \*)*

**P.O. LINDSAY:**

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

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

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Present.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

(Present).

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Here.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

(Present).

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

Here.

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

Here.

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

All right. We have about three minutes. I'm going to try and do a couple of more resos before we go into Public Hearing.

***2258-10 - A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman).***

**LEG. SCHNEIDERMAN:**

I'll make a motion to table.

**P.O. LINDSAY:**

Motion to what?

**MR. NOLAN:**

Table.

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

Table.

**P.O. LINDSAY:**

Table? Legislator Schneiderman makes a motion to table.

**LEG. COOPER:**

Second.

**LEG. SCHNEIDERMAN:**

Yeah, I'm still working on the bill.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1002 - A Local Law to protect the public from injury caused by accumulated snow or ice on moving commercial motor vehicles (Cooper).*

**LEG. COOPER:**

I believe that has to be tabled for a public hearing.

**MR. NOLAN:**

Has to be tabled, going back into public hearing.

**P.O. LINDSAY:**

Okay. I'm sorry. So motion to table, I'll second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*I.R. 1027 - To amend the user fee schedule for Suffolk County Parks to implement an unlimited annual 9-hole golf pass for seniors who are veterans (Romaine).*

**LEG. ROMAINE:**

Motion.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Romaine, second by Legislator Kennedy. On the motion, Legislator Nowick.

**LEG. NOWICK:**

Just a question. George, was this all senior veterans or just World War II? I thought we were just discussing this as just supposed to be World War II.

**LEG. ROMAINE:**

I don't even know. What is it, George? I thought it was World War II.

**LEG. NOWICK:**

I thought it was all veterans.

**MR. NOLAN:**

It's all veterans.

**LEG. NOWICK:**

But I thought the intent of the bill was World War II veterans, so --

**LEG. SCHNEIDERMAN:**

They've got to be seniors.

**MR. NOLAN:**

We did have a lot of confusion in committee --

**LEG. NOWICK:**

Yeah, I remember that.

**MR. NOLAN:**

-- about the language.

**LEG. NOWICK:**

And to the sponsor, is that what you wanted? Ed? Hello, Ed. Is that what you want, all veterans, not just --

**LEG. ROMAINE:**

The more the merrier.

**LEG. NOWICK:**

Okay.

*(\*Laughter\*)*

**LEG. ROMAINE:**

I don't care, I really don't.

**P.O. LINDSAY:**

I mean, I just have to ask. It was explained to me as World War II veterans. And the cost is minimal, because, I mean, if you're a World War II vet, you have to be in your 80s. How many holes of golf can you play?

**LEG. ROMAINE:**

Presiding Officer, at this fee level, no matter what age you are, you have to play 44 rounds of golf before you even break even, I mean, before you, as a consumer, break even. The County's way

ahead on this one.

**P.O. LINDSAY:**

Okay, okay.

**LEG. BARRAGA:**

It's all veterans in all wars, as long as the veteran is over 65 years of age.

**LEG. ROMAINE:**

That's correct.

**LEG. BARRAGA:**

Where the confusion lies -- World War II, it also includes -- it also includes those who fought for the allies --

**LEG. ROMAINE:**

That's right.

**LEG. BARRAGA:**

-- but then became American citizens in World War II.

**LEG. ROMAINE:**

That's right. So, for example, if you fought for the French Army --

**LEG. BARRAGA:**

The French Army, the British.

**LEG. ROMAINE:**

-- and you emigrated to the United States and became a citizen. Right, that's it, you got it.

**LEG. BARRAGA:**

This is no doubt a classic Romaine bill.

*(\*Laughter\*)*

**LEG. ROMAINE:**

"If you cannot dazzle them with brilliance". . . and you know the rest of the phrase.

**P.O. LINDSAY:**

Legislator Nowick.

**LEG. NOWICK:**

Yeah. Ed, I'll be happy to vote for this, but with the caveat that when the seniors buy this pass for 44 different rounds, that they're also told that there's not a chance that there's that many rounds available. I mean, they have to know before spending this money that --

**LEG. ROMAINE:**

Right.

**LEG. NOWICK:**

-- they really may not be able to have that many rounds.

**LEG. ROMAINE:**

It's an option that's available for our veterans.

**LEG. NOWICK:**

Because there's not that many tee times.

**LEG. ROMAINE:**

Right.

**LEG. NOWICK:**

Okay. All right.

**P.O. LINDSAY:**

Okay. We have a motion. Legislator Eddington.

**LEG. EDDINGTON:**

Yeah, I was -- I thought that senior citizen age was 62, at least that's what they told me at the multiplex when I bought my senior citizen ticket.

**LEG. MONTANO:**

No, that's 60.

**LEG. EDDINGTON:**

Sixty-two, they said.

**LEG. MONTANO:**

No, I got it for 60.

**P.O. LINDSAY:**

I believe the legislation says 65.

**LEG. EDDINGTON:**

Well, I mean, that's why I'm asking, because it's senior citizen --

**MR. NOLAN:**

Doesn't say that.

**P.O. LINDSAY:**

Doesn't say that?

**MR. NOLAN:**

It doesn't say the age.

**P.O. LINDSAY:**

It doesn't say the age, so it's -- I guess it would be -- I don't know.

**LEG. ROMAINE:**

I believe it's 65. I think I turn 65 later this year, so. . .

*(\*Laughter\*)*

**LEG. EDDINGTON:**

Yeah, but you're not a veteran, I am.

**P.O. LINDSAY:**

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

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**  
All right.

**LEG. SCHNEIDERMAN:**  
Cosponsor, Tim.

*(\*Laughter\*)*

**LEG. ROMAINE:**  
You can't make this up.

**P.O. LINDSAY:**  
No, I'm not even going there. Okay. We're going into public hearings. Do I have any cards, Clerk's Office?

**LEG. MONTANO:**  
Are we there?

**LEG. NOWICK:**  
Okay, no, we don't have any cards.

**P.O. LINDSAY:**  
No, but it's 6:30; we're required to go into public hearings.

**LEG. MONTANO:**  
Oh, okay. That's why you're the P.O.

**P.O. LINDSAY:**  
Could someone from the Clerk's Office --

**MR. LAUBE:**  
They're checking.

**P.O. LINDSAY:**  
They're going to get them?

**MR. LAUBE:**  
We don't have any.

**P.O. LINDSAY:**  
Thank you. Okay. The first hearing is ***I.R. 2045-10 - A Charter law to limit campaign donations by members of the Ethics Commission (Cooper)***. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cooper?

**LEG. COOPER:**  
Motion to recess, please.

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*I.R. 2107-10 - A Charter Law strengthening the budget adoption process (Co. Exec.).* I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to recess.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*I.R. 1014 - Renewal and extension of ferry license and fares for Tony's Freight Services, Incorporated (Presiding Officer).* And I have a couple of cards on this subject. John Lund is first up. Mr. Lund, are you with us? There you are. You've got five minutes, Mr. Lund.

**MR. LUND:**

Good evening and thank you. It's not on.

**MR. LAUBE:**

You've got to hold the button down.

**MR. LUND:**

Hold it down, okay. Thank you and good evening. The community of Davis Park has been using Tony's Barge Service, Tony's Freight Service for a number of years and we've had very good service. Tony -- Tommy at Tony's is quite adept at moving some things around if holidays happen to fall on the wrong collection day. We worked well with them in the past scheduling for those holidays and making additions to notices that he furnishes the community with the scheduling, collection days, wrap, recycling, and all of that. We expect to be working with him again this year, 2011, on the renewals for the garbage contracts for the next three years in association with Fire Island Pines community and the Cherry Grove community. One hundred percent behind you authorizing the new license. Thank you very much.

**P.O. LINDSAY:**

Thank you, Mr. Lund. Barbara Weltsek.

**MS. WELTSEK:**

Good evening. I'm Barbara Weltsek.

**P.O. LINDSAY:**

Barbara, you have to hold the button. There you go, hold the button. There you go.

**MR. LAUBE:**

You've got to hold it.

**MS. WELTSEK:**

Now, am I there?

**MR. LAUBE:**

Yes.

**MS. WELTSEK:**

I'm Barbara Weltsek. I'm of counsel to general counsel to Tony's Freight and Barge Service. I honestly don't know what I can add to the speaker before me. But we are here if you have any questions whatsoever concerning the petition. The -- Tom Esposito, the principal, is here, and if there are any questions, we're available. Thank you.

**P.O. LINDSAY:**

Well, before you go, if we close the public hearing tonight, we can't vote on this, it has to go through a committee. We won't be able to vote on it until the end of April. Will that hinder your operation at all? When is your license up?

**MS. WELTSEK:**

We had the filing in on time. And I think the holdup for this date might have been collecting the landing permissions from all the communities we serve, but we did file on time. Technically, it was March 15th.

**P.O. LINDSAY:**

Robert, do you know where Craig is?

**MR. LIPP:**

He's not here right now.

**P.O. LINDSAY:**

Okay. Do you want to weigh in on this? What happens with these folks that -- is it a big deal that their license lapse if we can't approve it for a month?

**MR. LIPP:**

I think that would be something that George should be answering.

**MR. NOLAN:**

Well, we've had this situation in the past. Maybe this is something we can talk to with the County Executive about, maybe asking for a CN after we close the Public Hearing, if we are, in fact, lapsing.

**MS. WELTSEK:**

I do know from experience, this has happened to us once before with no consequence. And if it matters, we are not looking for a rate increase, it's simply to continue our business.

**P.O. LINDSAY:**

It makes it much easier. It's just I don't -- you're technically operating without a license now and I don't know what legal ramifications it has on you. I would rather have you operate with a proper license. And some of the County Executive's people in the back, maybe you could talk to the County Executive. Maybe he'd be willing to send over a CN so we could properly license these people. All right? That's in his hands, though. All right? Thank you.

**MS. WELTSEK:**

All right. Thank you.

**P.O. LINDSAY:**

Okay. That looks like all I have for 1014. Is there anyone else in the audience that would like us -- to be heard from on the Tony's Freight Service license? Seeing none, I'll make a motion to close.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen. (Not Present: D.P.O. Vilorio-Fisher and Legs. Schneiderman and Montano)

**P.O. LINDSAY:**

Next up is *I.R. 1100 - A Local Law to increase awareness of harmful effects of tobacco use (Cooper)*. And I have a few cards. First is Rubah Rehman. Rehman, Rubah? And followed by Karen Miller.

**MS. REHMAN:**

Good evening. My name is Rubah Rehman. I am Head of the Long Island Teen Environmental Activists, as well as a volunteer for the Huntington Breast Cancer Action Coalition. I'm in support of Legislator Cooper's bill, which requires graphic images of the effects of smoking to go up wherever cigarettes are sold.

The message that smoking is bad for you and that smoking causes lung cancer has been hammered into the minds of every teen-ager since day one, yet why is it that I see a cluster of kids smoking in the school corners or in the school bathrooms? Although billions of dollars a year are spent on anti-smoking campaigns, words alone are clearly not deterring teen-agers from this deadly habit. Instead of associating smoking with images of cancer-riddled lungs and decaying teeth, they consider smoking to be like forbidden fruit to them, making it seem more attractive and cool. The common saying, "We won't believe it until we see it," seems to be the best solution for reducing the purchase of cigarettes. Verbal and written warnings of the health hazards of smoking are not sufficient in stirring feelings of fear and disgust at the site of a cigarette pack.

Tobacco accounts for one of every ten deaths worldwide, and claimed 5.5 million lives in 2010 alone. In today's world of I-Pads and plasma televisions, visual display seem to be the most appealing and effective at gaining attention. We need a more creative approach to changing people's attitudes about smoking. Once you see illustrations of black lungs or a damaged heart, the truth can't get any uglier.

The issue of smoking hits the lives of many people, including myself, close to home. My dad is a heavy smoker who began smoking at the age of 16. Not once has he given thought and consideration to the labeled warnings issued by the Surgeon General saying that smoking causes lung cancer, heart disease and emphysema. Now, at the age of 53, my dad has coughing fits almost every day. On countless occasions, I have pleaded with my father to cease this deadly addiction, especially with the impending threat of him developing such diseases. However, now this addiction has reached a stage where it seems almost impossible to quit. My reminders of the health risks are futile. At times I wonder whether his being exposed to pictures of a diseased lung or discolored teeth would have prevented him from buying his first cigarette pack.

The personal impact that smoking has had on my life spread my interest in taking on a project to examine the relation between nicotine and breast cancer. Under the sponsorship of the Students and Scientists Program, I conducted research at Stony Brook University two summers ago to study the effects of nicotine on breast epithelial cells. I experimented on two different breast cancer lines and discovered that the addition of nicotine to these cells impeded the process of apoptosis or cell death. These findings demonstrated that smoking cigarettes can stop chemotherapeutic treatments from being effective. Such results are alarming, especially for younger smokers, as adolescence is the period of the greatest mammary cell differentiation and highest vulnerability to carcinogens.

According to the American Lung Association, approximately 80% of adult smokers begin smoking as teenagers. Another statistic reveals that 69 human carcinogens are in tobacco smoke alone. Such staggering statistics should be incentive enough to take a new course of action on the anti-smoking campaign.

I applaud Legislator Cooper's bill to adopt the requirement of posting images of the ugly effects of smoking directly on the packaging of cigarettes. It is time we take the next step and move forward. Just two years ago, Suffolk County made a unanimous vote to secure the ban of the carcinogenic chemical Bisphenol A, making it the first governmental body in the nation to take such a measure. We should take a similar leadership role with Mr. Cooper's bill, since the fight against tobacco has been a long and extended one, one in which doctors themselves initially asserted that it was good for you. There seems to be nothing to lose with enacting Legislator Cooper's proposal, but only so much to gain. Thank you.

**P.O. LINDSAY:**

Thank you. Karen Miller.

**MS. MILLER:**

Hello. I'm Karen Miller and I'm here representing Huntington Breast Cancer Action Coalition in favor of a Local Law to increase awareness of the harmful effects of tobacco use.

Currently, there are over a billion tobacco users worldwide. Smoking tobacco claims over 5 million lives annually, and is the number one preventable cause of death in the world. Smoking kills more people than AIDS, alcohol, drug abuse, car crashes, murders, suicides and fires combined. Prenatal exposure to smoke has been linked to increased incidents of asthma, pulmonary disease in children. I've had the privilege to work with most of you over the past 20 years on issues that pertain to public health. Suffolk County has been recognized for its global vision ability to work together to meet any challenges that come our way to achieve ground-breaking legislation, and together make contributions to our society that ensure the public's health.

Today we have Share the Science. We will share our personal stories and our creative ideas, and together figure out how to make important health changes. Here in Resolution No. 1100, a Local Law to increase awareness of the harmful effects of tobacco use, is yet another opportunity.

The science is out there on smoking, so I want to share my recent and very personal story.

My dear friend Susan, 69 years old, died December 22nd, 2010, of cancer. She was a public service lawyer, a fierce advocate for tenants, and was coined by many of the Judges in New York City as the "poor people's lawyer". Helping to ensure clean, safe housing, she was tough, let me tell you. Susan and I met in Washington more than a decade ago, and along with 25 other breast cancer community organizations, we shared her vision and initiated the New York State Breast Cancer Network, a one-of-a-kind coalition that serves over 100,000 women across New York State who face the diagnosis of breast cancer. Each one of us running a community organization certainly has the reputation for being tough by many standards, but we all called Susan the "Generalissima". She was smart, fair-minded, and kept us on course.

A little more than a year ago, my friend struggled needlessly to breathe. She had been a smoker in her younger years. She quit, but now she faced another serious quality-of-life issue. Her breast cancer had metastasized to her lungs. Throughout her suffering she continued to advocate for others, diagnosed with breast cancer, and she suffered. It was awful to see her struggle to talk and then to breathe. Being a woman of detail, and a general at that, three months ago, she called a few of us, the elder breast cancer activists, into the city. She actually called me and had somebody -- she whispered to somebody, "Tell her to hurry," hours before she would order the morphine drip to ease her into death. I sat with her while she took her last breath. Her death represents

immeasurable loss to me. Excuse me. Death is ugly, it is not pleasant to witness. I think if we all knew then what -- now what we knew then, and we had a strong community that stood together to warn about the dangers of smoking in any way that we can, Susan maybe would have been with us today.

Active smoking raises breast cancer risk by 108%. Secondhand passive smoke may increase the risk of breast cancer in younger menopausal women. Teens who smoke are more likely to develop breast cancer before menopause. Active smoking is linked to aggressive hormone receptor negative-type cancer. Smoking will promote the spread of breast cancer to your lungs, like my friend Susan.

Looking at images, the true picture of cancer is nothing compared to a diagnosis and losing a loved one to a hideous disease. Suffolk County has always been seeking out precautionary measures that change negative behaviors like smoking. This is an important opportunity to keep the pressure on to turn new smokers, perhaps give an active smoker a reality check, and to help eliminate the effects of passive smoke on those who struggle with compromising immune systems. Please work together to support Resolution No. 1100, a Local Law to increase the awareness of the harmful effects of tobacco use.

I really applaud our last speaker, Rubah Rehman. She is one of our students that you actually support through our Student and Scientist Program, and today we have some more students who would like to add their wisdom. Thank you very much.

*(\*Applause\*)*

**P.O. LINDSAY:**

Lauren Casale, followed by Sydney Markowitz.

**MS. CASALE:**

Hello. My name is Lauren Casale and I am affiliated with the Long Island Teen Environmental Activists and my school's Environmental Club. Today I am here to speak in favor of Resolution No. 1100, a Local Law to increase awareness of the harmful effects of tobacco use, introduced by Legislator Jon Cooper.

The detrimental effects that people suffer from as a result of smoking are well-known. However, the environmental effects of smoking are not as recognized in society. Annually, 4.3 trillion cigarette butts are littered worldwide. These cigarette butts take up to 15 years to degrade, and during these 15 years, they easily make their way into local bodies of water, polluting and leaking toxins into the water supply. Besides this contamination, these cigarette butts are also frequently mistaken as food for animals such as birds and fish, who upon ingestion often die. Additionally, the manufacturing of cigarettes also is destructive to our environment.

Modern day cigarette manufacturing machines use as much as 3.7 miles of paper per hour. Also, the plantations in which tobacco is grown on typically utilize unsafe pesticides, which can also harm water supplies. All of these things that I have mentioned are just a few of the variety of reasons why smoking needs to be actively prevented. I firmly believe that the first step towards protecting our community, our environment, and us is by passing this resolution. If posting pictures of the effects of smoking where cigarettes are sold will do anything to inhibit just one person from either starting to or continuing to smoke, it will be worth it. The fact is that while the majority of people know the consequences associated with smoking, they choose to put these detriments to the back of their minds and ignore them. However, if when they step into a local store to purchase cigarettes, they are faced with an image showcasing the potential outcome of their behavior, I believe that most people will think twice about what they are about to do. For this reason, I believe that it is necessary to approve this resolution. Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Okay. Sydney Markowitz, followed by Siraat Zafar.

**MS. MARKOWITZ:**

Hello. My name is Sydney Markowitz and I am a part of the Long Island Teen Environmental Activists. Today I am here to speak in favor of Resolution No. 1100-2011, a Local Law to increase awareness of the harmful effects of tobacco use, introduced by Legislator Jon Cooper.

In addition to my main classes at school, I take a health class as part of my school's Peers as Leaders Program. This allows me the unique opportunity to actually teach health classes to my peers. Although these students have taken wellness classes in the past, I am often astonished by the lack of information many of them have on the risks of drugs and alcohol. Fortunately, I am able to educate them along with my classmates. In this situation it works out. However, in many other situations, kids don't get the proper education on the harmful and true effects of these substances. By posting graphic photos, although it may not immediately stop someone from using the tobacco products, it may spark an interest for them to seek further information and education on its harmful and detrimental effects.

In addition to being a peer helper, I am also vice-president of my school's Environmental Club. As Lauren mentioned before, most people know that smoking is bad for the user, but what they don't know is that it also has many negative effects on the environment around them. Smoking amplifies air pollution, causes the death of animals who consume cigarette butts because they mistake them for food, and waste many pounds of paper every day. I strongly urge you to support adopting this proposed resolution that addresses why we need to use all the tools available to enable individuals to deter from smoking. Thank you.

**P.O. LINDSAY:**

Okay. Saraat.

**MR. ZAFAR:**

Hello. My name is Saraat Zafar. I'm affiliated with the Huntington Breast Cancer Action Coalition. Today I am here to speak in favor of Resolution No. 1100, a Local Law to increase awareness of the harmful effects of tobacco use, introduced by Suffolk County Legislator Jon Cooper.

Smoking is the most common method of consuming tobacco and tobacco is the most common substance smoked. Many smokers begin during adolescence. Usually during the early stages, smoking provides a pleasurable sensation, serving as a source of positive reinforcement. After an individual has smoked for many years, the avoidance of withdrawal symptoms and negative reinforcement become the key motivations to continue.

Tobacco use leads most commonly into diseases affecting the heart and lungs, with smoking being a major risk factor for heart attacks, strokes, chronic obstructive pulmonary disease, emphysema and lung cancer. Cigarette smoking increases the risk of Crohn's Disease, it is also the number one cause of bladder cancer. The World Health Organization estimates that tobacco caused 5.4 million deaths in 2004 and 100 million deaths over the course of the Twentieth Century. Similarly, the United States Centers for Disease Control and Prevention describes tobacco use as the single most important preventable risk to human health in developed countries, and important cause of premature death worldwide.

The rates of smoking have leveled off or declined in the developed world. Smoking rates in the United States have dropped by half from 1965 to 2006, falling from 42% to 20.8% in adults. However, in the developing world, tobacco consumption is rising by 3.4% per year. Every year

hundreds of thousands of people around the world die from diseases caused by smoking cigarettes. One in two lifetime smokers will die from their habit. Half of these deaths will occur in the middle-age. Tobacco smoke also contributes to a number of cancers. Tar coats your lungs like soot in a chimney and causes cancer. A 20-a-day smoker breathes up into a -- breathes in up to a full cup of tar in a year. Lung cancer from -- lung cancer from smoking is caused by the tar in tobacco smoke. Men who smoke are ten times more likely to die from lung cancer than nonsmokers. Heart disease and strokes are also more common among smokers than nonsmokers. Smoking causes around one in five deaths from heart disease. In younger people, three out of four deaths from heart disease are due to smoking.

Passive smoking presents a very real health risk. Six hundred and three thousand deaths were attributable to secondhand smoke in 2004. Passive smoking, also known as environmental tobacco smoke, involuntary smoking, or secondhand smoke occurs when the exhaled ambient smoke from one person's cigarette is inhaled by other people. Nonsmokers exposed to second-hand smoke are at greater risk for many of the health problems associated with direct smoking. Nonsmokers living with smokers have about a 25% increase in risk of death from heart attack, and are also more likely to suffer from a stroke. And some research suggest that risk to non-smokers may be even greater than this estimate.

One recent study in the British Medical Journal found that exposure to second-hand smoke increases the risk of heart disease among nonsmokers by as much as 60%. Passive smoking is especially risky for children and babies, and can cause low birth weight in babies, sudden infant death syndrome, bronchitis, pneumonia, and middle ear infection. Smoking costs the United States over 150 billion dollars annually in health care costs. Many governments have introduced taxes on cigarettes in order to reduce the consumption of cigarettes. Smoking affects all walks of life, especially the family life.

My friends, I would like to share a personal story of someone I knew who passed away. My Uncle {Kolid}, who was more of a social smoker, not even a habitual one, he was diagnosed all of a sudden with cancer and became severely ill. Though he is no longer amongst us today, I witnessed the psychological trauma my aunt and cousins went through. They could never recover from his loss. All I wanted to say is that life is fragile and we need to cherish it. Let's not shy away from the dangers of tobacco use. Let us all help pass this resolution.

Therefore, I strongly urge you to support adopting this proposed resolution that addresses why we need to use all the tools available to enable individuals to deter from smoking. Thank you.

**P.O. LINDSAY:**

Okay. That's all the cards I have on this Public Hearing. Is there anyone else in the audience that would like to address us on this Public Hearing? Seeing none, Legislator Cooper?

**LEG. COOPER:**

I make a motion to close.

**P.O. LINDSAY:**

A motion to close. Do I have a second?

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen. (Not Present: D.P.O. Viloría-Fisher and Legs. Schneiderman and Montano)

**P.O. LINDSAY:**

It stands closed. Next up is *I.R. 1121 - A Local Law to strengthen the County's Crack House Law (Browning)*. I have no cards on this subject. Is there anyone else in the audience that would like to speak on this subject? Seeing none, Legislator Browning?

**LEG. BROWNING:**

Motion to close.

**P.O. LINDSAY:**

Motion to close.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen. (Not Present: D.P.O. Viloría-Fisher and Legs. Schneiderman and Montano)

**P.O. LINDSAY:**

Next is *1124 - A Local Law to change the formula for distribution of funds and fees generated from the seizure and forfeiture of vehicles (Schneiderman)*. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none --

**LEG. ROMAINE:**

Motion to recess.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fourteen. (Not Present: D.P.O. Viloría-Fisher and Legs. Schneiderman and Montano)

**P.O. LINDSAY:**

*I.R. 1133 - A Charter Law to strengthen County Legislature Oversight of Departments, Offices and Agencies (Romaine)*. I have no cards on this subject. Is there anyone in the audience who would like -- please come forward, ma'am. If you could, please, identify yourself for the record.

**MS. MC GREGOR:**

Good evening. My name is Linda McGregor. Thank you for the opportunity to speak here tonight. The material that I have brought is relevant to Resolution 1133, a Charter Law to strengthen County Legislative oversight of departments, offices and agencies. In that material is the Suffolk County Comptroller's analysis of the proposed disposition of the John J. Foley Skilled Nursing Facility, dated March 2nd, 2011. I think that that report gives cause, gives justification why more oversight is needed, especially of the County Executive's department. Even though this report has been released to the media, there hasn't been any mention of this report in the media to the Suffolk County residents and taxpayers. The Suffolk County resident taxpayers are still in the dark as to what actually happened with the John J. Foley Skilled Nursing Facility. So I appreciate your consideration

in this matter as it relates -- as this resolution relates to this report that the Comptroller provided.

And I would like to thank the three Legislators who asked for this -- for this investigation by the Comptroller. Thank you, Presiding Officer Lindsay, thank you, Legislator Browning, and thank you, Legislator Kennedy for asking for this investigation into how the first lease, then sale, of the nursing home was conducted, which the Suffolk County taxpayers are still not aware of. And because the media has not given the facts to the residents and taxpayers of Suffolk County, I respectfully request that each and every Suffolk County Legislature -- Legislator provide a mailing to all there constituents, including -- including the Suffolk County Comptroller's actual report, unabbreviated and unaltered, so that the residents of Suffolk County have access to these findings, because as of now they do not have access to this report and these findings. Thank you for the opportunity to speak.

**P.O. LINDSAY:**

Thank you. Is there anyone else that would like to speak on 1133? Seeing none, Legislator Romaine?

**LEG. ROMAINE:**

Motion to close.

**P.O. LINDSAY:**

Motion to close.

**LEG. BROWNING:**

Second.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Schneiderman and Montano)

**P.O. LINDSAY:**

Okay. Next is ***I.R. 1146 - A Local Law to ban the sale of certain synthetic chemicals being marketed as "bath salts" in Suffolk County (Cooper)***. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cooper?

**LEG. COOPER:**

Motion to close, please.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Motion to close by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Leg. Montano)

**P.O. LINDSAY:**

Next up is **1147 - A Charter Law to protect taxpayers from large spikes in property taxes (Schneiderman)**. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

To close, motion to close.

**P.O. LINDSAY:**

Motion to close. Do I have a second? Do I have a second?

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen. (Not Present: Leg. Montano)

**P.O. LINDSAY:**

Next up is **1162 - A Local Law to ban the sale and use of coal tar sealers in Suffolk County (Presiding Officer)**. I have a number of cards on this subject. First up is Elsa Ford, followed by Karen Miller.

**MS. FORD:**

I'm Elsa Ford, President of the Brentwood-Bay Shore Breast Cancer Coalition. Our first mission is prevention, including reducing exposure to toxins. PAHs are lipolytic, so are stored in the fatty tissue in the breast, an increased risk has been shown in women and men. It has also been shown to alter cell signaling, increasing cell mutations. PAHs are also genotoxic, directly interacting with genes and causing damage to DNA. My source is State of the Evidence 2008, Janet Gray, PhD. Certainly an alert from the U.S. Department of Interior, U.S. Geological Survey is a reliable source of warning.

I would like to thank Presiding Officer Lindsay and the Suffolk County Legislature for taking action with this proposed resolution to ban the use and sale of coal base seal coat in Suffolk County. It not only protects us from exposure, but sets a shining example of taking action to protect health. My only request is that when this Introductory Resolution 1162 is passed, it is followed up by an aggressive program of education and enforcement.

And I know the hearing is closed, but if I may, I'd to add my support for I.R. 1100, to strengthen prevention at this time. Thank you very much.

**P.O. LINDSAY:**

Thank you very much.

**MS. FORD:**

You're welcome.

**P.O. LINDSAY:**

Thank you. Karen Miller.

**MS. MILLER:**

Hello. My name is Karen Miller and I'm here representing Huntington Breast Cancer Action Coalition. Researchers have now linked several environmental contaminants to the effects on the developing brain. In the sensitive process of brain developing, a lot of things can go wrong. There are things that are changing very rapidly as our babies are developing in the womb and they're supposed to happen in a particular way and in a particular sequence, very much like a choreography. The choreography, as some scientists have articulated, is made up of hundreds of performers, each taking instructions from chemical signals within the epigenome. Pollutants like PAH introduce noise into this process like static over the radio station. We're going to be hearing a lot about the epigenome, because we've mapped the genome and we know that genes do not totally cause disease. The epigenome is sort of like the software that turns signals on and off on our genes and begins to damage them.

So, therefore, the link between prenatal exposures to pollutant and cognitive development is a growing area of concern among scientists. They have been monitoring pregnant women at various stages and know that many chemicals, including PAH, can cross the placenta. One such study between 1998 and 2006, 462 pregnant women in New York City and Krakow, Poland carried backpacks for 48 hours that contained equipment for measuring PAHs. Then their children were divided when born into high and low exposure groups, those above the median and below. When they reached the age of five, they underwent standardized tests to measure their cognitive skills. They had seen a four point drop in IQs and it was linked to the higher exposed group.

It is well known that airborne pollutants -- that airborne pollutants, a toxic soup, is associated with low birth weight, diminished lung function, lung cancer and asthma, and scientists are connecting the dots between brain development, lower IQs and PAHs. We must take precautionary approach prevention first when it comes to the health of our children. I ask that we support No. 1162, a Local Law to ban the sale and the use of coal tar sealers in Suffolk County. Thank you very much.

**P.O. LINDSAY:**

Thank you very much. I don't have any other cards. If you'd, please, come forward, Adrienne.

**MS. ESPOSITO:**

Good evening. We also want to add our support for this important legislation. For 20 years we've been hearing that stormwater runoff, goes off of our driveways and into the bays. What we didn't realize is actually our driveways were going off into the water and into the bays. Now that we know that and the science is new, but the science is real, we need to act. What we do know is PAHs cause brain tumors in fish. We also know they disrupt the reproductive processes in fish as well. We also know they have numerous impacts to public health. Also, as you may know, that Home Depot and Lowes have banned the seal -- this particular sealant from the shelves. Also, other municipalities across the country are also doing this; Austin, Texas, Washington D.C., Dane County in Wisconsin. So we need to also help lead the way here in the northeast and do this, because we are particularly water sensitive. You know that, you don't need to hear that from me. We think this is a smart move, it's forward-thinking, and that it's something that deserves the reputation and the weight of Suffolk County Legislature behind it. Thank you.

**P.O. LINDSAY:**

Thanks, Adrienne.

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

Wayne has question.

**P.O. LINDSAY:**

Oh, wait. I'm sorry. Legislator Horsley has a question, Adrienne, if you don't mind.

**MS. ESPOSITO:**

Yes.

**LEG. HORSLEY:**

The radical. Adrienne, I just wanted -- I had a quick question. Is this -- this coal tar, is this the same coal tar that we're dealing with day in, day out with the manufactured gas plants --

**MS. ESPOSITO:**

It's like it plagues us, isn't it?

**LEG. HORSLEY:**

Is it the same stuff?

**MS. ESPOSITO:**

It's a waste -- yeah, it's a waste material generated in a conversion of coal to coke. So, yes, it's a very similar produce. It's a naphthalene-based material. And it's actually a good point you raised, because we're spending so much time and money to remove it from the soils across Long Island.

**LEG. HORSLEY:**

We're at 124 million and counting in Bay Shore, so that's --

**MS. ESPOSITO:**

Yes. And that's not to mention Sag Harbor and Halesite and --

**LEG. HORSLEY:**

And all the rest of them, right.

**MS. ESPOSITO:**

You want me to list them?

**LEG. HORSLEY:**

No (Laughter).

**MS. ESPOSITO:**

Okay. Just checking.

**LEG. HORSLEY:**

I understand. But it is basically the same, because they're talking as BTEX, and PAHs, and bituminous arsenic, and all the good stuff that causes cancer and all that.

**MS. ESPOSITO:**

All the things we don't want in our morning cereal, yes.

**LEG. HORSLEY:**

We've got a case here, Bill.

**P.O. LINDSAY:**

Thank you, Adrienne. Is there anyone else in the audience that would like to speak? Please, come forward, sir.

**MR. WALSH:**

Thank you. Thank you for let letting me speak. My name is Bill Walsh and I am the sales manager for VelveTop Products. We manufacture and distribute pavement maintenance products, one of which is coal tar pavement sealer. We are a family-owned Suffolk County company and have been

in business since 1968. We are a Charter member of the Pavement Coating Technology Council, which is an organization that researches pavement coatings. The PCTC advises us on the best manufacturing processes, application guidelines, proper handling procedures, and health and safety issues. Their studies have shown that the science used to support a ban on coal tar sealer is incorrect. We are asking this Legislative Body to hear their information before voting on this issue. Thank you.

**P.O. LINDSAY:**

Thank you. Is there anyone else that wants to speak on this subject? Seeing none, I'm going to recess -- make a motion to recess.

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

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Sixteen. (Not Present: Leg. Kennedy)

**P.O. LINDSAY:**

***I.R. 1222 - A Local Law to sunset living wage subsidies (Cilmi)***. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cilmi?

**LEG. CILMI:**

Motion to close.

**P.O. LINDSAY:**

Motion to close. Do I have a second?

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen. (Not Present: Leg. Kennedy)

**P.O. LINDSAY:**

Okay. Next is ***I.R. 1228 - A Charter Law to establish a 2% discretionary spending cap in Suffolk County (Cooper)***. And I have one card, Linda McGregor.

**MS. MC GREGOR:**

Linda McGregor. Thank you for the opportunity to speak again on Resolution 1228, a Charter Law to establish a 2% discretionary spending cap in Suffolk County.

New York Constitution, Article 7, Section 1, "No county shall give or loan any money or property to or in aid of any individual or private corporation, or association, or private undertaking, nor shall any county give a loan as credit to or in aid of any individual or public or private corporation or association in a private undertaking.

Introductory Resolution 1228, this law would -- states this law would lower the County's cap on annual increases in discretionary spending from 4% to 2%. For how many years has discretionary spending or member item money been on upward automatic pilot? Why aren't all the member items on a published list by amount, recipient and sponsoring Suffolk County Legislator or County Executive? Discretionary spending or member items, no matter what the reason, are vote-buying with taxpayer dollars.

The State Constitution does not provide for discretionary spending of County money by Suffolk Legislators or the County Executive; it certainly does not provide for member items. The State Constitution does not allow any Legislator or County Executive to give taxpayer money to local Chambers of Commerce. Chambers of Commerce are associations of private business owners.

The State Constitution is what all of you swore an oath to uphold; article 7, Section 1 is very much a part of it. Ten million dollars -- 10 million dollars a year in discretion spending or member items are not voted or discussed out in the open when they should be. Ten million dollars each year over the decades might have saved the John J. Foley Skilled Nursing Facility and the jobs that went with it. Thank you for listening.

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

Okay. Ms. McGregor, I'm sorry, I just wanted to let you know that actually our member items are published. We have Procedural Motions when -- those are voted on, they're in the public record, and we discuss them at public meetings. So every one of the member items is transparent for the public to see where the money is going.

**MS. MC GREGOR:**

Thank you for informing me of that. I wasn't aware of that and I apologize for that comment, then. How can the average person at home obtain that information?

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

Well, our resolutions are all online so they're in the General Meetings. And I guess there would be Procedural Motions, right, when we have -- they're Procedural Motions, and the titles are there for the different -- all of the different entities that get our member items within the resolutions.

**MS. MC GREGOR:**

So the Procedural Motions are synonymous with member items, then, it's one in the same thing?

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

No, there are -- there are different Procedural Motions. But maybe the -- you could call the Clerk's Office and they can help you to research that. Okay?

**LEG. COOPER:**

You do have to know what to look for. You have to know what to look for.

**MS. MC GREGOR:**

Okay.

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

The Clerk will know exactly how to direct you on that.

**MS. MC GREGOR:**

If I wanted to know the individual Legislator's member items or discretionary spending, would that require a FOIL request.

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

No, it would be in the resolutions. It's all in the resolutions with the sponsors, and Mr. Laube will help you out with that.

**LEG. BARRAGA:**

Or they can call the member's office.

**MS. MC GREGOR:**

Okay. Thank you for informing of this. Thank you.

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

Right. And you could call any one of our offices. You know, I think we'd all be with -- to provide you with a list of our member items.

**MS. MC GREGOR:**

Thank you, I appreciate it.

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

And let everybody know, because they'd be happy to know what we're supporting in our local districts.

**MS. MC GREGOR:**

Thank you. Thank you for the information.

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

Thank you. Okay. Our next speaker, I hope I'm not -- think it's John Lund, if I'm reading it correctly.

**MR. NOLAN:**

Is that on this public hearing?

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

On 1220 -- no, it's on 1225. I'm sorry. That's the -- I think those are all of the cards on 1228. Yes.

**MS. PEPENELLA:**

Can I speak on it?

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

Is there anyone else? Please come forward. State your name for the record, please, when you reach the mic.

**MS. PEPENELLA:**

I filled a card out front, but, I'm sorry, I got here late from work, so I need to walk a lot of steps.

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

Okay.

**MS. PEPENELLA:**

My name is Judy Pepenella? I'm a resident of Patchogue, and I'm also with Conservative Society for Action. Don't all of you faint thinking I'm coming to scream, because that's not the reason I'm here.

I came here last week and met with the Assembly Delegation in regards to the two percent tax cap that Cuomo was putting forth. I applaud the concept, I think it's a great idea. I love the fact that our Legislative group, all of you, put forth the four percent on discretionary spending. It shows an

aggressiveness that I don't see in the rest of the State, and that is a very good thing. I am just a little concerned on wording on the two different pieces. We're already aggressive down here with the four percent, it's excellent. Thank you. Believe it or not, I said thank you. I want that on record, you all heard that, okay, because, you know, I'm the rebel that screams.

I like the idea of two percent. It brings us more into the realm of what we need to do. It says I care about the guys that are on this side, the taxpayers. That is an awesome idea. I'm just a little scared with two words, two percent rate of inflation, whichever is less or whichever is greater. I'm a little concerned about where the rate of inflation may be going. If it goes up, that means spending can go up. I think you guys are aggressive enough to know what we need to do. If you can't keep it lower, then stay with the four percent.

You've already put a benchmark out that the rest of the State needs to look at. Yes, Judy Pepenella said you put out a benchmark the rest of the State needs to say and see and do. So I'm asking you to think, is an increase good or in a range where it could go up, the rate of inflation could go up and most probably will, or stay at the lower.

That's basically it. I think you guys know what we need and that's what I'm asking of you, to think of that side of it, an increase or lower. I'd prefer lower, I'd love two percent. That's my request to you guys. It's not an easy choice, we're all in this fire together. So, believe it or not, again, thank you for the four percent, and I'm repeating that. I don't care what my time is, I'm repeating it, that you hear it from me, thank you for the four percent that is aggressive and the rest of the State needs to fall in line with the awareness. So think about that. Believe it or not, Pep said something good about all of you. Thank you.

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

Thank you, Ms. Pepenella. Is there anyone else who wishes to speak on 1228? There being none, Legislator Cooper?

**LEG. COOPER:**

Our Budget Review Office has been speaking to the County Exec's Budget Office about my resolution and the resolution that he filed afterwards. We're coming closer on this. The County Executive actually modified his bill to bring it in line with mine, and two key points. What this lady was talking about just now is one area where there's still a disagreement. So I'd like to recess this resolution to give BRO and CEBRO an extra few weeks to try to find common ground.

**P.O. LINDSAY:**

We have a motion to recess; I'll second that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***I.R. 1243 - A Local Law to establish a policy for County funding notices (Romaine).*** I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Romaine?

**LEG. ROMAINE:**

Motion to close.

**P.O. LINDSAY:**

Motion to close. Do I have a second?

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***J.R. 1246 - A Local Law mandating compliance with financial disclosure requirements (Cooper).*** I have no 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, please.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***J.R. 1247 - A Charter Law limiting annual growth of the County Operating Budget to no more than 2% (Co. Exec).*** I have no cards on this bill. Is there anyone in the audience that would like to speak on this bill? Seeing none --

**LEG. COOPER:**

I'd like to make a motion to recess so both resolutions can be considered concurrently.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

And then we have ***Procedural Motion No. 9 - Authorizing a public hearing for the approval of ferry license for Davis Park Ferry Company (Presiding Officer).*** And I have a number of cards. John Lund, followed by Mary Parker.

**MR. LUND:**

Thank you, and good evening again. My name is John Lund and I'm the President of the Homeowners Association at Davis Park, Fire Island. Thank you for the opportunity to speak this evening regarding Procedural Motion 9, the license renewal for the Davis Park Ferry Company.

I'd like to clarify that I'm not trying to shut down this ferry company, but trying to ensure they obtain the necessary lease and license to operate a ferry service to our community of 285 homes and about 270 boat slips in the marina. The community of Davis Park obviously needs ferry service during 2011 and beyond.

The current petition before you is from the only company to ever provide scheduled service to Davis Park since about 1947. The timing of renewals and rate increases during the past decade always seems to fall at the wrong time, the wrong time of the year, and be deficient in some aspect regarding requirements and/or procedures needed to move applications through the Suffolk County Legislative calendar. Our community organization, the DPA, has in the past asked the Legislature to push rate increases through so that the company remain profitable and service was not curtailed. We appreciate your understanding of the past problems and allowing service to continue.

The license renewal petition, I.R. 1231-2011, before you was submitted almost three months late to move through the 2011 Legislative calendar process, as other applicants must do. I have been stating since mid-February this application should be delayed, and their license, expiring on March 27th, 2011, be amended, extending the expiration date by 90 to 120 days to allow conditions contained in the 2005 and 2008 rate increases to be completed. I also point out the lease renewal process with the Town of Brookhaven is not complete, and to our knowledge, there are there is no signed lease between the parties now. The lease stating the landing areas is required to proceed with this petition.

The Town, in 1999, with a lapse in leases, while working on a renewal, issued a letter outlining specifically, each party should need to conform to during the hold-over timeframe. To my knowledge, that has not occurred in this case. The Town was made aware of our concern on March 8th and we have not been notified. The DPA has been asking the Town to incorporate ferry schedules, as printed, into their lease with the ferry company since the early 1990's and have copied Suffolk County Legislators as well. Specifically, John Foley in April of 1993.

Our latest -- our latest request to the Town on September 30th, 2010 was basically ignored, and the final draft of the lease went to the resolution process at the Town without us seeing it or contributing to it. The permissive referendum process was advertised incorrectly, and the Town renewed the process, adjusting for some mistakes we brought to everyone's attention. That permissive referendum process will be completed about April 9th, 2011. It still leaves scheduling problem vague and confusing. It is my impression that if the County states the ferry company must adhere to schedules submitted with petitions as a minimum service level during the term of a rate approval, the Town would have to also include that minimum in their lease. They could then require more, but not less. I believe the lease does not clearly state this, but that's an issue we have to address with the Town.

We have been told the ferry company was unaware of the confusion over the reduced service incorporated into the February 15th, 2011 Town resolution, which -- that ultimately failed and got our attention. That service level included elimination of service during the month of November, and stipulated one round trip per weekend day during many Spring and Fall weekends. One round trip per day means you can get over in the morning, but there's no guarantee you'll get back in the afternoon. We found out that the company didn't have a copy of this lease, that we had gone through the first resolution process and one of our board members delivered a copy. I find it very difficult to believe a company would hire a lawyer from late Summer to January 2011 to negotiate a new lease and then allow it to go through the Town resolution process without seeing the final copy and the reduction in service levels our organization has been working with them on for the past few years.

I hope you are able to provide service to our community by extending the current license while sorting out some of the details or moving forward with a new one. I would ask that you specifically state that schedule submitted for rate increases be incorporated into approved resolutions, and that it is your wish that the Town of Brookhaven incorporate them as well into their documents. We believe the County, Town and homeowners' organizations could come together in some sort of mutual agreement, working together in the future to ensure profit for the company, as well as service level adjustments in the face of some sort of financial crisis that should also be incorporated

into any resolution. Thank you very much.

**P.O. LINDSAY:**

Thank you, John. I don't see anybody that has any questions, but you raised a lot of issues. So Mary Parker, and Mary Parker's followed by Donald Rettaliata.

**MS. PARKER:**

Hello. I'm Mary Parker. I'm Vice President of the Davis Park Association. And I, with June Haskins, represent the Ferry Committee of the Davis Park Association.

We've met numerous times with the Davis Park Ferry and worked with them about scheduling changes. We've compromised, we've found ways to work together, and we consider the Shermans our friends. Bottom line, what the community wants is ferry service. What we don't want is an interruption in that ferry service.

As you heard, it's a very complicated issue. There's the Town lease, and the County license. Should the license be renewed? Yes, it should. Is there a way to sort out the details? I hope there is. Should the ferry company be a bit more business-like? Yeah, probably. But we've worked with them for 50 years and we're happy to have them provide the service for our community.

**P.O. LINDSAY:**

Ms. Parker, before you go, we realize the calendar, and there's no one here that wants to cut off service to Davis Park, but our problem is I think the license is expired already.

**MR. NOLAN:**

The 27th.

**P.O. LINDSAY:**

Oh, 27th. We don't meet for another month.

**MS. PARKER:**

Our understanding is that the license -- oh, the license, I'm sorry. The lease -- the license has expired, okay.

**P.O. LINDSAY:**

The lease and the license are two different things.

**MS. PARKER:**

Yes, I know.

**P.O. LINDSAY:**

The lease is a Town issue, which, again, our understanding is it has been approved with a permissive referendum, which means if there's enough signatures, it could be overturned; highly unlikely. We're less concerned with that than -- we just don't like all this stuff being dumped on us the last minute, you know, and we're trying to be reasonable about it. Nobody wants to stop service to the island, you know, nobody.

Could I just ask you? Mr. Lund alluded to a schedule of only one trip a day. Is that troublesome to you guys?

**MS. PARKER:**

We were very troubled by that appearing in the lease. But, when it was called to the attention of the ferry company, they, too, were troubled and they took steps immediately to work --

**P.O. LINDSAY:**

Who put it in the lease, then?

**MS. PARKER:**

Beg your pardon?

**P.O. LINDSAY:**

The Town put that in the lease?

**MS. PARKER:**

They were following an old format for the lease, and no one seemed to have read and thought about, you know, how service had changed.

**P.O. LINDSAY:**

Okay. So that doesn't mean that that's a reality. Maybe when we get to Mr. Rettaliata, maybe he could answer that.

**MS. PARKER:**

And Mr. Sherman is here, too.

**P.O. LINDSAY:**

Okay.

**MS. PARKER:**

You may have a card from him.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

Yes. I can assure you that I did read over the lease and it does have at least two, maybe even more --

**MS. PARKER:**

It does now, yes.

**LEG. EDDINGTON:**

-- in the current lease, yeah.

**MS. PARKER:**

Yes.

**LEG. EDDINGTON:**

Okay, good.

**MS. PARKER:**

And I think that the ferry company immediately acted to change that once they realized it was in there. They were a bit slow to realize that --

**LEG. EDDINGTON:**

Yeah. You know, part of this problem is that you have a lease expiring and a license expiring, and a contract with the National Seashore expiring, and they're all different dates. And, you know, I think we have to work past -- after this year to try to work with the other governmental agencies to have a standard time. If it's going to be March 15th, let's get everything done, because I can see where

the Shermans are running around crazy trying to figure out which to do while they're starting the ferry season. It's just insane.

**MS. PARKER:**

I also think it would be helpful if some of the rules, and guidelines, and minimums, and schedules could be more uniform, because they're all going in different directions. Thank you.

**LEG. EDDINGTON:**

Thank you.

**P.O. LINDSAY:**

Donald Rettaliata, followed by Katherine {Mafa}? Maybe I mispronounced that.

**MR. RETTALIATA:**

Good evening, Ladies and Gentlemen. Donald A. Rettaliata. I'm the attorney for the Ferry Company, and I'm happy to be here tonight, and I thank you for the opportunity to speak.

As indicated by Mary Parker or John Lund, the Ferry Company has operated between Patchogue, Sandspit to Davis Park Marina since 1947. Both the Fire Island side and the Patchogue side are properties owned by the Town of Brookhaven, which results in our having to have a lease with the Town of Brookhaven, obviously, to use their property.

We started a lease renewal situation back in last June. It got sidetracked for various different reasons. I'm the -- I don't know whether I was called stupid or idiotic, or whatever -- person, along with the Chief Assistant Town Attorney from Brookhaven who put the wrong schedule into the version of the lease that was adopted on February 15th, and that was caused by the fact that we were going -- working from the 1989 lease as our general guide. There was a schedule attached at the back. We just assumed that it was the same schedule that was then put into the 2003 renewal with the Town, and it was attached without being read by either of us. As Mary Parker indicated, that was quickly rectified once we realized the situation.

On March 8th, the Town Board unanimously adopted the resolution for the lease, as indicated. That is subject to a permissive referendum. The Town Attorney's Office indicates that the date it can be signed is April 8th by the Supervisor or Deputy Supervisor and my client. They also indicated that under the provisions of the existing lease, we are serving in a month-to-month tenant so that we have authority to use the premises at both sides of the Great South Bay. We are now seeking another extension of our County license, which, as indicated, expires on March 27th.

At various times in the past, most recently in 2008, when we got our last wage increase -- rate increase, there were various items raised by the Budget Review Office, and as of today, and as of last week, all of those items have now been satisfied to the satisfaction of the Budget Review Office. We've been dealing with Craig Freas in that office.

As indicated, the lease with the Town of Brookhaven has some very minimal service requirements in it, but among those is one that requires from around March 15th through the Sunday after Thanksgiving, every weekend day have two days of -- two trips per day, which would be, in effect, a morning over trip and an afternoon back trip. Where it got messed up in 2008 involved only the Sundays in the month of November, and that has been rectified, and there will be definitely two trips in both the pre and post summer season, which are, obviously, the very light trips, but they will be run.

As indicated, we had our last rate increase in 2008. That is the schedule that was attached to our petition to the Legislature based on the fact that that's the type of service that was used to obtain the rate increase that we obtained. It leaves us the flexibility in a limited way of going into a season

that we know are going to have higher fuel prices, have already started to go up, and with the international session -- I'm sorry, international situation, will undoubtedly go higher. In that regard, what I can tell the Legislature is that if we're allowed to use the 2008 schedule with that small adjustment, so that there is always at least two days of service on the weekends throughout the ferry season, that we will not be seeking any rate increase in 2011.

**P.O. LINDSAY:**

Donald, let me -- you're out of time, so let me just ask you a few things. First of all, Gail, are you familiar with this application?

**MS. VIZZINI:**

Yes.

**P.O. LINDSAY:**

Has this ferry company supplied everything that we're looking for?

**MS. VIZZINI:**

We discussed this at the committee meeting where everything that was -- the last rate increase for Davis Park was conditional upon four items. Three of those items have been provided to us, two of them were actually the day of that meeting. The only thing that's remaining is --

**P.O. LINDSAY:**

When was the last increase, '8?

**MS. VIZZINI:**

2008.

**P.O. LINDSAY:**

Okay. Is that right, Donald?

**MR. RETTALIATA:**

That's correct.

**P.O. LINDSAY:**

2008. So we asked for four things in 2008, we just got them the other day.

**MS. VIZZINI:**

That's one way to categorize it. But the information has been provided, with the exception --

**P.O. LINDSAY:**

Okay.

**MS. VIZZINI:**

-- of some final documentation in terms of buying out the brother.

**P.O. LINDSAY:**

Okay, which we talked about that. I think there's a minimal amount of money. I'm not as excited about that as some of the other issues that came up. Is that correct, Mr. Rettaliata, that that sale between the brothers is almost complete now, there's no more payment --

**MR. RETTALIATA:**

That is correct. Out of some over \$300,000, I think there's a balance of under \$800.

**P.O. LINDSAY:**

Okay.

**MR. RETTALIATA:**

But I'd also point out, if I just might, that as of last Thursday, we obtained from the accountant who had prepared the certified statements, I think for '08 and '09 that were required, or might be '07 and '08, whichever, she had in her file a copy of the agreement between the shareholders as to that buy-out, and that was sent by fax to Craig Freas on the 17th of March. I called him today to make sure there was nothing missing and that he had received that, but I wasn't able to talk to him.

**P.O. LINDSAY:**

Okay. And, Gail, let me just ask, there's no rate increase in this application, it's the same rates as the '08 application?

**MS. VIZZINI:**

This is a license renewal.

**P.O. LINDSAY:**

License renewal.

**MS. VIZZINI:**

Yeah, so we will not be doing a report.

**P.O. LINDSAY:**

I know that.

**MS. VIZZINI:**

Okay.

**P.O. LINDSAY:**

But we don't ask for rate information even if it's just a renewal?

**MS. VIZZINI:**

Well --

**P.O. LINDSAY:**

In other words, Donald, you guys have agreed to the '08 schedule, fare schedule?

**MR. RETTALIATA:**

That's correct, we.

**P.O. LINDSAY:**

Okay. If you were to raise that, or wanted to raise, would you have -- would they have to come back to us to approve that?

**MS. VIZZINI:**

That's correct, that would be a petition --

**MR. RETTALIATA:**

Definitely.

**MS. VIZZINI:**

-- for a rate increase, requiring --

**P.O. LINDSAY:**

Although --

**MS. VIZZINI:**

-- a financial analysis.

**P.O. LINDSAY:**

Although we've extend the license, they'd still have to come back.

**MS. VIZZINI:**

Absolutely.

**P.O. LINDSAY:**

Okay, okay.

**MR. RETTALIATA:**

We agree that that is so. We would have to absolutely come back to this Legislature.

**P.O. LINDSAY:**

Okay. And the last, you know, troubling thing is we're five days away from expiration.

**MR. RETTALIATA:**

Right.

**P.O. LINDSAY:**

Unless I get some cooperation with the County Executive, we can't -- we can't -- you know, what Mr. Lund asked us to do to extend it, we can't do it. I need -- I need some cooperation from the Executive if we're going to vote on anything tonight.

**MR. RETTALIATA:**

It's my understanding from Eric Kopp in that office that a Certificate of Necessity has been provided.

**P.O. LINDSAY:**

Well, your understanding is better than mine, okay?

**MR. RETTALIATA:**

I don't know --

**P.O. LINDSAY:**

See, you know more than I do.

**MR. RETTALIATA:**

I've been bugging him for it for a week, so.

**P.O. LINDSAY:**

Okay. When did this process -- you mentioned you started the process with Brookhaven in June. When did you start it with us.

**MR. RETTALIATA:**

We formally filed our petition here I'd say sometime in February. We had -- I think we amended it in March to take Watch Hill out of the resolution, because of -- because there is no agreement with Watch Hill.

**P.O. LINDSAY:**

Okay. But if you just started this in February, wouldn't -- I mean, we wouldn't be faced with this CN at the eleventh hour if you started it earlier, no?

**MR. RETTALIATA:**

Well, the problem was, and I think there was some discussion with Budget Review, but I'm not positive, we didn't have a lease at that point, and we -- so that we --

**P.O. LINDSAY:**

And you still don't.

**MR. RETTALIATA:**

Well, we are month-to-month and we do have, you know, about ten days or so to go --

**P.O. LINDSAY:**

We were talking about this before, how the Federal Government licensed you one landing spot, the Town licensed the other, and we license you on the bay.

**MR. RETTALIATA:**

That's correct.

**P.O. LINDSAY:**

I mean, we could give you a license to circle the bay, you'd have no place to land, but, I mean --

*(\*Laughter\*)*

**MR. RETTALIATA:**

Well, that's why, until we had that worked out --

**P.O. LINDSAY:**

One isn't necessarily -- we don't really need you to land anywhere, you know, but I'm just being a little humorous. Legislator Barraga.

**LEG. BARRAGA:**

Well, I guess the key issue here, regardless of when the process started, is that in order for us to act, we need a CN and we need it tonight. All right? So I'm sure there are people listening to my voice to get the message, and, hopefully, we'll see that CN before the evening ends.

**P.O. LINDSAY:**

Of course, the other option was we could always call a Special Meeting for this.

**MS. VIZZINI:**

Mr. Presiding Officer.

**P.O. LINDSAY:**

They don't like that, Donald, they don't like that.

**MR. RETTALIATA:**

I'll come.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Yes, Ms. Vizzini.

**MS. VIZZINI:**

I always take the liberty to review the Certificates of Necessity beforehand, in case there's any concerns, and there is a CN in the red packet.

**P.O. LINDSAY:**

Oh, wonderful. Thank you very much. See, Donald, you know more than we do. That's very good. All right. Thank you.

**MR. RETTALIATA:**

If I could just ask -- I'm sorry.

**P.O. LINDSAY:**

Go ahead. Go ahead. What did you want to ask, Donald?

**MR. RETTALIATA:**

I don't know if you have June Haskins as one of the speakers.

**P.O. LINDSAY:**

Who?

**MR. RETTALIATA:**

June Haskins.

**P.O. LINDSAY:**

No.

**MR. RETTALIATA:**

Okay. Then I'd like to submit a letter from her to you, as Presiding Officer, indicating her support of a renewal. She is the Treasurer of the Davis Park Association, and she also is on the ferry committee with Mary Parker.

**P.O. LINDSAY:**

Okay. You could just give it to the Clerk.

**MR. RETTALIATA:**

Right.

**P.O. LINDSAY:**

Thank you.

**MR. RETTALIATA:**

And then --

**P.O. LINDSAY:**

Who -- Legislator Eddington, did you want to ask Mr. Rettaliata something?

**LEG. EDDINGTON:**

No, I just want this to go away.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Oh, okay. Okay.

**MR. RETTALIATA:**

And I just want to also, if I might, submit a letter from Ronald Bush and his wife, longtime residents of Davis Park, in support of the application. And I have nothing further.

**P.O. LINDSAY:**

Okay. If we get to act on this tonight, I would certainly appreciate it if you started the process earlier so that it would go through the process.

**MR. RETTALIATA:**

I definitely will.

**P.O. LINDSAY:**

Thank you. Okay. Katherine M, Fa.

**AUDIENCE MEMBER:**

Fox.

**P.O. LINDSAY:**

Fa?

**AUDIENCE MEMBER:**

Fox.

**P.O. LINDSAY:**

I have MFA.

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

Maybe her middle name is M.

**P.O. LINDSAY:**

Okay. I'm sorry, okay. Fox. Oh, I see. Okay.

**MS. FOX:**

Hi. It's Fox, sorry.

**P.O. LINDSAY:**

I see.

**MS. FOX:**

I'd like to thank everybody for their time. And I'm not a great public speaker, but I'd just like to say that I've been a resident over at Davis Park for over 30 years and I've seen a radical improvement in the ferry schedule. Many years ago, basically the end of season used to be October 15th. Well, now, due to the -- maybe global warming, I don't know, but due to whatever circumstances, homeowners staying out longer, renters also staying out longer, the ferry schedule has been extended and it's fuller towards the end of October and then on through November. Where we used to have a boat that went over on Saturday mornings and didn't come back until Saturday afternoons, we now have several boats over Saturdays and several boats back in the afternoon, if you just want to go over and spend the day, maybe clean up your house or close it up for the winter, what have you. There's also -- you know, we used to stop basically in November and now it goes through until December, and then special boats for Thanksgiving.

The ferry schedule -- the ferry company has been -- you know, provides boats for different community affairs and functions. They provide a big service to us. And I know I myself, who have forgotten packages, left my keys wherever, left perishables in the car, all I have to do is call them

up, send my keys over, they'll open up the car, send the package over and not a problem. They provide other services that aren't necessarily in the lease. Davis Park is a very small community. You have to think of it as like -- almost like a Mayberry. It's a small town. Everybody knows everybody else, pretty much, and we all want to see the service continue. Thank you.

**P.O. LINDSAY:**

Thank you, Ms. Fox. Robert Bruce Catalano.

**MR. CATALANO:**

My mother would love that. It's Burr, B-U double R.

**P.O. LINDSAY:**

Burr, Robert Burr. I'm sorry. I'm sorry.

**MR. CATALANO:**

I don't belong to any -- I don't belong to any associations. I'm just a homeowner. But I don't even need this.

**MR. LAUBE:**

Yeah, you do.

**P.O. LINDSAY:**

Yeah.

**AUDIENCE MEMBER:**

The lady has to hear you.

**MR. CATALANO:**

Okay. Thank you. I've been going to Davis Park weekends, starting in 1962. Service was always great. We'd get there from -- we'd take a 5 o'clock train from New York and we'd be on the beach at 7:30. And you got to continue this service. And the service has been great, and I want to repeat, probably -- I would repeat what Katherine said. They're a family, they're our family. The Davis Park Association doesn't represent everybody on the island, every homeowner, because every homeowner hasn't joined, and I'm glad they're doing the work. Thank you for your time. I missed dinner and I want to get home early, but thank you.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Thank you, Mr. Catalano. Sister Grace Rowland. Good evening, Sister.

**SISTER GRACE ROWLAND:**

Good evening. Thank you for the opportunity to speak. My name is Sister Grace Rowland. I'm the Pastor associated with the Church of the Most Precious Blood in Davis Park, and also one of the Chaplains for the fire department. I've been a resident and a worker over there for the last 14 years and I would just like to speak on behalf of the ferry company.

The church building is the only gathering place in the community and so it's used by everyone. We have parties, and dances, and weddings, and concerts, and the Shermans have been very accommodating in adding ferries on not always long notice for those events, so I would just like to speak in favor of support for them. Thank you.

**P.O. LINDSAY:**

Thank you, Sister. And the last speaker on this is Ed Reilly. Ed Reilly was our Grand Marshal in the Saint Patrick's Day Parade this year.

*(\*Applause\*)*

**MR. REILLY:**

Thank you. Thank you for allowing me to speak to the Legislators; the first time I've ever been here. I was a County employee for 36 years with Suffolk County Water. I would like to -- and a Commissioner at Davis Park for 30 years.

The ferry company is always there when we have a fire. If we have a fire in the middle of the night, they're there and they run the ferry to get the firemen over to Davis Park. And I'm sure, as far as I know, they have never charged us, and I've been at Davis Park since '76 and in Suffolk County since '55. They've done a good job, and they've been in business as a family operation long before I started going to Davis Park, but I think they do a good job and I hope that you consider that. Thank you, Mr. Lindsay.

**P.O. LINDSAY:**

Thank you, Ed. And I don't have any other cards on this subject. Is there anyone else in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close the Public Hearing, which is the first --

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

And just to explain the process, normally, when we close --

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

The Public Hearing, it would go back before committee. They tell me there's a CN in the packet, which means we will be voting on it later on tonight, okay, to keep your ferry running so you can go to your summer homes. Thank you very much.

Okay. That concludes the public hearings for tonight. I want to make a motion and set the date for the following public hearings of April 26th, 2011, at 2:30 P.M., in the Maxine Postal Auditorium in Riverhead, New York:

The 2012-14 Capital Budget and Program.

1002 - A Local Law to protect the public from injury caused by accumulated snow or ice on moving commercial (motor) vehicles (Cooper).

1256 - A Local Law expanding local representation of County employees -- legal representation of County employees (Lindsay).

1266 - A Local Law to register prepaid cell phones purchased in Suffolk County (Browning).

1277 - A Local Law to protect animals in Suffolk County from abuse (Cooper).

1289 - A Charter Law to ensure transparency in County Budget Process. Do I have a second?

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Okay. The hearing dates are set. Back to the agenda.

**LEG. COOPER:**

Mr. Chair, I'd like to make a motion to take I.R. 1042 out of order, please.

**P.O. LINDSAY:**

I.R. 1042, what page?

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

It's in Health.

**LEG. COOPER:**

Yes.

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

It's the one on the pharmaceuticals.

**P.O. LINDSAY:**

Oh, okay. Page 9, halfway down the page. ***I.R. 1042 - A Local Law to require responsible disposal of expired and unused medications by hospitals, nursing homes, hospice facilities and long-term care facilities (Cooper).*** Legislator Cooper made a motion to take it out of order, I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Leg. Kennedy)

**P.O. LINDSAY:**

Okay. The motion -- the reso is before us. Would you like to make a motion?

**LEG. COOPER:**

Yes, I'd like to make a motion to approve, please.

**P.O. LINDSAY:**

Motion by Legislator Cooper to approve, seconded by Legislator Horsley. I know Dr. Tomarken has been with us for -- all night. Did you hang around to speak on this bill?

**DR. TOMARKEN:**

If you want.

**P.O. LINDSAY:**

Well --

**LEG. CILMI:**

I have a question or two, Bill.

**P.O. LINDSAY:**

Okay. Come on forward. As long as you've been sitting around, we might as well put you to use.

*(\*Laughter\*)*

Legislator Cilmi, do you want to ask the Doctor a question?

**LEG. CILMI:**

Sure. Thank you. I am -- I'm going to support this bill because I think we can't afford to allow medication to be thrown into our -- into our waste water system and find its way into our bays and into our groundwater. So we'll get that out of the way. But I did have some questions with regard to what the alternatives are for nursing homes and hospitals and other commercial users of medication to -- you know, what they can do with these materials and why they're faced with this problem.

It's come to my attention that, and, Doctor, correct me if I'm wrong, but that as a result of some federal regulations, the -- in private insurance companies and Medicaid will allow commercial facilities to return for credit many of these drugs that are finding themselves useless on shelves after residents or patients may pass away, or after they become expired, they can be returned. However, there's a Medicare Part D regulation, I understand, that prevents these commercial facilities from returning these drugs for credit. And what that does is that, basically, when they return the drugs for credit that are paid for with Medicaid, it relieves the taxpayer of the burden of basically paying for those drugs, and it puts those drugs back into the commercial stream so that they can be resold to whoever might use them. But in the case of Medicare Part D, these drugs may be perfectly useful and good, but they end up getting thrown away because of the Federal Government's regulations.

Now, that's costly to taxpayers, because we're paying for those drugs. In addition, it's creating a cost to the commercial users because they have to literally employ people to figure out how to throw this stuff away or dispose of it in some way. Now it's going to cost them an additional amount of money to make sure that they're disposed of in an environmentally friendly way, which we all agree should be done, but it's also taking these drugs and disposing of them when they could be used for folks who might need them. Can you comment on that?

And what I would ask is that maybe my colleagues on the Legislature can help me sort of get to the bottom of this on the Federal level and figure out what we can do. And I would just follow up with one more thing, Bill, if you don't mind.

**P.O. LINDSAY:**

Yeah, but why don't let him answer?

**LEG. CILMI:**

Well, he understands where I'm getting at. There's one other question. Maybe there's a way that the County can, like we do for residents who have unused prescription drugs, maybe there's a way that the County can allow commercial facilities to deposit these unused drugs with us so that we could in turn then avail them to maybe the American Red Cross for distribution, etcetera, etcetera, etcetera. Can you comment?

**DR. TOMARKEN:**

As you've alluded to, it's a very complicated issue, because it involves all the levels of government. When drugs are purchased by Medicare and Medicaid, then they fall under the Federal jurisdiction. And the problem with that is then they have rules about returning them, reusing them and reselling them. If a private person is paying for it out of their -- say they have a commercial health plan, then the drugs are theirs to do with as they choose. Amongst the individual states, every state has some law that deals with returning drugs to pharmacies, so if you buy a drug and you don't use it, and that's a very individual State Law and regulations and they vary. Some are very generous and very easy, some make it very difficult.

You have to look at drugs from a different -- from several categories. The expired drugs you can't do anything with but dispose, you can't even send them overseas. Unexpired drugs have to be packaged in a way in which they -- if they're going to be received by the distributor and get credit or returned to the pharmacy for credit, they have to meet certain standards. So a bottle of pills would be different from what's called a blister pack, which is where they're individually sealed. And so every manufacturer, every pharmacy and every distributor will have different rules, they will take certain drugs and they won't take others. Then you've got categories of drugs that are hazardous drugs, nonhazardous drugs and controlled substances. Controlled substances are the narcotics that the Drug Enforcement Agency, the Federal Agency --

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

Keep your finger on it.

**DR. TOMARKEN:**

Oh, sorry. Controlled substances are the DEA controlled drugs that have to be disposed of in a very official manner. But the substances you're talking about, antibiotics and blood pressure, and the run of the mill drugs, we could potentially redistribute them, depending on the State law and the Federal mandates and Federal rules. So it's a complicated process and we'd have to look into it.

So you have two issues, disposal, those that -- those drugs that are outdated and open to the extent that they can't be reused, and then you've got how do you -- what do you do with drugs that are reusable and don't have to necessarily be destroyed like the controlled substances. That category of drugs varies by the State and the Federal regulations. Who bought them, who paid for them, and what is the State regulations in terms of returning them and returning them for credit, because you could return them just to get rid of them, you may return them to get some financial credit.

It's a very complicated issue. We can certainly look into it, but it's not -- it's not an easy one. And in the meantime, there is an absence of Federal and State regulations to get rid of or eliminate or destroy drugs, although there is a general policy that flushing down the toilet or putting it in any water-based situation is not acceptable anymore. That's the new standard, but there aren't necessarily regulations that go along with it. So the DEC and the DOH of New York State give you recommendations. They require now that these drugs not be put in any -- be destroyed, and that generally means incineration. But they don't have a regulation that says you must do it in this manner or use this kind of incinerator, or whatever. So, in the absence of that, this piece of legislation -- this piece of legislation will help all these health care facilities abide by the new guidelines. There's no regulation, but the guidelines in terms of giving us a plan to protect the groundwater.

Now, you must relies that if they submit a plan to us that we find acceptable and that they turn around and go and do something that they don't -- we don't know about, there's nothing we can do. We don't have the ability and the staff and the enforcement to be able to go to a facility and watch them do this. So they could submit a report to us and say, "We're going to incinerate and we're going to use company "X", and everything from our perspective is fine," but we don't know, we don't have any accountability of teams or people that can oversee that, but I think this is the beginning.

And as has been mentioned to me by others, actually, probably the Federal government and the states would like us to do this, because it will give them the impetus to go ahead and formulate regulations, which I suspect at some point in the future will supersede our Local Laws. But in the absence of Local Laws, I think this is a good piece of legislation.

**LEG. CILMI:**

Correct me if I'm wrong, but doesn't the State currently require these types of facilities to notify them upon disposal or ask their permission to dispose of certain --

**DR. TOMARKEN:**

The controlled substances, yes. That's a very --

**LEG. CILMI:**

Just the controlled substances.

**DR. TOMARKEN:**

That's a very controlled mechanism and procedure. You actually have to get permission, they have to decide -- they have to designate a person to witness it, they have to -- they have regulations about the kind of incinerator you use so that the residue from the incineration is -- meets their standards. But the other drugs, the drugs you're talking about where you potentially could reuse them, there are many states that take back certain drugs and then give them to agencies and other organizations that are in need and don't have financial resources to purchase them.

**LEG. CILMI:**

Would it be correct to assume that New York State is among the most restrictive of states in terms of what happens with these drugs?

**DR. TOMARKEN:**

Well, I think the way I would describe New York State is that they haven't really addressed this in a meaningful way.

**LEG. CILMI:**

Okay.

**DR. TOMARKEN:**

And that's my understanding of the current state --

**LEG. CILMI:**

So I would, then, look forward to working with you very closely to find -- to see if we can develop some sort of a program where we can actually put -- number one, alleviate some of the burden on the facilities that then have to dispose of these drugs; but, number two, avail these drugs to folks who might, in fact, actually need them and could use them.

**DR. TOMARKEN:**

Yes, I think that would be a good idea.

**LEG. CILMI:**

Great. Thank you, Doctor.

**P.O. LINDSAY:**

Legislator Cooper, did you want to say something?

**LEG. COOPER:**

Yes. Dr. Tomarken, if a hospital or a nursing home, or another health care facility, sought the

guidance of the Health Department as to the most appropriate and environmentally sensitive way to dispose of these medications, could you -- do you have that expertise, or would you point them in the right direction? How would you handle that?

**DR. TOMARKEN:**

Yeah. We would look at their report, their plan, and we would say it is appropriate or it's not, and if not, we would give as much guidance. And we have people who would be monitoring the new regulations, the new guidelines, etcetera, and say this is what you can do, this is what you can't do. So, yes, we would be an advisor to them. At the same time, if they do things that are not -- if they're not in compliance, we have the ability, through the Public Health Law, to render punishment.

**LEG. COOPER:**

Thank you.

**P.O. LINDSAY:**

Just an observation. Sounds like it might be a good business for somebody to go into, drug recovery and destruction business, or whatever that --

**LEG. CILMI:**

There already are companies.

**P.O. LINDSAY:**

Are there, yeah?

**LEG. COOPER:**

Well, I'm going to be term-limited in ten months, so it will give me something to do.

**P.O. LINDSAY:**

Okay.

**LEG. COOPER:**

Thanks, Bill.

**P.O. LINDSAY:**

There you go, Jon, there you go.

**LEG. COOPER:**

Vivian. You want to join with me, Vivian?

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

Yeah.

**LEG. COOPER:**

You and me both, I love it.

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

We'll be partners.

**LEG. COOPER:**

I love it.

**LEG. CILMI:**

Through the Chair, to the Presiding Officer's comments, there are companies that do just what you're suggesting, that specialize in incineration of drugs. Covanta actually has a program that does

that.

**P.O. LINDSAY:**

No, but beyond that.

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

Recycling them.

**P.O. LINDSAY:**

To recycle what's recyclable and destroy what's to be destroyed.

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

I don't know about politicians going into drugs, though.

*(\*Laughter\*)*

**P.O. LINDSAY:**

Thank you, Doctor. Thanks for hanging around. Okay. We have a motion and a second on **1042?**

**MR. LAUBE:**

That is correct.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

*(\*Applause\*)*

**MS. ESPOSITO:**

Nice job.

**LEG. COOPER:**

And, Adrienne, thank you for your leadership on this issue.

**P.O. LINDSAY:**

Okay. We're back to Page 7. **1039 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with the Upgrading Court Minutes Applications (CP 1681).** I'll make a motion.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

On the accompanying bond, **1039A**, same motion, same second. Roll call.

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

**P.O. LINDSAY:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**MR. LAUBE:**

Seventeen. Oh, sorry, Eddington.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*J.R. 1040 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with the Digital Image Storage Repository (CP 1809).* I'll make a motion.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Same motion, same second on the accompanying bond, **1040A**. Roll call.

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

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*J.R. 1092 - Authorizing the payment of funds from the Sheriff's Office Prisoners' Commissary Account to the General Fund (Co. Exec.).* Do we have any direction on this? Is this ready to go, I mean?

**CHIEF SHARKEY:**

(Nodded yes).

**P.O. LINDSAY:**

Okay, okay. Thank you. Thank you. We have a motion by Legislator Viloría-Fisher, I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*J.R. 1098 - Amending the 2011 Operating Budget and transferring funds from the John J. Foley Skilled Nursing Facility to the Legislature (Browning).*

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

Kate.

**LEG. BROWNING:**

Motion to table.

**P.O. LINDSAY:**

Motion to table.

**LEG. COOPER:**

I'll second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**INTRODUCTORY RESOLUTIONS**

**BUDGET & FINANCE/INFORMATION TECHNOLOGY**

**P.O. LINDSAY:**

Page 8, Budget and Finance. *I.R. 1099 - Amending the 2011 Capital Budget and Program and the 2011 Adopted Operating Budget and appropriating \$652,500 in connection with the improvements of the safety and security of Suffolk County through the use of the ShotSpotter Gunshot Location System (CP 3511).*

**LEG. GREGORY:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Gregory.

**LEG. MONTANO:**

If I may.

**P.O. LINDSAY:**

Let me just get a second and then we'll --

**LEG. CILMI:**

Second.

**LEG. BROWNING:**

I was going to say, on the motion, I was thinking, could we pass over this? And I know that we've got the County Executive CN. I think we'd like some discussion on it.

**P.O. LINDSAY:**

Okay. Is that all right with you, Legislator Gregory, just to pass over it?

**LEG. GREGORY:**

Absolutely.

**P.O. LINDSAY:**

Okay. We'll pass over it. *I.R. 1145 - Authorizing certain technical corrections to the 2011 Operating Budget for the West Islip Summit Coalition (Barraga).* Legislator Barraga?

**LEG. BARRAGA:**

Motion.

**P.O. LINDSAY:**

Motion. 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:**

*1204 - Authorizing certain technical corrections to the 2011 adopted Operating Budget for the Babylon Rotary Foundation, Inc. (Horsley).*

**LEG. HORSLEY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Horsley, I'll second it. And that's omnibus? Yeah. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*I.R. 1212 - Appropriating funds in connection with Fiber Cabling Network and WAN technology upgrades (CP 1726) (Co. Exec.).*

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

That's the Clerk's Office.

**P.O. LINDSAY:**

We're going to have a -- no, this -- I don't think so. This is from I.T. Is there going to be a motion?

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

Can we have an explanation, George? What is the WAN?

**P.O. LINDSAY:**

Maybe Budget Review would be more appropriate?

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

Can you tell us something about it?

**P.O. LINDSAY:**

1212, how much is it, what's it for?

**LEG. KENNEDY:**

Mr. Chair, if I could, I have a question while BRO is looking at it.

**MS. VIZZINI:**

Well, I mean, it's \$150,000 for planning and a million-one-twenty-six for equipment. It's for our I.T. network. It is included in the adopted 2011 Capital Program. It's the replacement of the WAN infrastructure that's nearing its -- the end of its useful life. Most of the equipment is in Hauppauge, Riverhead and Yaphank, data centers and it needs to be replaced.

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

I'll make a motion.

**P.O. LINDSAY:**

We have a motion by --

**LEG. MURATORE:**

Second.

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

Seconded by Tom Muratore.

**P.O. LINDSAY:**

And a second by Legislator Muratore.

**LEG. KENNEDY:**

Okay. On the motion, if I can, just, then, through either BRO or to the Chair. This is something I know that has been, you know, out there for a while. I recall hearing this having been addressed previously. Is it -- did anybody from the department speak at the committee or --

**LEG. GREGORY:**

No, we didn't have them. Commissioner Quinn did not speak about it.

**LEG. KENNEDY:**

Okay. And that's all we have in the way of a description, Gail, we don't have anything more as to whether or not --

**LEG. HORSLEY:**

What a WAN is.

**LEG. KENNEDY:**

Well, it's a Wide Area Network, I believe. But is this the actual optical cabling that connects between the three nodes in Hauppauge, in Yaphank and Riverhead?

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

Who are you asking? Is it Gail?

**LEG. KENNEDY:**

Yes.

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

Didn't she say it's upgrading the networks and stuff.

**LEG. NOWICK:**

Yes.

**MS. VIZZINI:**

You know, I have the backup that Mr. Quinn sent to Mr. Crannell and it's just a paragraph. I'll read it, give you some background.

"The County WAN, the Wide Area, Network based on which we all transmit data, is nearing the end of its useful life. There are significant numbers of switches and routes that are already at the end of their useful life. And over the course of the next three years, all the equipment will be at the end. This is a phased approach to equipment replacement, and refresh is required in order to ensure the

integrity of the WAN. The equipment will be replaced with current technology, and will provide the County with the ability to have a managed approach to growth and improve existing County resources. The equipment is in Hauppauge, Riverhead and Yaphank data centers. It's a phased-in approach to replacing outdated equipment over the next three years."

**LEG. KENNEDY:**

All right, which is fine. I mean, I lost internet connection all weekend, as a matter of fact, couldn't work my Microsoft because Labor Department went down. So, if it's towards, you know, keeping our ability to communicate with our agencies and offices and things like that, that's fine. That's enough of an explanation for me. Thank you, Mr. Chair.

**P.O. LINDSAY:**

Anybody else?

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

It's in the budget.

**P.O. LINDSAY:**

Okay. We have a motion and a second.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Okay.

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

Tom Muratore is the second.

**MR. LAUBE:**

I had a motion and a second.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Okay. On the accompanying bond, **1212A**, same motion, same second. Roll call.

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

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

Yes.

**LEG. MURATORE:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**P.O. LINDSAY:**

Yeah.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

*I.R. 1213 - Appropriating funds in connection with the acquisition of Disaster Recovery Project (CP 1729) (Co. Exec.).* Do I have a motion?

**LEG. NOWICK:**

Motion.

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Gregory.

**LEG. NOWICK:**

Second.

**P.O. LINDSAY:**

Second by Legislator Nowick. Somebody ask for an explanation?

**LEG. BROWNING:**

Yeah.

**MS. VIZZINI:**

It's \$600,000 for equipment for the acquisition of Disaster Recovery Project. It is included in the adopted 2011 Capital Budget. It's to purchase hardware and software to protect critical applications currently running at I.T., which service the whole County. There will actually be, although they're not specifically quantified, Operating Budget savings, and that right now, in lieu of Disaster Recovery, there's actually duplicative services going on, and that was the backup as provided by I.T.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Same motion, same second on the accompanying bond, **1213A**. Roll call.

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

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay. *1239 - Amending the 2011 Operating Budget and appropriating funds in connection with bonding a settlement for a Bus Liability Case (Co. Exec).*

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Gregory. Second?

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro. On the subject? No?

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

All in favor, opposed, quick.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**LEG. ROMAINE:**

Abstain.

**MR. LAUBE:**

Sixteen.

**LEG. BARRAGA:**

No.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

Same motion, same second on the accompanying bond, **1239A**. Roll call.

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

**LEG. GREGORY:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

Abstain.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

No.

**MR. LAUBE:**

Fourteen.

**ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY**

**P.O. LINDSAY:**

*J.R. 1112 - Appointing Michael Wudyka --*

**LEG. SCHNEIDERMAN:**

Wudyka.

**P.O. LINDSAY:**

*-- Wudyka to the Suffolk County Motion Picture/Television Film Commission (Co. Exec).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**LEG. SCHNEIDERMAN:**

Cosponsor.

**P.O. LINDSAY:**

*J.R. 1227 - Establishing the Long Island First Working Group (Horsley).*

**LEG. HORSLEY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Horsley.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**LEG. CILMI:**

On the motion, very quickly.

**P.O. LINDSAY:**

Don't call the vote. Go ahead.

**LEG. CILMI:**

Just please note for the record, I'm going to abstain on this, not because -- I fully support the sponsor's intention here, but the list of members to this committee is exclusive in that it doesn't include many of the organizations which I believe should be a part of this group, and it provides no access to those members as a formal part of this committee moving forward. But I recognize the need to do this immediately, so I will simply abstain. Thank you.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**LEG. CILMI:**

Abstention.

**P.O. LINDSAY:**

We've got one abstention.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Okay.

**LEG. HORSLEY:**

Thank you.

**P.O. LINDSAY:**

*1235 - Authorizing funding for the Suffolk County Cultural Programming for 2011 (Co. Exec).*

**LEG. COOPER:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Cooper.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**LEG. ROMAINE:**

Tim, list me as a cosponsor. Thank you.

**P.O. LINDSAY:**

*J.R. 1248 - Appropriating funds in connection with the Health and Sports Facility on the Eastern Campus (CP 2120) (Lindsay).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**LEG. SCHNEIDERMAN:**

Tim cosponsor.

**MR. LAUBE:**

Sixteen.

**LEG. ROMAINE:**

Cosponsor.

**P.O. LINDSAY:**

On the accompanying bond, **1248A**, same motion, same second. Roll call.

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

**LEG. SCHNEIDERMAN:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

*1249 - Appropriating funds in connection with the installation of cooling systems (CP 2138) (Lindsay).* That's at the College, Gail?

**MS. VIZZINI:**

Yes, correct.

**P.O. LINDSAY:**

I'll make a motion.

**LEG. MURATORE:**

Second.

**LEG. BROWNING:**

I'll second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Same motion, same second on the accompanying bond, **1249A**. Roll call.

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

**P.O. LINDSAY:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**LEG. EDDINGTON:**

Yeah.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

*I.R. 1250 - Appropriating funds in connection with the partial renovation of the Peconic building (CP 2181) (Lindsay).*

**LEG. SCHNEIDERMAN:**

Motion.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Same motion, same second on the accompanying bond, **1250A**. Roll call.

**LEG. BROWNING:**

Tim, put me on all three.

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

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Sixteen.

**ENVIRONMENT, PLANNING & AGRICULTURE**

**P.O. LINDSAY:**

*J.R. 1991 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, the Boom Development Corporation Property - Town of Riverhead. (Romaine).*

**LEG. ROMAINE:**

Motion.

**LEG. SCHNEIDERMAN:**

Second.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**LEG. GREGORY:**

Abstain.

**P.O. LINDSAY:**

It's just been --

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

-- pointed out to me that the folks from the Davis Park Ferry are still with us, and I've been asked to take them out of order. It is in your CN packet, it's Reso. No. 1225.

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

*(1225) Approving the extension of the License and Franchise for the Davis Park Ferry Company for Cross Bay Service Between Patchogue and New York -- Patchogue, New York, and Fire Island Community of Davis Park.*

**LEG. EDDINGTON:**

Motion.

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

And we have a motion by Legislator Romaine.

**LEG. ROMAINE:**

To take it out of order.

**P.O. LINDSAY:**

To take it out of order.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

It is before us.

**LEG. EDDINGTON:**

I'll make a motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Eddington, was that?

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

Who made the motion?

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

Eddington.

**P.O. LINDSAY:**

Eddington, okay. Second by Legislator Muratore. Is there any discussion? It's a two-year extension. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

It's approved.

**LEG. EDDINGTON:**

Thank you, Mr. Presiding Officer.

**P.O. LINDSAY:**

You're welcome.

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

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

Can I take this out of order so Doug can go home?

**P.O. LINDSAY:**

Okay. Legislator Viloría-Fisher would like to take a --

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

Yeah, I see people who spoke earlier this morning on 1134. Could we take -- I'd like to make a motion to take 1134 out of order

**P.O. LINDSAY:**

What page is it on?

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

It's in Public Works, it's the bus fare legislation. Is that okay with you, Jay? Are you seconding the motion to take it out of order? It's your bill. Okay.

**P.O. LINDSAY:**

Let me just find it. Page eleven, *Public Works & Transportation:*

**1134**, it's about six resos down, the second one under Public Works. There's a motion by Legislator Viloría-Fisher to take 1134 out of order. Seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**LEG. EDDINGTON:**

Opposed.

**P.O. LINDSAY:**

**1134** is now before us, *(Increasing County Bus Fare on two routes for the implementation of limited Sunday Bus Service (Schneiderman))*. Did you call the vote?

**MR. LAUBE:**

I did, sixteen (Opposed: Legislator Eddington).

**P.O. LINDSAY:**

Okay.

**LEG. SCHNEIDERMAN:**

Motion to approve.

**P.O. LINDSAY:**

Do I have a motion to approve?

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

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

Seconded by?

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Romaine. On the question, anybody?

**LEG. KENNEDY:**

On the motion, Mr. Chair?

**P.O. LINDSAY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

There was a lot of dialogue earlier on this and my only question, I guess, would be to the Commissioner. It's my understanding that all of the bus contracts at this point are now up for negotiation. So will this be something that then is actually looked to be put into the new contract with whoever the vendor is out there, Suffolk Bus I guess?

**COMMISSIONER ANDERSON:**

Well, in the existing contract now. But yeah, with the upcoming new bus contracts it will be included, you know, based on, you know, a success -- success -- I'll try it again, successful project.

**LEG. KENNEDY:**

Okay. So we're just going to look at this as a pilot depending upon whether or not it, you know, fulfills all the requirements and everything like that. It may then be put into whatever the multi-year contract is that's going to be negotiated and going forward.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. KENNEDY:**

Okay. All right, thank you.

**P.O. LINDSAY:**

Legislator Cilmi.

**LEG. CILMI:**

Thanks, Mr. Chair. A quick question for you, Commissioner. How do you plan on dealing with transfers; is that an issue for you?

**COMMISSIONER ANDERSON:**

That is an operational issue. We're not a hundred percent sure how we're going to -- there's a number of operational issues right now, we're going to have to get over that hurdle. We may have to issue different tokens, reprogram the fare boxes; we're looking at a couple of different options to try and get around that. I don't know how much success we'll have, but --

**LEG. SCHNEIDERMAN:**

Well, you can't transfer in from any of the other County buses because they wouldn't be running on Sunday, right?

**LEG. CILMI:**

Okay.

**LEG. SCHNEIDERMAN:**

So you could go from the S-32 to the 10-C which is technically a transfer.

**COMMISSIONER ANDERSON:**

Right, but the issue we're concerned about is the fact that that will be the only two routes with the increased fare, so there is a possibility somebody on an outside route on the Monday through Saturday, you know, during Monday through Saturday, getting on to it for a reduced fare.

**LEG. SCHNEIDERMAN:**

The transfer fees remain at 50 cents, I think; is that what it is, 50 cents or a quarter or something like that?

**COMMISSIONER ANDERSON:**

Yes.

**LEG. SCHNEIDERMAN:**

Yeah, we're not changing any other fares.

**LEG. CILMI:**

What are some of the other operational issues that you see?

**COMMISSIONER ANDERSON:**

Right now we've talked about -- you know, again, I go back to a concern with SCAT, I mean, that's kind of dependent. We really haven't had a chance to really explore that. I don't think they are significant but they are there and we're going to have to -- I mean, to be frank, if I had to come here and complain about it, you guys would tell me to go sit down, so I don't know that there's anything beyond that one. That was the one that really struck me; beyond that, everything else is just something we're going to have to step up and figure out.

**LEG. CILMI:**

Okay, thanks.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

Yes. Gil, could you just clarify for me, is the rate increase only on these Sunday buses?

**COMMISSIONER ANDERSON:**

It's on the -- it is only on the buses that will be -- will have Sunday service for that limited period.

**LEG. EDDINGTON:**

Thank you.

**LEG. CILMI:**

But not on the Sunday bus.

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

All week.

**COMMISSIONER ANDERSON:**

Seven days a week.

**LEG. EDDINGTON:**

See, I thought I had it.

**LEG. SCHNEIDERMAN:**

It will be a \$2 fare every day.

**LEG. EDDINGTON:**

Here's my question; are other people paying that are not using?

**LEG. D'AMARO:**

Yes.

**COMMISSIONER ANDERSON:**

During the week there will be an increased fare. Seven days a week the fare will be increased I believe to \$2 for, you know, the standard fare.

**LEG. EDDINGTON:**

Okay.

**LEG. MONTANO:**

Throughout the County?

**COMMISSIONER ANDERSON:**

Just on those two routes, yes.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, just a couple of quick points; two points, actually. I don't think that this is a good time to raise the fare on any bus line, and I think I've been pretty consistent in that position over the last couple of years. But also, the concern I have also is that it's not a pilot project. Once the service is implemented and it's based on projections, I don't see how you're going to be able to pull that service away from people who come to rely on the buses, I just don't see that happening. So if we do five months and it turns out, based on ridership which could go up or down or it's based on projections, we can only do four months or three months, now someone who had been going to the bus stop and relying on this bus on Sunday goes there the following year on the same day and the bus isn't there. And I think that it will be very difficult to pull back that service and limit the cost of the bus line and the Sunday service to just that ridership during the week. So I'm not going to support this bill. I'd rather see a pilot project, one where perhaps the bus fare would sunset based on the results of the ridership and the revenue.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes. How could we end service as a government once we started that service?

**LEG. D'AMARO:**

Right, that's my point.

**LEG. ROMAINE:**

You can talk to the 264 residents that at one time occupied John J. Foley where the admission standards are going to be a lot different when a private vendor runs that. Yeah, I think government can cut it off; it has in the past and it has demonstrated that it can act that way, and I won't characterize that, but it can.

Let me talk to you about the East End. Every Supervisor in my district has supported this. Chambers of Commerce, Tanger, all major employers, the three hospitals, a whole host of community organizations, the riders themselves, when asked -- because the only alternative for those who take the bus, for those who don't have car transportation, is to walk; if they're lucky enough to own a bike, take a bike; or to take a cab. This has broad support on the East End, and the one thing that it does have, and it should say it so loud and clear, is fiscal responsibility.

We're not looking for additional County subsidies. What we're saying is on this route that begins in Orient Point and ends in East Hampton, and the smaller route which begins in East Hampton and ends in Montauk, we will collect \$2 instead of \$1.50. Nassau charges 2.25, this fare, bus fare of 1.50 has not been raised in 19 years, 19 years. People want that Sunday service. Without that Sunday service -- and I don't have the receptionist out here, our own receptionist who would come in and tell you why Sunday service is important for her; she takes a bus to work, she can't get anywhere on a Sunday. Our buses start about 6 AM and end at 8 PM during the weekday; better not stay out late if you're depending on bus transportation. We have limited Saturday service and no Sunday service.

The East End is willing to lead the way on this with the route that only serves us with its two elected officials in this body saying, "You know what? Give us the opportunity. We understand that it won't raise enough money to pay for the whole year, but it may pay for enough so we can provide service in July, August, possibly September, maybe as long as Columbus Day, all depending on the money that we collect. If you have to cut off service earlier than we've done it, but if more money comes in. These routes are very heavy; the S-92 route, and the Commissioner can correct me, is the second heaviest traveled route in the County of Suffolk.

In my district, the lack of public transportation is appalling. The Long Island Railroad has cut off service east of Ronkonkoma on Saturday and Sunday on the main line which serves my district. You can't get anywhere on a Saturday or Sunday if you don't own a car, unless you're prepared to walk, take a cab or buy a bike; and even then, with a bike and walking, it takes a lot of time because we have long distances between places. This is something that is needed. Thank you.

**LEG. MONTANO:**

Bill?

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Thank you. If the Legislators from the East End who represent that area are willing to increase the services -- and I voted against the County-wide increase, but if you're certain that your constituents want this, I don't have a problem supporting that.

My question, and I think this alludes to what Legislator D'Amaro was pointing out to earlier and I think we're on the same page with that, is that this is an East End initiative which is going to hopefully benefit the East End people that use the bus route. What I'm concerned about is to ensure that the other parts of the County that are not engaged in this are somehow not going to wind up paying the bill.

So Commissioner, what you had said earlier was that at some point in time you will assess the economic -- the revenues which you estimated at about, I think, 12,000 a month and the cost factor was about 42,000 a month; am I correct on those figures?

**COMMISSIONER ANDERSON:**

Generally, yeah. I mean, as I said earlier, we anticipate a full year revenue for the 10-hour Sunday service. Again, it's a different number, it's \$187,000 and change, and the cost is, you know, similarly as high, we're looking at totally about 390.

**LEG. MONTANO:**

Right.

**COMMISSIONER ANDERSON:**

So generally --

**LEG. MONTANO:**

How you do the math is not my concern. My concern is at the end of the day --

**COMMISSIONER ANDERSON:**

Uh-huh.

**LEG. MONTANO:**

-- this will pay for itself or you will pull the plug on the program; is that accurate?

**COMMISSIONER ANDERSON:**

Correct. We can monitor the number of passengers that are riding it, you know, we can do estimates of revenue coming in based on that, you know, daily ridership. You know, we can keep a good track of it.

**LEG. MONTANO:**

Okay. I'm fine with that then. Thank you.

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

Legislator Schneiderman, a quick succinct message, right?

**LEG. SCHNEIDERMAN:**

Yeah, I'll be quick. As was said, this is one of the biggest routes in the County, but what hasn't been said is that the S-92 is the biggest Saturday route. And when we studied the needs assessment for the County, this idea of Sunday Service came up as a paramount concern.

The S-92 sold some 70,000 tickets on Saturdays alone last year, and we're expecting perhaps 50,000 tickets will be sold on Sundays. Not only does this get people to work, but it also gives people the opportunity on Sunday, if it's their day off, to go shopping and that means, yes, sales tax for the County. So this should have an economic stimulating effect.

It also -- you know, one of the reasons not only that all these biggest groups are supporting this, but also some of the environmental groups is because it may take some cars off the road. If anybody has been out on the East End in the middle of the summer, you know how bad the traffic is. If more people would use public transportation, less pollution, less traffic; that's a good thing as well.

Lastly, I just want to say, Commissioner, thank you for your work. I know you have been busy crunching numbers on top of everything else that you have to do there. And I know you'll keep a keen eye on this to make sure that we don't run into the concerns that some of my colleagues have brought up and we'll use whatever pot of money is available to do as much Sunday service as we can. And I understand you'll have to shut it down when the money runs out, but at least if we can get some of the summer up and running, I think that's going to do a great deal for the communities on the East End.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, just quickly. I don't -- I don't believe that those 70,000 tickets that were sold, the people purchasing those tickets, most of them are probably not even aware of the fact that their bus fare is about to go up and they're paying for Sunday service. I don't believe that it's a time to put a rate increase like that into effect for people that are probably using that bus during the week but not on the weekends.

And the other point that I want to make is just, again, what Legislator Montano is saying is that, you know, we talk about ending the program, but how are you going to do that? In other words, if the fare is not covering the service, you may cut back the program, substantially you may cut back the program, but how are you going to say to people who have come to rely on the Sunday bus service that because the ridership during the week is fluctuating, we're no longer going to be able to provide the service. I just don't believe that will happen. I think what will happen is that the county will wind up having to subsidize that Sunday service to the extent that the ridership is not during the week.

The last point I want to make is that if you end the program, what happens to the fare increase? That doesn't sunset, the fare increase stays in place. So, you know, I think the bill is deficient at a minimum. The bill is deficient in the fact that if we decide to end the program administratively, which I'm not sure you can really do, but if you did it, we still have a fare increase in place. You know, I think there's a defect there as well. So that enough, that's all I have to say.

**P.O. LINDSAY:**

All right. Mr. Clerk, we have a motion and a second?

**MR. LAUBE:**

You do, and I was just about to call the vote.

**P.O. LINDSAY:**

Okay. Roll call.

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

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen.

**MS. ORTIZ:**

Eddington.

**MR. LAUBE:**

Oh, sorry about that. Legislator Eddington?

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislator D'Amaro).

**P.O. LINDSAY:**

Gil, are you here for anything else?

**LEG. SCHNEIDERMAN:**

Tim, what was the total on that?

**MR. LAUBE:**

Sixteen.

**COMMISSIONER ANDERSON:**

Yeah. Actually, there's a CN that I want to make sure it goes through.

**P.O. LINDSAY:**

Would you like us to take it out of order so you can go home?

**COMMISSIONER ANDERSON:**  
No, I'll stick around. You know --

*(\*Laughter\*)*

**LEG. NOWICK:**  
Would you like to stay here instead?

**P.O. LINDSAY:**  
Wow!

**D.P.O. VILORIA-FISHER:**  
What are you, a glutton for punishment?

**LEG. D'AMARO:**  
Say yes Gil.

**COMMISSIONER ANDERSON:**  
I guess yes.

*(\*Laughter\*)*

**MR. NOLAN:**  
What's the number?

**LEG. CILMI:**  
Don't let your wife hear you?

**MR. STRAUSS:**  
She said the same thing.

**COMMISSIONER ANDERSON:**  
She's glad I'm here.

**D.P.O. VILORIA-FISHER:**  
What was the number?

**COMMISSIONER ANDERSON:**  
I'm not sure of the number, I just know that it's a CN regarding County Road 3, Pinelawn Road, and I believe it's Rulin Road. It's basically to --

**LEG. MONTANO:**  
I can't hear you.

**COMMISSIONER ANDERSON:**  
Oh, I'm sorry. It's a CN regarding Pinelawn Road. It's basically just to -- the original legislation, which transferred land from the Town of Babylon to the County, was I think provided for a dollar; we're asking it to be increased to a hundred.

**LEG. MONTANO:**  
It's in Babylon, not in Islip.

**COMMISSIONER ANDERSON:**  
Correct, yeah.

**D.P.O. VILORIA-FISHER:**  
1304.

**P.O. LINDSAY:**  
Okay. *IR 1304*, it's *Authorizing certain technical corrections to Adopted Resolution No. 117-2011 (County Executive)*. It's a property acquisition, is that it?

**COMMISSIONER ANDERSON:**  
Yes, but the meat of the issue is that we're asking for -- generally you exchange the land for a dollar, we're asking for it to be revised to \$100 so that we can submit a bill to the Federal Highway Administration so we can initiate funding.

**P.O. LINDSAY:**  
Sounds good to me. I'll make a motion --

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

**P.O. LINDSAY:**  
-- to take CN 1304 out of order.

**LEG. BARRAGA:**  
Second.

**P.O. LINDSAY:**  
Seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**  
Okay, *1304* is before us.

*1304-11 - Authorizing certain technical corrections to Adopted Resolution No. 117-2011 (County Executive)*. I'll make a motion to approve. Second by Legislator Gregory. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**  
Good night.

**D.P.O. VILORIA-FISHER:**  
Good night, Gil.

**COMMISSIONER ANDERSON:**  
Thanks, everybody.

**P.O. LINDSAY:**  
Okay, back to page nine, *Environment, Planning & Agriculture (Cont'd)*:

*1164-11 - Appointing Edward P. Romaine as a member of the Suffolk County Soil and Water Conservation District (Presiding Officer Lindsay)*.

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

Second.

**P.O. LINDSAY:**

I will make a motion. Seconded by Legislator Viloría-Fisher. I have a question, though; what does the "P" stand for?

**LEG. ROMAINE:**

Peter.

**P.O. LINDSAY:**

Ah, okay. We have a motion and a second. All in favor? Opposed? Abstentions?

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

Cosponsor.

**MR. LAUBE:**

Seventeen.

**LEG. ROMAINE:**

List me as a recusal on that one, please.

**MR. LAUBE:**

Sixteen (Recused: Legislator Romaine).

**LEG. ROMAINE:**

To avoid a conflict of interest with someone who might file a charge.

*(\*Laughter\*)*

**P.O. LINDSAY:**

*IR 1210-11 - Appointing Riverhead Town Supervisor Sean M. Walter as a member of the Long Island Regional Planning Council (County Executive).*

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine. Do I have a second?

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay. *1211-11 - Amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Program, and appropriating funds in connection with the Fertilizer Nitrogen Reduction Program (CP 8710.120) (County Executive).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloria-Fisher.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1241-11 - Reappointing member of the Council on Environmental Quality (R. Lawrence Swanson) (Viloria-Fisher).*

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

I'll make a motion.

**LEG. NOWICK:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Viloria-Fisher, seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*Health & Human Services:*

*1104-11 - Adopting Local Law No. -2011, A Local Law to prohibit pet waste and waterfowl feeding on County property (County Executive).*

**LEG. ROMAINE:**

I believe this pet waste bill is sponsored by the County Executive.

*(\*Laughter\*)*

**P.O. LINDSAY:**

I see that, I see that.

**LEG. NOWICK:**

What about the geese in Bellport?

**LEG. ROMAINE:**

I'll be happy to second.

**P.O. LINDSAY:**

I don't -- did we get a motion?

**LEG. MURATORE:**

I'll make a motion.

**P.O. LINDSAY:**

Motion by Legislator Muratore. Second by Legislator Romaine. Who's going to enforce it?

**LEG. HORSLEY:**

I was going to say, what's the penalty for this?

**LEG. MONTANO:**

Yeah, thank you.

**LEG. HORSLEY:**

You'll get a little kid feeding the ducks.

**LEG. ROMAINE:**

Suppose you take your kids to a County park and they feed the ducks?

**LEG. HORSLEY:**

Who's going to nail that little girl.

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

Suffolk County Police Department, Parks Police.

**LEG. NOWICK:**

You better watch what you say.

*(\*Laughter\*)*

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

About who's going to enforce it?

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

Police and Parks Police, Peace Officers.

**LEG. ROMAINE:**

We're going to really tell people not to feed the ducks?

**MR. NOLAN:**

It's a \$50 fine; not less than 50 or more than --

**P.O. LINDSAY:**

1237 -- did you call the vote?

**MR. LAUBE:**

I did.

**P.O. LINDSAY:**

Okay. *IR 1237-11 - Removing John J. Foley's name from the Skilled Nursing Facility (Romaine).*

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

Ed?

**LEG. ROMAINE:**

Motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Romaine. Second by Legislator Montano. And Counsel would like to put something on the record.

**MR. NOLAN:**

I just need to point out to the Legislature that the third RESOLVED clause states that, "The County of Suffolk shall not enter into a contract for the sale of the Skilled Nursing Facility to any private entity which uses John J. Foley's name in its business or corporate name." I think it was a meeting or two ago we approved the sale of the Foley facility to an entity that has Foley's name in their corporate name, so there's an inconsistency. I would say that was a Local Law which is a law of higher dignity. To the extent there's a conflict, I think that Local Law would govern, but I thought I should point that out to the Legislature.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Because the corporation already has the Foley name, they could simply do a name change; am I correct on that, and that would solve the issue?

**MR. NOLAN:**

I think they could work it out that way.

**LEG. MONTANO:**

Okay.

**LEG. EDDINGTON:**

They better.

**P.O. LINDSAY:**

Legislator Romaine?

**LEG. ROMAINE:**

Yes, yes. I will simply say that in the seat that Jay Schneiderman sat sat John J. Foley for many years next to me in the Legislature. We didn't always agree on everything, but the one thing I did come is to admire this man, what he stood for and his beliefs and how he spoke for his beliefs.

It's a sad day when we have to remove his name in doing so because the family has requested that. I would encourage the County Executive, and I understand what Counsel says and we probably don't have a legal right, but I would encourage the County Executive to speak to the owners, the people that are purchasing the facility; I think they're taking possession in 2012. Somehow the County will

get through this year without laying off 800 people, but that's besides the point. Speak to the new owners and see if they could use another corporate name other than Foley LLC or Foley Land LLC.

This would be the last thing that John J. Foley would ever want to see in his life. And believe me, anyone that served with him or knew him or understood him, and you could speak to Terry Pearsall who was his Aide, will tell you, he fought for health care repeatedly. And I just think it's appropriate, it's sad but it's appropriate, and I would ask you to support this resolution.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

**Labor, Housing & Consumer Protection:**

***1114-11 - Adopting Local Law No. -2011, A Local Law to reconstitute and reauthorize Living Wage Advisory Committee (Presiding Officer Lindsay).*** I'll make a motion.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***1120-10 - Authorizing transfer of five (5) surplus County computers, five (5) surplus County monitors, five (5) surplus County keyboards and five (5) surplus County mouse devices to Harrison Hale Community Action Center (County Executive).***

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

Motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

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

Cosponsor.

**LEG. BROWNING:**

Cosponsor, Tim.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*IR 1154-11 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Islip for Affordable Housing purposes (SCTM No. 0500-416.00-01.00-017.000) (County Executive).* I'll make a motion.

**LEG. MONTANO:**

I'll second that.

**P.O. LINDSAY:**

Seconded by Legislator Montano.

**LEG. MONTANO:**

Actually, it's Tom's district.

**P.O. LINDSAY:**

Oh, is it Tom's?

**LEG. MONTANO:**

Tom, you want to second it?

**LEG. BARRAGA:**

I'll second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*Parks & Recreation:*

*IR 1105-11 - Adopting Local Law No. -2011, A Local Law amend the rules and regulations for the use of Suffolk County Parks (County Executive).*

**LEG. MONTANO:**

Fifteen dollars.

**MR. NOLAN:**

Free fire wood.

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

This is fire wood from --

**LEG. ROMAINE:**

You can pick up fallen firewood.

**LEG. MONTANO:**

This is the \$15 bill?

**MR. NOLAN:**

It's free.

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

Yes, it's free.

**LEG. ROMAINE:**

I don't think there's any -- free. No more fee of \$15.

**LEG. MONTANO:**

Right, okay.

**LEG. ROMAINE:**

So if you pick up a couple of twigs, you're set.

**LEG. NOWICK:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

I'm sorry, I couldn't hear the motion and the second.

**P.O. LINDSAY:**

Motion by Legislator Nowick?

**LEG. NOWICK:**

Yes.

**P.O. LINDSAY:**

And the second was by --

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

There wasn't a second.

**LEG. MURATORE:**

I'll second.

**P.O. LINDSAY:**

Legislator Muratore.

**MR. LAUBE:**

Thank you. Seventeen.

**P.O. LINDSAY:**

Did you call the vote?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay, *1202-11 - Appropriating funds in connection with rewiring of Historic Buildings at Suffolk County Vanderbilt Museum (CP 7445) (Cooper).*

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Cooper.

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

Second.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher.

**LEG. KENNEDY:**

On the motion, Mr. Chair.

**P.O. LINDSAY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

I had a chance to speak to Mr. Reinheimer and he did indicate that this electrical work I think is for the Hall of Fishers, Jon, which --

**LEG. COOPER:**

I believe so, yes.

**LEG. KENNEDY:**

Actually, he said they won't be taking occupancy or utilizing until some time next year. I'd ask if we can entertain a motion for tabling for just one cycle. The 50,000 ought to be something that we could at least take some look at to so if there is availability in operating.

**LEG. NOWICK:**

I'll second the motion if you want.

**LEG. COOPER:**

The only question I have, I mean, there are people using -- utilizing the building, the facility right now, so I'm not sure what you mean by it's not going to be used until next year.

**LEG. KENNEDY:**

The quick conversation that I had with him was that he talked about the fact that there probably wouldn't be full use and occupancy until some time next year. If it's -- I mean, if it's an electrical hazard, that's a different story. But if there's an opportunity for maybe one cycle, just to look at whether or not we can --

**LEG. COOPER:**

I'm sure one cycle -- my understanding is that the building doesn't meet current electrical codes and there was potential risk of an electrical fire. I don't know whether --

**LEG. KENNEDY:**

Well, if it's that egregious, then maybe it would warrant it. My other when I took a quick look at it was that because it was only 50,000, maybe there was an opportunity to go ahead and look at operating funds to at least do some of the work incremental --

**LEG. COOPER:**

You know, actually, Mr. Chair, if we can pass over this resolution. I'm going to try to reach Lance on his cell phone to get this clarified.

**P.O. LINDSAY:**

Yes.

**LEG. KENNEDY:**

Okay. Thank you.

**P.O. LINDSAY:**

Okay, **1203-11 - Appropriating funds in connection with waterproofing, roof and drainage at the Suffolk County Vanderbilt Museum (CP 7439) (Cooper)**. Do I have a motion?

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve --

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

I'll second.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

-- by Legislator Cooper. Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**LEG. EDDINGTON:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Eddington).

**P.O. LINDSAY:**

Okay. On the accompanying Bond, **1203A. (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of waterproofing, roof and drainage improvements at the Suffolk County Vanderbilt Museum (CP 7439.312))**, same motion, same second. Roll call.

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

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yeah.

**LEG. EDDINGTON:**

No.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Eddington).

**P.O. LINDSAY:**

*IR 1206-11 - Reappoint member to the Suffolk County Board of Trustees of Parks, Recreation, and Conservation (Miles B. Borden) (Nowick).*

**LEG. NOWICK:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Nowick.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**  
Second by who?

**MR. NOLAN:**  
Kennedy.

**P.O. LINDSAY:**  
Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Seventeen.

**LEG. KENNEDY:**  
Can you add me as cosponsor, please, Mr. Clerk?

**MR. LAUBE:**  
Will do. Seventeen.

**P.O. LINDSAY:**  
**Public Safety:**

***IR 1025-11 - Approving the appointment of Dionne Walker-Belgrave as a member of the Suffolk County Human Rights Commission (County Executive).***

**LEG. GREGORY:**  
Motion.

**P.O. LINDSAY:**  
Motion by Legislator Gregory. I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**  
***IR 1178-11 - Appropriating funds in connection with the purchase of a prisoner transport bus for the Sheriff's Office (CP 3047) (County Executive).***

**LEG. BROWNING:**  
Motion.

**LEG. COOPER:**  
Motion.

**LEG. EDDINGTON:**  
Second.

**P.O. LINDSAY:**  
Motion by Legislator Cooper, seconded by Legislator Eddington.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**

On the accompanying Bond, *1178A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance the cost of the purchase of a prisoner transport bus for the Sheriff's Office (CP 3047.516)*, same motion, same second.  
Roll call.

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

**LEG. COOPER:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Mike, was that what you were waiting around for? Do you have another one?

**CHIEF SHARKEY:**

I have three more.

**LEG. SCHNEIDERMAN:**

Let's do them.

**P.O. LINDSAY:**

Let's see if we can accommodate the Sheriff. I apologize.

**MR. NOLAN:**

1251.

**P.O. LINDSAY:**

IR 1251. I'll make a motion.

**LEG. NOWICK:**

We have to take them out of order.

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

To take it out of order?

**MR. LAUBE:**

That's a motion to take it out of order?

**P.O. LINDSAY:**

Yes.

**LEG. CILMI:**

Wouldn't it be quicker just to go through the other ones?

**P.O. LINDSAY:**

We started already.

**LEG. GREGORY:**

Second.

**P.O. LINDSAY:**

Do I have a second? Second by Legislator Gregory. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

All right, it's before us.

***1251-11 - Appropriating funds in connection with the purchase of communications equipment for Sheriff's Office (CP 3060) (Presiding Officer Lindsay).*** I'll make a motion.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Accompanying Bond ***1251A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$312,000 bonds to finance the cost of the purchase of communications equipment for the Sheriff's Office (CP 3060.512),*** same motion, same second. Roll call.

**LEG. SCHNEIDERMAN:**

Do you have to take it out of order first?

**P.O. LINDSAY:**

We did it already.

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

**LEG. NOWICK:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay. I make a motion to take **1252** out of order.

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

***Appropriating funds in connection with improvements to the County Correctional Facility C – 141, Riverhead (CP 3014) (Presiding Officer Lindsay),*** as well as 1252A, the accompanying Bond.

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

On the accompanying Bond, same motion --

**LEG. CILMI:**

That was to take it out of order.

**P.O. LINDSAY:**

Oh, that was to take it out of order. Motion to approve. Same motion, same second on the approval. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

On the accompanying Bond, ***1252A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,700,000 bonds to finance the cost of improvements to the County Correctional Facility C-141, Riverhead (CP 3014.321, .411 and .515)***, same motion, same second. Roll call.

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

**LEG. ROMAINE:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay, I make a motion to take *1253-11 - Appropriating funds in connection with renovations to the original portions of the Yaphank Correctional Facility (CP 3009) (Presiding Officer Lindsay)*, out of order.

**LEG. BROWNING:**

Motion.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

As well as the accompanying Bond **1253A**. Motion was by, to take it out of order?

**MR. NOLAN:**

Browning.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

It is before us, **1253**; same motion, same second okay over there? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

On the accompanying Bond, *1253A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$350,000 bonds to finance the cost of renovation of the Yaphank Correctional Facility (CP 3009.112, .316 and .512)*, same motion, same second. Roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Good night.

**CHIEF SHARKEY:**

Thank you.

**P.O. LINDSAY:**

*1214-11, back on page ten, Accepting and appropriating Federal funding in the amount of \$30,000 from the Department of Homeland Security, United States Immigration and Customs Enforcement (ICE), for the Suffolk County Police Department's Participation in the ICE El Dorado Task Force with 83.37% support (County Executive).*

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington, second by Legislator Browning. On the question, Legislator Viloría-Fisher.

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

Yes. I haven't been able to find out what the ICE Eldorado Task Force actually does. And I want to be certain we're not moving into deputizing members of our Police Department to do immigration enforcement, so I'm concerned about what this is. Could someone on the committee explain what this program is?

**P.O. LINDSAY:**

Legislator Eddington, do you remember the dialogue on this?

**LEG. EDDINGTON:**

No, we didn't get a description.

**LEG. BROWNING:**

Hold on.

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

Is there anyone from the County Executive -- I can't vote for this if it's in any way deputizing members of our police force to enforce immigration laws.

**LEG. EDDINGTON:**

It was already stated that's not allowed; it's against the law to do that.

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

Well, we -- well, cases have been lost around the country where that has been attempted. But I don't know what ICE Eldorado is and --

**LEG. MONTANO:**

Can we skip over it until we get an explanation?

**LEG. GREGORY:**

Mr. Chair?

**P.O. LINDSAY:**

Legislator Gregor.

**LEG. GREGORY:**

It's my understanding that this funding goes to overtime for the Detectives that work with the ICE officials. It doesn't -- from my understanding, it doesn't involve any raids or anything like that.

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

Okay. Because we know there have been raids on the east end and I want to make sure that we're not subsidizing that.

**MR. NOLAN:**

The only thing I can find in the backup, Legislator Viloría-Fisher, states it's a task force formed to conduct official Homeland Security investigations, and that's basically all I can find in the backup.

**P.O. LINDSAY:**

Okay.

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

I think Legislator D'Amaro has a comment.

**P.O. LINDSAY:**

Go ahead.

**LEG. D'AMARO:**

No, I just did a quick Internet search and there's information here that, "The ICE Eldorado Task Force dismantles sophisticated Internet gambling operation." So, you know, if that helps.

**P.O. LINDSAY:**

Okay. Anybody have any other questions?

**LEG. MONTANO:**

No.

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

I was just handed some extra information. Can we just skip this for a minute so I can read the backup?

**P.O. LINDSAY:**

Sure.

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

Thank you.

**P.O. LINDSAY:**

*1215-11 - Accepting and appropriating Federal funding in the amount of \$25,000 from the United States Department of Justice, Organized Crime Drug Enforcement Task Forces (OCDETF), for the Suffolk County Police Department's Participation in OCDETF Operations and Investigations with 83.37% support (County Executive).*

**LEG. ROMAINE:**

Motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1216-11 - Accepting and appropriating Federal funding in the amount of \$15,000 from the United States Department of Agriculture, Office of Inspector General, for the Suffolk County Police Department's Participation in the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program (SNAP) and Welfare Fraud Investigation with 83.37% support (County Executive).*

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1217-11 - Accepting and appropriating a grant in the amount of \$117,450 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's Operation Hot Wheels VII Program with 84.07% support (County Executive).*

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1217-11 - Accepting and appropriating a grant in the amount of \$117,450 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's Operation Hot Wheels VII Program with 84.07% support (County Executive).*

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1244-11 - Accepting a conditional gift to fund the installation of the ShotSpotter® Gunshot Location System in North Bellport (Eddington).*

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Does this -- is this separate from the CN? Can we move this one?

**LEG. COOPER:**

Well, wait; is this separate? Yeah, I don't think it is.

**LEG. SCHNEIDERMAN:**

It's in the CN as well.

**LEG. COOPER:**

Yeah, I don't think it is

**MR. NOLAN:**

The CN references, you know, this gift, but we have to pass the resolution to accept the gift, and that's what this resolution basically does.

**P.O. LINDSAY:**

Okay. We have a motion by Legislator Eddington, a second by Legislator Cooper.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

I'm sorry, Browning. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**  
**Public Works & Transportation:**

***1168-11 - Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land, having Suffolk County Tax Map Identification Numbers of District 0200 Section 977.60 Block 04.00 Lot 021.000 and District 0200 Section 977.60 Block 04.00 Lot 022.000, pursuant to Section 125 of the New York State Highway Law (County Executive).***

**LEG. EDDINGTON:**  
Motion.

**P.O. LINDSAY:**  
Motion by Legislator Eddington. Do I have a second?

**LEG. MURATORE:**  
Second.

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

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**  
***1169-11 - Amending Resolution No. 877 of 2007 in connection with improvements to North Highway, CR 39, Town of Southampton (CP 5528.111, PIN 075736) (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?

**MR. LAUBE:**  
Seventeen.

**P.O. LINDSAY:**  
***1170-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with Construction Inspection Services (CP 5568) (County Executive).***

**LEG. SCHNEIDERMAN:**  
Motion.

**P.O. LINDSAY:**

Who made the motion? Motion by Legislator Schneiderman. I'll second it. All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**LEG. ROMAINE:**

Opposed.

**MR. LAUBE:**

Fifteen -- fourteen (Opposed: Legislators Romaine, Barraga & Kennedy).

**P.O. LINDSAY:**

On the accompanying Bond, ***1170A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$600,000 bonds to finance the cost of construction inspection services for various capital projects (CP 5568.311)***, same motion, same second. Roll call.

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

**LEG. SCHNEIDERMAN:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**LEG. EDDINGTON:**

No.

**MR. LAUBE:**

Thirteen (ACTUAL VOTE: Twelve - Opposed: Legislators Romaine, Eddington, Barraga, Kennedy & Nowick).

**P.O. LINDSAY:**

*1171-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with the County Share for participation in the reconstruction of CR 11, Pulaski Road from Larkfield Road to NYS Route 25A, Phase III, Towns of Huntington and Smithtown (CP 5095) (County Executive).*

**LEG. NOWICK:**

Motion.

**LEG. KENNEDY:**

Second.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Nowick, second by Legislator D'Amaro.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

On the accompanying Bond Resolution, *1171A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$6,500,000 bonds to finance a part of the cost of the reconstruction of CR 11, Pulaski Road, from Larkfield Road to NYS 25A, in the Towns of Huntington and Smithtown (CP 5095.311)*, same motion, same second.

Roll call.

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

**LEG. NOWICK:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yeah.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

***1172-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with safety improvements at various intersections (CP 3301) (County Executive).***

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

On the accompanying Bond, ***1172A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$400,000 bonds to finance the cost of planning for safety improvements at various intersections (CP 3301.129).*** Same motion, same second. Roll call.

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

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yeah.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

*1173-11 - Appropriating funds in connection with reconstruction of CR 17, intersection improvements, Carleton Avenue (Wheeler Road), Phase III, Town of Islip (CP 5097) (County Executive).*

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Montano.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

**LEG. MONTANO:**

List me as a cosponsor.

**MR. LAUBE:**

Done.

**P.O. LINDSAY:**

Same motion, same second on **1173A**, the accompanying Bond

***(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$400,000 bonds to finance the cost of planning for intersection improvements on CR 17, Carleton Avenue/Wheeler Road (Phase III), Town of Islip (CP 5097.111)).*** Roll call.

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

**LEG. MONTANO:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

*1174-11 - Appropriating funds in connection with safety improvements to CR 21, Main Street in Yaphank (CP 5138) (County Executive).*

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

On the accompanying Bond, *1174A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance the cost of safety improvements to CR 21, Main Street in Yaphank (CP 5138.310)*, same motion, same second. Roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yeah.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

***1175-11 - Appropriating funds in connection with reconstruction of culverts (CP 5371) (County Executive).***

**LEG. SCHNEIDERMAN:**

Motion.

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**MR. LAUBE:**

Fifteen (Opposed: Legislators Barraga & Kennedy).

**P.O. LINDSAY:**

On ***1175A***, the accompanying Bond Resolution (***Bond Resolution, of the County of Suffolk, New York, authorizing the issuance of \$868,250 bonds to finance the cost of the reconstruction of culverts (CP 5371.320)***), same motion, same second. Roll call.

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

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Fifteen. Oh, Eddington.

**P.O. LINDSAY:**

1179 --

**MR. LAUBE:**

Legislator Eddington? I'm sorry, I missed his vote.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Fifteen (Opposed: Legislators Barraga & Kennedy).

**P.O. LINDSAY:**

*1179-11 - Appropriating funds in connection with the rehabilitation of parking lots, drives and curbs at County facilities (CP 1678) (County Executive).* Do I have a motion?

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**LEG. NOWICK:**

Opposed.

**MR. LAUBE:**

Fourteen (Opposed: Legislators Barraga & Kennedy).

**P.O. LINDSAY:**

On the accompanying Bond Resolution, *1179A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,250,000 bonds to finance the cost of rehabilitation of parking lots, drives and curbs at County facilities (CP 1678.321),* same motion, same second. Roll call.

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

**LEG. EDDINGTON:**

Pass.

**LEG. COOPER:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yeah.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Fourteen (Opposed: Legislators Barraga, Kennedy & Nowick).

**P.O. LINDSAY:**

*1180-11 - Appropriating funds in connection with strengthening and improving County roads (CP 5014) (County Executive).* Do I have a motion?

**LEG. BROWNING:**

I'll make a motion.

**LEG. NOWICK:**

I'll second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

*1180A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$6,000,000 bonds to finance the cost of strengthening and improving County roads (CP 5014.351), same motion, same second. Roll call.*

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

**LEG. BROWNING:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

Go ahead, take over.

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

***1181-11 - Appropriating funds in connection with reconstruction of drainage systems on various County roads (CP 5024) (County Executive).*** Motion?

**LEG. BROWNING:**

Motion.

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

Legislator Browning. Second?

**LEG. GREGORY:**

Second.

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

Legislator Gregory. Okay, all in favor? Opposed?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

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

Okay, the accompanying Bond, ***1181A. Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$525,000 bonds to finance a part of the cost of the reconstruction of drainage systems on various County roads (CP 5024.310).***, same motion, same second.

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

**LEG. BROWNING:**

Yes.

**LEG. GREGORY:**

Pass.

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

Yes.

*(\*Laughter\*)*

**MR. LAUBE:**

We could be here all night.

*(\*Roll Call Continued by Mr. Laube - Clerk\*)*

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Pass.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. COOPER:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

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

*1182-11 - Appropriating funds in connection with the purchase of Public Works Highway Maintenance Equipment (CP 5047) (County Executive).* Is there a motion? I'll make a motion. We need a second.

**LEG. MURATORE:**

Second.

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

Legislator Muratore.

**LEG. KENNEDY:**

On the resolution, Madam Vice-Chair. I'm going to ask if we could table this resolution for one cycle. I spoke at length with the Commissioner this morning, there's about 15 pieces of equipment on here. I just needed to get some additional information from him about -- it covers a wide variety of different things; trucks, sweepers, a bull dozer, a bunch of different things.

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

Is that a motion?

**LEG. ROMAINE:**

Second.

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

Okay, motion to table --

**LEG. KENNEDY:**

Yes, one cycle.

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

-- by Legislator Kennedy. Seconded by Legislator Romaine. Okay, on the motion; all in favor? You want a roll call on that, Bill?

**P.O. LINDSAY:**

No.

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

All in favor? Opposed? Tabling motion carries.

**MR. LAUBE:**

Sixteen. Seventeen.

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

Okay, you're ready to go back? Okay.

**P.O. LINDSAY:**

*1183-11 - Appropriating funds in connection with the improvements to County Environmental Recharge Basins (CP 5072) (County Executive).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloria-Fisher.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen.

**LEG. ROMAINE:**

Opposed.

**MR. LAUBE:**

Fifteen (Opposed: Legislators Barraga & Romaine).

**P.O. LINDSAY:**

On the accompanying Bond, ***1183A (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)***, same motion, same second. Roll call.

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

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

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

Abstain.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**MR. LAUBE:**

Alden? Oh, these are really old.

*(\*Laughter\*)*

I'm looking at an old sheet. They printed out wrong ones on accident. I got it.

*(\*Roll Call Continued by Mr. Laube - Clerk\*)*

**LEG. BARRAGA:**

No.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. CILMI:**

Did I vote?

**MR. LAUBE:**

Yes, I heard a yes. No? Cilmi; I'll go back.

**LEG. CILMI:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Fourteen (Opposed: Legislators Barraga & Romaine - Abstention: Legislator Schneiderman).

**P.O. LINDSAY:**

Okay, *1184-11 - Appropriating funds in connection with the reconstruction of CR 11, Pulaski Road from Larkfield Road to NYS 25A in the vicinity of Old Bridge Road to the vicinity of Gull Hill Road (Phase I) Town Of Huntington (CP 5095) (County Executive).*

**LEG. COOPER:**

Motion.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Cooper, second by Legislator D'Amaro.  
All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**LEG. ROMAINE:**

Opposed.

**MR. LAUBE:**

Fifteen (Opposed: Legislators Barraga & Romaine).

**P.O. LINDSAY:**

On the accompanying Bond, **1184A. (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,000,000 bonds to finance the cost of the reconstruction of CR 11, Pulaski Road, from the vicinity of Old Bridge Road to the vicinity of Gull Hill Road (Phase I), in the Town of Huntington (CP 5095.310)*)**, same motion, same second. Roll call.

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

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Fifteen (Opposed: Legislators Barraga & Romaine).

**P.O. LINDSAY:**

*1185-11 - Appropriating funds in connection with construction of sidewalks on CR 35, Park Avenue; CR 76; Townline Road; CR 79, Bridgehampton-Sag Harbor Turnpike; CR 85, Montauk Highway; CR 92, Oakwood Road; Towns of Huntington, Islip, Smithtown and Southampton(CP 5497) (County Executive).* Motion by Legislator Cooper.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Kennedy. You have a question, Legislator Schneiderman?

**LEG. MONTANO:**

And I do, too.

**LEG. SCHNEIDERMAN:**

This half of million dollars, we've already authorized the projects. Is this money that's being added or is this money that's being transferred?

**P.O. LINDSAY:**

Legislator Schneiderman, talk into the mic more.

**LEG. SCHNEIDERMAN:**

I'm sorry.

**MR. LIPP:**

It's just appropriating funds that are already there.

**LEG. SCHNEIDERMAN:**

Okay. It's not taking anything away from these projects, it's --

**MR. LIPP:**

Correct.

**LEG. SCHNEIDERMAN:**

Okay, it's just appropriating an additional half of million dollars?

**MR. LIPP:**

It's appropriating what's in the Capital Program already.

**LEG. SCHNEIDERMAN:**

Okay.

**LEG. MONTANO:**

One question, Bill?

**P.O. LINDSAY:**

Yeah, I'm going to -- Robert, didn't we appropriate money for sidewalks last month, too?

**MR. LIPP:**

I'll check and get back to you.

**P.O. LINDSAY:**

All right. Legislator Montano has a question.

**LEG. MONTANO:**

Yeah, really it's generic. I don't know if you know, but with this bonding, do you know how much we bonded today? Can you give me the general --

**MR. LIPP:**

Yes, I can get it.

**LEG. MONTANO:**

The amount of how much we're -- I think this is our last bond, right?

**MR. LIPP:**

We have bonded to date almost 25 million.

**LEG. MONTANO:**

Twenty-five million.

**MR. LIPP:**

Right.

**MR. NOLAN:**

Today?

**LEG. MONTANO:**

No, today, today.

**MR. LIPP:**

Today, today.

**LEG. MONTANO:**

Just today, we spent 25 million. Okay.

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

Burning right through it.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**P.O. LINDSAY:**

Sixteen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

On the accompanying Bond Resolution, ***1185A. (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance a part of the cost of construction of sidewalks on CR 35, CR 76, CR 79, CR 85 and CR 92, in the Towns of Huntington, Islip, Smithtown and Southampton (CP 5497.332)***, same motion, same second.  
Roll call.

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

**LEG. COOPER:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

*IR 1186-11 - Transferring assessment stabilization reserve funds to the capital fund, and appropriating funds for chemical bulk storage facilities for sanitary facilities in Suffolk County Sewer Districts (CP 8178) (County Executive).*

**LEG. HORSLEY:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1187-11 - Adopting an order extending the boundaries of Sewer District No. 18 – Hauppauge Industrial (CP 8126) (County Executive).*

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***1189-11 - Appropriating funds in connection with the purchase of Sewer Facility Maintenance Equipment (CP 8164) (County Executive).*** The Administration has asked that it be tabled.

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

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***IR 1190-11 - Authorizing "Project Spot Light" the illumination of the H. Lee Dennison Building in support of National County Government Month "Serving Our Veterans, Armed Forces and Their Families" (County Executive).***

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***IR 1200-11 - Authorizing the transfer of 160 surplus blackberry mobile devices to Suffolk County Domestic Violence Agencies (County Executive).***

**LEG. EDDINGTON:**

Motion.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***1201-11 - Authorizing transfer of surplus Suffolk County Vehicles to the Suffolk County Vanderbilt Museum (County Executive).*** I'll make a motion.

**LEG. COOPER:**

I'll second.

**P.O. LINDSAY:**

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

**LEG. EDDINGTON:**

Opposed.

**LEG. MONTANO:**

Opposed.

**MR. LAUBE:**

Fifteen (Opposed: Legislators Eddington & Montano).

**P.O. LINDSAY:**

1209 we already did.

***1223-11 - Authorizing public hearing for approval of rates for Roncalli Freight Company Inc. (County Executive).*** I'll make a motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***1238-11 - Authorizing the transfer of one (1) surplus County printer to the Suffolk County Vanderbilt Museum (County Executive).*** I'll make the motion.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**LEG. EDDINGTON:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Eddington).

**P.O. LINDSAY:**

*Ways & Means:*

*1123-11 - Reappointing member to the Judicial Facilities Agency. (John J. Collado) (Montano).*

**LEG. MONTANO:**

Motion.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1125-11 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act M.R.H. Mallard Family Limited Partnership, by Rhuella Hossain (SCTM No. 0200-975.90-02.00-043.000) (County Executive).*

**LEG. MONTANO:**

Motion.

**LEG. BROWNING:**

Motion to table.

**P.O. LINDSAY:**

Motion to table?

**LEG. MONTANO:**

Was that the one that you --

**LEG. BROWNING:**

Yes. I will tell you --

**P.O. LINDSAY:**

Well, I'll second the tabling motion for the subject of discussion. Go ahead, Legislator Browning.

**LEG. BROWNING:**

Yeah, I'd like to look into this some more. He owns a piece of property in North Bellport, that's what this one is. It's been sitting for years untouched, and now of all of a sudden that he's getting ready to lose it, he's now going to pay back his taxes.

I've had a number of problems with this person. He's a doctor, and I believe at Brookhaven Hospital, and I've had many problems with him. He owns a number of properties in my district, he is a slumlord. And I know that we had some developers in the North Bellport area who wanted to purchase the property and he's been very uncooperative and he really doesn't seem to care one way or the other about the appearance of the community. So I'd like to table it at this time until we have further discussion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**LEG. D'AMARO:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator D'Amaro).

**P.O. LINDSAY:**

1149 -- Ms. Greene was here; I didn't even see you. Did you want to comment on that?

**DIRECTOR GREENE:**

Only if you would like me to.

**P.O. LINDSAY:**

Nobody asked. I'm sorry I didn't see you, I would have called on you.

**LEG. MONTANO:**

Was she going to comment on that.

**P.O. LINDSAY:**

No, only if we wanted her to.

**LEG. MONTANO:**

No. I'll make a motion.

**P.O. LINDSAY:**

***1149-11 - Authorizing the transfer of certain property to Suffolk County Department of Public Works (County Executive).***

**LEG. MONTANO:**

I'll make a motion.

**P.O. LINDSAY:**

Motion by Legislator Montano.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1150-11 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-306.00-11.00-020.000) (County Executive).*

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1151-11 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven. (SCTM No. 0200-498.00-01.00-019.002) (County Executive).*

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Same motion, same second, same vote all right?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1152-11 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-980.50-05.00-052.000) (County Executive).* Same motion, same second, same vote.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1226-11 - Amend Resolution No. 9-2011, Designating two (2) alternating newspapers as official newspapers of the County Of Suffolk (Presiding Officer Lindsay).* I'll make a motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**LEG. MONTANO:**

Abstention.

**MR. LAUBE:**

Sixteen (Abstention: Legislator Montano).

**P.O. LINDSAY:**

*1236-11 - Approval of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act (County Executive).*

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Montano.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1245-11 - Authorizing the County Clerk to file an application for additional State Mortgage Tax reimbursement (Presiding Officer Lindsay).*

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Montano.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**MR. NOLAN:**

We have to go back.

**P.O. LINDSAY:**

Okay, we have to go back to get a couple of them; just let me find it.

**MR. NOLAN:**

We have Budget & Finance on page eight.

**P.O. LINDSAY:**

Page eight.

**MR. NOLAN:**

It has to do with the ShotSpotter.

**P.O. LINDSAY:**

Okay. Did we -- that's in the CN, no? So we just continue to skip that, right? The ShotSpotter, we're going to address it through the CN?

**LEG. GREGORY:**

Yes.

**P.O. LINDSAY:**

Okay.

**LEG. BROWNING:**

Do you want to go back to 1214? We didn't do that one.

**P.O. LINDSAY:**

Yeah, we've got to do *1214 (Accepting and appropriating Federal funding in the amount of \$30,000 from the Department of Homeland Security, United States Immigration and Customs Enforcement (ICE), for the Suffolk County Police Department's Participation in the ICE El Dorado Task Force with 83.37% support).*

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

Yes. Mr. Chair?

**P.O. LINDSAY:**

Yes?

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

Well, I went on Bing and I checked how they described this task force and it is one that goes after money laundering and trafficking, which of course we want that to be addressed. And actually, I have here, my Aide looked up the minutes of a meeting of Public Safety where Deputy Inspector Nieves said, "This is simply renamed task force. This was the old Customs Task Force that we've had for many years, they've renamed it the Eldorado. It deals with -- it's a Tri-State multi-agency task force that deals with international money laundering and narcotics trafficking. We've provided a few Detectives to that task force." And Legislator Gregory asked directly, "This is not the same task force that they do the home raids," and Inspector Nieves said, "No, sir, this is not involved with illegal immigration. This involves money laundering and narcotics trafficking." Okay, so I'll make a motion to approve.

**LEG. BROWNING:**

I'll second.

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

There's already a motion?

**P.O. LINDSAY:**

Did we have a motion on 1214 already?

**MR. LAUBE:**

Legislator Eddington and Browning.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1202 (Appropriating funds in connection with rewiring of Historic Buildings at Suffolk County Vanderbilt Museum (CP 7445) (Cooper)).*

**LEG. COOPER:**

Mr. Chair, we did reach out to Lance Reinheimer and he would like to see this approved today. It may be used for the Hall of Fishes where they have some serious electrical problems. As a matter of fact, if you visit there you'll see electrical cords taped to the floor where visitors are walking. But they're going to add it to the priority list and if they find another electrical problem such as electrical wires shorting out somewhere, they may use it there instead, but he said it is important for this to be approved as soon as possible.

**P.O. LINDSAY:**

Do you want to make a motion?

**LEG. COOPER:**

Yes, so motion to approve.

**P.O. LINDSAY:**

Did we have a motion already?

**MR. LAUBE:**

You have a motion and a second on 1202 to approve, and you have a motion to table by Legislator Kennedy.

**P.O. LINDSAY:**

Okay. And do we have a second to the tabling?

**MR. LAUBE:**

No.

**P.O. LINDSAY:**

Does anybody want to second the tabling?

**LEG. MURATORE:**

I'll second.

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

Muratore.

**P.O. LINDSAY:**

Muratore, okay. So we have a motion to table and a motion to approve; tabling goes first. Do you want to talk on the subject? Go ahead.

**LEG. KENNEDY:**

Hold on, Mr. Chair. No, no, I'll withdraw the motion to table. I'm probably not going to vote in favor of the resolution, but I don't want to stop up if Jon's ascertained that there's an electrical hazard there.

**LEG. COOPER:**

Thank you.

**P.O. LINDSAY:**

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

**LEG. KENNEDY:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Kennedy).

**P.O. LINDSAY:**

On *1202A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$50,000 bonds to finance the cost of rewiring of historic buildings at the Suffolk County Vanderbilt Museum (CP 7445.313)*, same motion, same second. Roll call.

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

**LEG. COOPER:**

Yes.

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

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

(Not present).

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

No.

**MR. LAUBE:**

Fourteen (Opposed: Legislators Kennedy & Eddington - Not Present: Legislator Montano).

**P.O. LINDSAY:**

Okay, if you go to the manilla folder, we have some bills in there.

The one is *Resolution No. 16-2011 - Directing the issuance of Request For Proposal to increase services and revenue at the John J. Foley Skilled Nursing Facility (Browning)*.

**MR. NOLAN:**

This is a potential override that we did not consider at the last meeting.

**LEG. BROWNING:**

Okay. Well, I'm going to make a motion to override because I will never give up on John J. Foley.

**P.O. LINDSAY:**

We have a motion to override. Do I have a second?

**LEG. KENNEDY:**

Yeah, I'll second that reso.

**P.O. LINDSAY:**

Second by Legislator Kennedy.

**LEG. D'AMARO:**

Excuse me?

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Can I get an explanation? I apologize. What are we voting on?

**P.O. LINDSAY:**

The County Executive, on February 17th, vetoed a bill for services at John J. Foley. Maybe you will explain. It has to do with the legal case.

**MR. NOLAN:**

Well, basically what this resolution, you may recall, what it did, it directed the Budget Review Office to issue an RFP to try to solicit proposals from vendors to provide additional health services at the Foley facility. Since then, we have voted to sell the Foley facility. I'll leave it at that.

**P.O. LINDSAY:**

We have a motion and a second. Legislator Romaine.

**LEG. ROMAINE:**

Yes.

**LEG. MONTANO:**

I have a question.

**LEG. ROMAINE:**

I'm just going to ask a question for point of reference. It's my understanding that the sale of this building will not be completed until 2012; is that correct? This is what I'm -- you know, I can't -- I usually don't get involved in Foley events, but I'm just curious when the sale is going to take place, approximately. I mean, the lights are going out. Can we get an answer on that?

**P.O. LINDSAY:**

Could I just -- you know, the day that we voted on this sale, one of the things that the employees requested is that the sale be put off until the end of the year.

**LEG. ROMAINE:**

Okay.

**P.O. LINDSAY:**

Because they wanted to get another year of pension credits.

**LEG. ROMAINE:**

Okay.

**P.O. LINDSAY:**

And I was told at that time that by the time all the paperwork is done, that would be easy to accomplish because they didn't think that the sale would be accomplished until the end of 2011.

**LEG. ROMAINE:**

I have to recuse myself from the vote, but I just thought I'd ask that question. Because there was some reference that if the facility stayed open, there would have to be, you know, layoffs to pay for it.

**P.O. LINDSAY:**

Legislator Vilorio-Fisher.

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

Budget Review, that was my question. We've been saying the budget -- JJ Foley is not in the 2011 budget. So how are we running it? Are we getting money up front?

**MR. LIPP:**

Well, no, no.

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

I'm just curious how we're managing to do this trick.

**MR. LIPP:**

No, we're not getting money up front. There is an issue with having sufficient appropriations in the budget; technically that's going to be up to the County Executive, how to manage and how to come up with those appropriations. There are certain things that we see in the budget that you could possibly do, but it may be, we think, if you're running for the full year, that those things would be insufficient to fully fund the operation for the full year by a few million.

**P.O. LINDSAY:**

Could I just interrupt? In my discussions with the Executive and their Budget Office, they said that they were going to use the extra appropriations in the unemployment line because they were figuring on they'd have to layoff a lot of paid people and pay a lot of unemployment insurance, and if they don't do have to do that they won't need all those appropriations. So that was one thing.

**MR. LIPP:**

Right.

**P.O. LINDSAY:**

The rest of it they have to figure out themselves. And I don't really want to rehash this. I mean, this is a vote. Legislator Browning made a motion to override the County Executive's veto; why don't we just vote on that up or down?

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

But it is a curious question, how they're paying for it.

**LEG. BROWNING:**

Just one more thing.

**P.O. LINDSAY:**

Yes, Legislator Browning.

**LEG. BROWNING:**

You know, Eric Naughton stood in front of us last year talking about the sale and that question was asked of him and he did say back then that we would have to keep it funded for 2011 because the sale would not go through till 2012. However, this Legislature, in its infinite wisdom, and the County Executive said they wouldn't support the funding. So now I'm curious where it's going to go. He has threatened, the County Executive has threatened over the past number of months that if we kept it open, he'd have to do 800 layoffs. So I'm curious as to how he's going to fund it.

**P.O. LINDSAY:**

Why don't you ask him that, okay? I mean, that doesn't have anything to do with your motion to override.

**LEG. BROWNING:**

Oh, I know. But --

**P.O. LINDSAY:**

It's twenty to ten.

**LEG. BROWNING:**

-- let him figure it out.

**P.O. LINDSAY:**

We're tired, we want to go home.

**LEG. BROWNING:**

Yeah. Well, but still, here we go. It's not a done deal.

**LEG. MONTANO:**

I had just one quick question.

**P.O. LINDSAY:**

Go ahead. Go ahead. I just don't want to rehash the whole sale again.

**LEG. MONTANO:**

I don't blame you, but I just had a quick question to Counsel. In light of the vote that we took to sell and in light of the fact that the Appellate Division approved it, what would an override of this resolution accomplish, if anything, or would it be in conflict with that?

**MR. NOLAN:**

Well, you're directing the Budget Review Office to carry out an RFP that -- I don't know how they can carry out the RFP.

**LEG. MONTANO:**

Okay. Well, I'm going to not vote to override. But in reading the veto message, I disagree with the logic the County Executive outlined there, but because we voted to sell, I think we should just get on with the vote. I'm going to vote to not override this.

**P.O. LINDSAY:**

We have a motion to override and a second. Roll call.

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

**LEG. BROWNING:**

Yes to override.

**LEG. KENNEDY:**

Yes.

**LEG. ROMAINE:**

Please list me as a recusal.

**LEG. SCHNEIDERMAN:**

No to override.

**LEG. MURATORE:**

No to override.

**LEG. EDDINGTON:**

Pass.

**LEG. MONTANO:**

No to override.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. NOWICK:**

No.

**LEG. HORSLEY:**

No.

**LEG. GREGORY:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. COOPER:**

No.

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

(Not present).

**P.O. LINDSAY:**

No.

**LEG. EDDINGTON:**

Yes.

**MR. LAUBE:**

Three.

**P.O. LINDSAY:**

Okay. *Procedural Motion No. 11-2011 - Authorizing funding for Community Support Initiatives (Phase I) (Presiding Officer Lindsay).*

I'll make a motion.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen (Not Present: Legislator Viloría-Fisher).

**P.O. LINDSAY:**

Okay, the CN file.

**LEG. MONTANO:**

Where are we going now?

**P.O. LINDSAY:**

CN's:

**1014-11 - Approving renewal and extension of ferry license and fares for Tony's Freight Service, Inc. (Presiding Officer Lindsay).** This is the -- we had the public hearing, we closed it before. Their license expired already and we've asked the County Executive for a CN so they can keep operating. I'll make a motion.

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay, 1278 - **Authorizing execution of an intermunicipal agreement pursuant to §§119-o with Eastern Suffolk B.O.C.E.S (County Executive).**

**MR. NOLAN:**

It's 1287.

**P.O. LINDSAY:**

**1287**, excuse me. I'll make a motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

**1301-11 - Accepting and appropriating National Emergency Grant Training funds (County Executive), 62,137.** I'll make a motion.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

**IR 1302-11 - Accepting and appropriating supplemental dislocated worker funds from the New York State Department of Labor for the Workforce Investment Act (WIA) Program (County Executive),** it's \$325,000. Motion by Legislator Vilorio-Fisher. I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1303-11 - Accepting and appropriating an incentive grant from the New York State Department of Labor for the Workforce Investment Act (WIA) Program (County Executive).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher, it's 61,559. I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

We did 1304.

*1305-11 - Amending the 2011 Adopted Operating Budget and approving the subscription of Services for the ShotSpotter @ Gunshot Location System (County Executive).*

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator D'Amaro. And this is the one that we skipped over; is that correct, Legislator Gregory?

**LEG. GREGORY:**

Yes. Well, this is the CN.

**P.O. LINDSAY:**

And this replaces that, right?

**LEG. GREGORY:**

Yes.

**P.O. LINDSAY:**

And did everybody look this over; is this what we were looking for?

**LEG. GREGORY:**

No, I think some people were waiting for BRO's explanation of what's in the CN, or the analysis.

**MS. GELLERSTEIN:**

I handed it out.

**P.O. LINDSAY:**  
Gail, could you --

**LEG. COOPER:**  
Yeah, everyone should have a copy of the BRO analysis.

**D.P.O. VILORIA-FISHER:**  
Yeah, it was distributed, right.

**MS. VIZZINI:**  
It looks like this.

**P.O. LINDSAY:**  
Okay. But Gail, why don't you just give us a --

**MS. VIZZINI:**  
Mr. Naughton came over around 4:30 or so with an analysis of the subscription costs.

**LEG. MONTANO:**  
(Inaudible).

**LEG. BROWNING:**  
Yes.

**MS. VIZZINI:**  
Okay, yes.

**LEG. MONTANO:**  
Fair enough.

**MS. VIZZINI:**  
Then at Legislator Cooper's request, I did a comparison of a purchase versus the subscription. So I don't know if there's anybody from the County Executive's Office that would prefer to comment. Having said that --

*(\*Laughter\*)*

**LEG. MONTANO:**  
Hold on.

**MS. VIZZINI:**  
Based on the information before you -- go ahead? Based on the information before you, these estimates are based on discussions with the County Executive's Office and the salesperson from ShotSpotter.

The first year on the subscription we would be subscribing to the data, so that cost involves an initial start-up fee, \$50,000 for the first square mile, \$50,000 for every square mile after that, and then we would be purchasing a license for the data to be transmitted to the mobile data terminals in the cars; that comes to \$450,000 on the subscription basis. The second year there's a discount on certain costs and the annual cost is 334,000. The third year, same thing, 334,500, and for each year thereafter we are assuming that the cost is \$320,500, there's no other cost.

The subscription is a more cost-effective method than the outright purchase. Purchase is in the first column. To purchase everything that we need comes to \$1.5 million for the seven square miles. After the initial outlay, based on discussions with the salesman, the only thing we would be paying for is maintenance which is 15% of the total cost, so 15% of the 1.5 million is 232,200, but then that maintenance cost escalates 3% each year. And with that escalation, as you get into the later years, you can see by year ten -- assuming that, you know, it's effective and we continue to do it -- the maintenance almost approaches the cost of the subscription, the 320,500.

Now, the other things that were discussed, although are not quantified here, is if we purchased the equipment, if something breaks significantly that is not under the maintenance agreement, those damages can sometimes be anywhere from 50 to 80% of the cost. So it would depend on the nature of the agreement, the nature of the agreement that we have with them.

So that's the best we could do with the information provided and the time that we had.

**LEG. COOPER:**

If I could just add one thing to that. Another advantage of the subscription service is that if we purchase the equipment, Suffolk County has to hire the personnel, the operators that would receive the data, would evaluate the data, try to determine whether or not it's a gunshot or a car back-firing or a fire cracker. If we use the subscription service, we're using their personnel at no additional cost, and they're highly trained so there should be no learning curve involved and it should greatly reduce, if not eliminate, any potential problem with false alarms.

**P.O. LINDSAY:**

Okay, we've got Legislator Schneiderman and then Barraga.

**LEG. SCHNEIDERMAN:**

Two questions, both for BRO. The cost of the ShotSpotter license, etcetera, is all from within the Police District, as it's currently proposed?

**MS. VIZZINI:**

That's correct. Yeah, it's the savings associated with the actions that we took in the Omnibus to delay the Police class until after the summer where we would also avoid the overtime costs.

**LEG. SCHNEIDERMAN:**

Okay. What happened, at the end of last year we appropriated some 600,000 in General Fund revenues.

**P.O. LINDSAY:**

No, no, that was in the Police District.

**MS. VIZZINI:**

No. We delayed the class and saved a million four.

**LEG. SCHNEIDERMAN:**

No, there was that money from the Long Warf that was shifted to the Huntington project for ShotSpotter; what happens to that money?

**MS. VIZZINI:**

Yeah, that was -- we appropriated \$450,000 in the Capital Program for ShotSpotter. Based on my discussion with the County Executive's Office, they will probably not move ahead on that resolution because it's in the Capital.

**LEG. SCHNEIDERMAN:**

What will happen to that money, or it doesn't actually exist, right?

**MS. VIZZINI:**

Well, we certainly won't bond for it. It is an authorization. I had recommended that we perhaps rescind that, then it would put the money, you know, back into the Capital Program, but that would be a policy decision on both sides.

**LEG. SCHNEIDERMAN:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator Barraga and then Montano.

**LEG. BARRAGA:**

Initially when this proposal was first put forward, if I recall correctly, it was really being put forward by Mr. Cooper and he was very concerned about Huntington Station. And many of us, including myself, supported his endeavor to appropriate the funds for that particular hamlet as far as the utilization of ShotSpotter. In the interim, obviously this program has now expanded to include Huntington, Wyandanch, North Amityville, Brentwood, and I guess North Bellport to some fact, even though there's a contribution being made.

I noted here, even though it's a subscription, all of these monies will come out of the Operating Budget. The total five-year operating cost is 1.35 million, the first year for the services at the five locations, as pointed out by BRO, is \$450,000. So all of this is coming out of the Operating Budget starting in 2011 and going forward.

**MS. VIZZINI:**

It's coming from the Police District's operating budget.

**LEG. BARRAGA:**

And the money is available in the Police District operating budget for this program?

**MS. VIZZINI:**

Well, we have a one-year operating budget, the money is available for 2011.

**LEG. BARRAGA:**

This 450,000 is there?

**MS. VIZZINI:**

Yes, it's the 652 that we saved through the Omnibus by delaying the Police class, so that money has not been spent yet.

**LEG. BARRAGA:**

By delaying the Police class.

**MS. VIZZINI:**

Correct.

**P.O. LINDSAY:**

Could I just -- we put aside, when we did the budget, \$650,000 for technology, for crime fighting, cameras, ShotSpotter, to use more electronics.

**LEG. BARRAGA:**

And 450 of that 62 (sic) is going for this program.

**P.O. LINDSAY:**

Yes.

**LEG. BROWNING:**

Bill?

**LEG. BARRAGA:**

Because I'm not so sure I have a very good comfort level with the expansion. And I certainly would have supported the Huntington Station provision, but this seems to now be moving from one hamlet to the next. And I can think of probably four or five other hamlets that probably could utilize this, including maybe one or two that I represent. All right, thank you very much.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Okay. Gail, I got your report and I also got another breakdown, I don't know if that came from you or from ShotSpotter themselves. But the bottom line is that based on your analysis, the lease option is more financially advantageous than the purchase.

**MS. VIZZINI:**

Well, from the point of view that it's less of a hit on the operating budget initially and, you know, normally, you know, we call it a lease, but it's a subscription to the data.

**LEG. MONTANO:**

Okay.

**MS. VIZZINI:**

So, you know, normally with leases you would think that in the long run you're better off buying. And in this case, it's computer equipment, the technology is such that over the long-term it can change. And so it would be incumbent upon ShotSpotter, as they update things, that I would expect in order to keep the customers happy with the service, that there would be some effort on their part that as things need to be updated they update it and we just subscribe to the data.

**LEG. MONTANO:**

So just to put this in perspective, on the last day -- at our last meeting in 2010 we appropriated 450,000 simply for the Huntington Station area, but that was to be bonded out of the Capital Budget; am I correct on that?

**MS. VIZZINI:**

At that point, I think the thinking was that the equipment was to be purchased.

**LEG. COOPER:**

Right.

**LEG. MONTANO:**

Right, but it was coming out of the Capital Budget and it was going to be bonded.

**MS. VIZZINI:**

Correct.

**LEG. MONTANO:**

Now we're taking 450. And I'm looking at the resolution, it says, "From an account, other equipment/not otherwise"; what account is that, if I may ask?

**MS. VIZZINI:**

Well, when we saved the money in Omnibus, we put that saved -- we identified that because we put that in equipment because we were thinking of purchasing their surveillance cameras and the ShotSpotter. This -- that would not be an appropriate object of expense to spend from, so they're putting it in fees-for-services where you would pay for subscriptions.

**LEG. MONTANO:**

So we're going to move it from that category to fee-for-services.

**MS. VIZZINI:**

Within the Police Department, correct.

**LEG. MONTANO:**

We're not bonding this, are we?

**MS. VIZZINI:**

No, this is cash.

**LEG. MONTANO:**

All right. And this is for 2011.

**MS. VIZZINI:**

Correct.

**LEG. MONTANO:**

What about 2012, 13, 14 and 15; is the intent to bond or we're not at that point yet?

**MS. VIZZINI:**

Well, no. It is not appropriate to bond for subscription services; it is an operating budget expense. We would be committed, when we put together our 2012 budget, or the County Executive would be committed to make sure that there's sufficient funds to continue the subscription, assuming that we're happy. And I believe that this is a five year firm commitment.

**LEG. COOPER:**

Well, I think it's three.

**LEG. EDDINGTON:**

Five and three.

**LEG. BROWNING:**

No, it's three and five.

**MS. VIZZINI:**

Three year firm commitment for the subscription services and five years for North Bellport, and that's related to something else.

**LEG. MONTANO:**

The five years is related to the fact that there's private funding available for an extra two years in that area.

**LEG. COOPER:**

Right.

**MS. VIZZINI:**

Right.

**LEG. MONTANO:**

So for the other areas other than Bellport, it's a three-year subscription?

**MS. VIZZINI:**

That's correct; the rates are based on a three-year commitment.

**P.O. LINDSAY:**

I just would like to point out, I mean, there's a lot of people worried about our debt around here; we're actually paying cash for something.

**LEG. MONTANO:**

Right, we're paying cash. Well, we're paying cash this year.

**P.O. LINDSAY:**

Well, yeah, but it's funded out of the Police District. The Police tax isn't going to go down, so you're going to get the same revenue. I mean, you know, we haven't broached the issue of whether we're going to start a Police class next year, but if everything remains the same, the revenue should be there to pay for it in subsequent years. Legislator Browning.

**LEG. BROWNING:**

Okay, a couple of things. You know, about a year ago we sat on the 12th floor with the Bellport Coalition talking about ShotSpotter and we had major opposition to this, and I'm glad to see that we're finally getting the support from the County Executive on this.

One of my questions, though, is I don't know if something somebody from the County Executive's Office and maybe our Counsel can respond, but it does have in the WHEREAS clause, and I said that I could agree to this knowing that we would have this in effect for July 1st of this year. The summer months are coming, there's already been a drive-by shooting about a week ago on Sugar Avenue in North Bellport and, you know, the summer months we're going to start hearing a lot more gunshot. It has in the WHEREAS clause about the three-year subscription and that it shall have an operational period of July 21st, 2011 through June 20th, 2014. Maybe Counsel can respond, but I don't feel, and I'm sorry that I have a lack of trust, but there is no RESOLVED here saying July 1st.

**P.O. LINDSAY:**

Mr. Kopp, do you want to take that?

**MR. KOPP:**

You're right, it doesn't say RESOLVED.

**LEG. BROWNING:**

Is that going to guarantee July 1st if it's not in the RESOLVED?

**MR. KOPP:**

We had the discussions with the company and we stressed to them that it had to be in place by July 1st in all locations.

**LEG. COOPER:**

If I could just --

**LEG. BROWNING:**

Back up a little bit. You stressed it, I've stressed it, but this resolution -- I'm not saying that ShotSpotter is not going to do it for us by July 1st; I know they want the business, so they're going to do it July 1st. I want something from the County Executive's Office that it's July 1st.

**LEG. MONTANO:**

No, it's in the WHEREAS clause.

**P.O. LINDSAY:**

Legislator Browning, if you don't approve this tonight you could almost be assured it won't be ready by July 1st.

**LEG. BROWNING:**

But it doesn't have --

**P.O. LINDSAY:**

Then don't approve it.

**LEG. BROWNING:**

George, can you respond, if it's not in the RESOLVED.

**MR. NOLAN:**

It's a WHEREAS clause. It would be a lot better if it was a RESOLVED clause --

**LEG. BROWNING:**

Right.

**MR. NOLAN:**

-- because that's where the effect comes from.

*(The following was transcribed by  
Kim Castiglione, Legislative Secretary)*

**LEG. COOPER:**

If I may, Legislator Browning. During our conversation with Jack Pontius from ShotSpotter, number one, he said that they could only make the July 1 deadline if the County Exec's Office signs the contract by Friday of next week, and the County Executive is well aware of that. And so, from the County Exec -- the County Attorney, they understand that they have to move forward expeditiously. The only other potential problem is that a lot of this depends on getting approvals from LIPA, let's say, in case they have to mount --

**LEG. BROWNING:**

No, I know all about that. I'm just saying I want to know July 1st, and this bill doesn't guarantee me because there's no resolved clause that it says it's going to happen July 1st. A whereas clause is a whereas clause, we all know that.

**MR. KOPP:**

Well, I think the Minority Leader and I are committed to getting it up -- getting this thing up and running by July 1st, so we're going to do whatever we can do to get it.

**LEG. COOPER:**

George, it's a CN, they could add another clause. I mean, how important do you really think this is?

**MR. NOLAN:**

If they wanted to make it a resolved clause, you know, that would be fine except everybody wants to go home and, you know, it's getting late.

**P.O. LINDSAY:**

I know, I got a list if I could ever stop with this. Legislator Eddington.

**LEG. EDDINGTON:**

I understand the discrepancy there, but the donor that's come forward is putting \$120,000 to have this done, and he wanted five years, we talked about the July 1st thing. You know, at some point, and I know Legislator Browning has been around as long as I have, we keep trusting and we've gotten burnt many times, but I think now \$120,000 is at stake, I think the County Executive has decided that he's going to do it as quick as he can. I don't think he's going to stall, and it looks like everybody can win. We win, he wins, because I know he loves to win, and better than everybody, North Bellport wins. So I think this is a win-win-win situation, and if we're going to get bogged down in semantics, I know, you know, the lawyers will say that's what it's about, but, you know, I think it's time to just say trust a little bit. There's a motivation of 120,000, and 80 from the community, \$200,000. I've got to believe in Steve Levy and you guys that you're going to do it. Shake your head like this if you're looking forward to doing this.

**MR. KOPP:**

I appreciate your confidence.

**LEG. BROWNING:**

And there is a Santa Claus.

**P.O. LINDSAY:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. I had some of the same concerns as Legislator Browning with the -- with the operational date. I don't believe that any community should be pitted against another community in search of this type of technology. You look at the police statistics, the top two areas according to the Police Department that could use this technology are in my district. I originally wanted one of my communities to have it, 22 shootings in one month; I don't think any community has dealt with that. That's not a test, that's not a test pilot. These communities have historic high crime levels unfortunately, and crime is going to be there in the future. We're hoping that this technology would help reduce that.

And as my friend from Riverhead will tell you, or from the First District, with the Red Light Camera Program, we were made assurances. Eighteen months later we have not met that timeline. I'm concerned that the people in my district and the districts represented in this bill will be looking at July one that they'll have technology that will make them more -- at least the police respond more quickly to shots being fired in their communities, and that's not going to be available to them. So I would like to see some assurances.

I would like personally a longer-term commitment. Three years is not a long enough commitment for my communities who have historic high crime, in some of my communities I should say. But I do -- I'll give the County Executive credit for coming around to expanding his scope and what some of the Legislators here appreciated and bringing this technology to other communities other than one community that's experiencing this -- these high crime shootings. So I ask that my colleagues support this resolution. It's not the best, but I think it's appropriate that we move forward at this point.

**LEG. HORSLEY:**

Let's go.

**LEG. BROWNING:**

Good to go.

**P.O. LINDSAY:**

So what do we have? We have a tabling resolution?

**LEG. BROWNING:**

No.

**LEG. EDDINGTON:**

Motion to approve.

**P.O. LINDSAY:**

Well, the way everybody was talking against I thought somebody didn't want to move forward with it. We have a motion and a second to --

**MR. LAUBE:**

To approve.

**P.O. LINDSAY:**

To approve.

**LEG. BROWNING:**

And cosponsor.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen.

**LEG. BROWNING:**

Did you get cosponsors? I'm holding you to your word.

**P.O. LINDSAY:**

Okay.

**MR. LAUBE:**

Cosponsor.

**P.O. LINDSAY:**

*J.R. 1307, Amending the 2011 Operating Budget and authorizing Suffolk County to enter into an agreement with the Society for the Prevention of Cruelty to Animals ("SPCA").*

**LEG. ROMAINE:**

Motion.

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

Motion.

**LEG. COOPER:**

I should like to make a motion to commit to committee.

**P.O. LINDSAY:**

We have a motion --

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Let's wait a minute. Let me get everything down. We have a motion to approve by Legislator Romaine, seconded by Legislator Viloría-Fisher. We have a motion to commit by Legislator Cooper. Is there a second?

**LEG. MONTANO:**

Yeah.

**P.O. LINDSAY:**

Second by Legislator Montano.

**LEG. CILMI:**

On that motion.

**P.O. LINDSAY:**

On that motion, Legislator Cilmi.

**LEG. CILMI:**

Thank you very much. On the recommit motion, or to commit rather, the SPCA's insurance will expire on April 19th. They will be without insurance and therefore rendered inoperational if they are unable to find insurance. And if we commit this, we'll be -- they'll be dead in the water. Maybe the County Attorney's Office can elaborate.

**LEG. COOPER:**

Legislator Cilmi, I was fully supportive of this. I had another resolution taking a different approach, I was willing to support this, but then a representative of the SPCA pulled us aside earlier today and said this is not going to help them at all. So they asked that this be --

**LEG. CILMI:**

I can elaborate. I've spent countless hours on this over the past several days. The issue at hand is that they were dropped by their insurance company, they were looking to the County to indemnify them. There are some issues with regard to that indemnification. I'm not going to make a legal judgment as to whether we can or cannot, that's for the attorneys to decide, but the fact of the matter is that the resolution that you and some others have cosponsored, if we're -- if that process is allowed to continue in its normal time frame, it will not happen in enough time to satisfy their requirements.

There is a chance, Legislator Cooper, there is a chance that we can still obtain insurance coverage for the SPCA. I have been personally speaking with agents that are writing coverage for other SPCA's. I am waiting for calls back, which could come as early as tomorrow morning relative to that, so I would encourage you to approve this bill and give us the opportunity to try and secure that insurance and in so doing, the County will pay for it. I don't know if you need Dennis to elaborate.

**LEG. COOPER:**

I'm just relaying what the SPCA told us today.

**LEG. CILMI:**

I understand that.

**LEG. COOPER:**

That this won't -- they say this won't help them.

**P.O. LINDSAY:**

Okay, Legislator Cilmi, let Legislator Cooper --

**LEG. COOPER:**

Tom, as you know, they said that the problem is that they can't find an insurance company that is willing to insure them without indemnification.

**LEG. CILMI:**

That's not true.

**LEG. COOPER:**

That's what they told us. We've been working with them for weeks on this.

**P.O. LINDSAY:**

No crosstalk. Finish what you're going to say, Legislator.

**LEG. COOPER:**

The last conversation we had with the SPCA official this morning was this is not going to help them at all, they were still hoping for indemnification, so the suggestion was -- and they spoke about before us -- I understand that there's a problem of timing here, but their position is that this won't help them. If it would help them, then of course I would support it.

**LEG. CILMI:**

Through the Chair, if I may.

**P.O. LINDSAY:**

I've got a long list. Go ahead, last --

**LEG. CILMI:**

Their position is that it won't help them because they don't believe they can get insurance, but the fact is that we're still working on that. And if they're -- if you're just going to sort of, you know, give up, then we're going to be stuck with having to -- having to try and -- you know, having to deal with this other time frame, I don't know how we're going to do it. And, frankly, I don't think we should give up. We all deal with insurance companies. There's a price -- there's a price for every exposure, so I firmly believe that we can get insurance. I've been working hard. I say we pass this resolution and give it a chance. If worse comes to worst, if we can't get insurance, we still have your bill to work on.

**P.O. LINDSAY:**

Okay. Legislator D'Amaro, and then Romaine.

**LEG. COOPER:**

And then, Bill, if you could add me back on, please.

**P.O. LINDSAY:**

Go ahead. Who wants to talk?

**LEG. COOPER:**

I just want -- I don't know whether Legislator D'Amaro is going to raise the same issue, but I'm mostly concerned about the precedent that we may set if we're giving them \$25,000 to pay for their insurance. We don't do that for any other nonprofit in Suffolk County. What they're asking for is indemnification from Suffolk County and they'll pay their own insurance, as opposed to \$25,000 from Suffolk County to pay insurance, which they may not be able to get anyway. So I'm also concerned, even though I'm sure it's well intentioned, I'm also concerned about the precedent it sets. If we're going to pay insurance for SPCA, how about all the other non-profits that work with Suffolk County.

**P.O. LINDSAY:**

We don't give the SPCA anything and they provide a service for Suffolk. We give them nothing.

**LEG. COOPER:**

I think they got \$30,000 this year.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. I want to pick up on that, and question for our Counsel, George. The SPCA is not a County department, it's a contract, what we consider a contract agency or a not-for-profit? You know, what's the status.

**MR. NOLAN:**

It's not a Suffolk County entity.

**LEG. D'AMARO:**

Okay.

**MR. NOLAN:**

Somebody said we do contract with them to provide certain services, but I'm not sure of that.

**P.O. LINDSAY:**

Mr. Brown, do you know?

**MR. BROWN:**

It's a not-for-profit, yes. It's a contract agency. We currently have -- what I found today was two contracts, one fuel purchase and one for veterinarian services, a \$35,000 contract.

**LEG. D'AMARO:**

Okay. So it's a contract agency.

**LEG. BROWNING:**

That's for this year.

**LEG. D'AMARO:**

It's a not-for-profit contract agency. So my question is, can we -- can we -- is it permissible for the County to provide funding for a contract agency or a not-for-profit's insurance or to provide it indemnification? I mean --

**MR. NOLAN:**

Well, in terms of the indemnification, apparently we have done that in the past. Back in the mid part of the two thousands we passed resolutions where we designated them as Suffolk County

volunteers, and we provided indemnification to them, but we stopped doing that in, I don't know, '05, '06. In terms of basically paying for their insurance, it would have to be in the context of a -- I think of a contract where they are providing some service to us and we are compensating them by giving them money to pay for their insurance.

**LEG. D'AMARO:**

So giving the money under a contract would be permitted, a permitted use of funding from the County?

**MR. NOLAN:**

I think it would be.

**LEG. D'AMARO:**

Yeah.

**MR. NOLAN:**

If they're providing a service to us.

**LEG. D'AMARO:**

Because I know there are parameters how that -- the funding from the County can be used for service usually.

**MR. NOLAN:**

It's kind of like with our -- I'll liken it to our CSI contracts where we give money to groups in the context of a contract.

**LEG. D'AMARO:**

I know, but there are limits on what those groups can spend the money on. Now, my understanding has been that whenever we fund the contract agency it's going for the service in the contract, but here it's the pay and operating expense. Is that permitted? I don't think we do that. I mean, I can't recall doing that.

**MR. NOLAN:**

I think it could be a form of compensation, you know, I'll -- you know.

**LEG. D'AMARO:**

The resolution says it's to pay their liability insurance. I was just always under the understanding that you can't -- you can't use it for operating expenses.

**P.O. LINDSAY:**

The point of the matter is this is a unique organization. You know, if we don't do something, the next time there's a rabid dog running around or an alligator on the loose or a horse, you know, that's what they take care of for us. So you've got to figure it out one way or another whether it's allowable.

**LEG. D'AMARO:**

I don't disagree with that. I think we should figure it out, but I'm just saying that it's always been my understanding that you cannot use funding from the County to a contract agency to pay this type of operating expense. I mean, I think -- I thought that was black and white. I don't understand how we're doing that.

**LEG. MONTANO:**

It's not black and white? Who's next?

*(The following was transcribed by Lucia Braaten, Court Stenographer)*

**P.O. LINDSAY:**

Legislator Romaine, and then I'm going to get to Mr. Brown.

**LEG. ROMAINE:**

This is very brief.

**P.O. LINDSAY:**

And then Montano. Go ahead.

**LEG. ROMAINE:**

They provide -- the SPCA provides a much needed service. Can't fool around with this. I understand what Jonathan Cooper said. I believe I'm a cosponsor on your bill, Jonathan, and I really will support it. Right now they're going to be out of insurance, listening to Legislator Cilmi. Maybe this will work, maybe it won't, like chicken soup. I'd pass this, I don't think they're mutually exclusive, but if this is what we're being told by the Executive, he's putting all his chips on the table. This is an important organization. This protects the animals of this County, and if this gambit fails, that will not be a pleasant scene for him. So I believe he's serious about trying to help this organization.

I'm prepared to vote for this. I don't think we should commit it to committee. I don't think it will hurt, and I don't think that Jonathan's resolution is mutually exclusive to the County Exec's. I say we act tonight. The Executive has said he needed this to help save the SPCA, do their good work. He's put all of his chips on the table. It better work. Thank you.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Okay.

**LEG. ROMAINE:**

I'm an animal lover, I've got plenty of dogs.

**LEG. MONTANO:**

Dennis, I have a couple of questions on this and I just want to make sure I understand. This resolution funds them for \$25,000 so that they can get the liability insurance. Whether or not it's black letter or not, you know, do you have a problem with using an allocation of \$25,000 for them to purchase insurance?

**MR. BROWN:**

The short --

**LEG. MONTANO:**

Yes or no?

**MR. BROWN:**

The short answer to the question is no. The --

**LEG. MONTANO:**

Okay, good. I only need a short answer because it's a long evening. On the other hand, the Cooper bill, from what I understand now, indemnifies the SPCA. But just so I'm clear, we are a self-insurer. Our policy limit, as I understand it, is that we are self-insured up to three million and then we have

excess coverage. If they don't have their own insurance and we indemnify them, and something happens and they wind up getting sued and they wind up losing on a judgment, we could wind up paying a bill of three million dollars per lawsuit; am I correct?

**MR. BROWN:**

Yes, and that's the point of the County Attorney and her support of this bill.

**LEG. MONTANO:**

And aren't we better off, then, giving them money to get their own insurance, and whatever liability limits they have, that's on them; is that not accurate?

**MR. BROWN:**

That's one of -- yes, you're correct, and that's one of the reasons why the County Attorney supports this bill; that, in the long run, taking into account litigation costs, as well as indemnity dollars, the exposure to the County could be far greater than the price of the premium.

**LEG. MONTANO:**

Now, if we -- if we allow them to get insurance and they're able to get it, as Legislator Cilmi says, then the insurance carrier would have to defend them.

**MR. BROWN:**

Correct.

**LEG. MONTANO:**

But if we're indemnifying them, is it not incumbent upon the County Attorney's Office to defend them?

**MR. BROWN:**

That's a good question, Legislator Montano, because, you know, the County Attorney has specific charges as to who she could provide legal services to, and those are County agencies and departments, and that's one of the areas that we would be looking at. If -- and we have no opinion on Legislator Cooper or Romaine's bill at this time. But that's one of the areas we would be looking at as to whether or not, if were to -- if 1255, I think it is, were to pass, whether those cases would have to go to outside counsel, because --

**LEG. MONTANO:**

But we would have to pay, but --

**MR. BROWN:**

Because they are not agents of the -- agencies of the County.

**LEG. MONTANO:**

Right. But wouldn't we have to pay for the outside counsel?

**MR. BROWN:**

Arguably, under Legislator Cooper's bill, I would -- arguably, yes, under Legislator Cooper's bill.

**LEG. MONTANO:**

All right. You know, with all due respect to Legislator Cooper, I'm going to have to withdraw my second on this bill, because I'm going to support it.

*(The following was transcribed by  
Kim Castiglione, Legislative Secretary)*

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

**LEG. CILMI:**

Just to make it clear to everybody here, there is a possibility that they, in fact, cannot find insurance, and if despite everybody's best efforts they cannot find insurance, that is a problem. And that's a problem that we're going to have to deal with somehow. I don't know how. But the fact is we should try at least now to let that happen, and deal with it if it doesn't.

**LEG. COOPER:**

Mr. Chair, I'm going to withdraw my motion to commit and follow Legislator Romaine's advice. It's like chicken soup. Legislator Cilmi, I'll give you the opportunity over the next few weeks before the next Legislative committee -- Legislative meeting. Hopefully with your contacts and others you can help them find an insurance company willing to provide that coverage, which they have not been able to do so far, and I hope that you are successful or that they are successful, but if that's not the case and if it comes back before us at the next meeting, unless someone has another alternative, I think the only option available to us is indemnification. But right now I will support your resolution.

**P.O. LINDSAY:**

We have a motion and a second --

**MR. LAUBE:**

I have Legislator Romaine said he withdrew.

**MR. NOLAN:**

No, Montano.

**LEG. MONTANO:**

No, I withdrew the motion.

**MR. LAUBE:**

Oh, Montano.

**P.O. LINDSAY:**

The only thing that's active is a motion to approve 1307.

**MR. LAUBE:**

I got it.

**P.O. LINDSAY:**

And a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay. We got to go back to the agenda, Page 8. ***1099, Amending the 2011 Capital Budget and Program and the 2011 Adopted Operating Budget and appropriating \$652,500 in connection with the improvement of the safety and security of Suffolk County through the use of the ShotSpotter-Gunshot Location System (CP 3511).*** I need a tabling motion on because we approved the CN.

**LEG. GREGORY:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Gregory, I'll second it. All in favor? Opposed? Abstentions? Okay, late-starters.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

1296 -- I make a motion to waive the rules and lay the following late-starters on the table. 1296 to EPA; 1297 to Economic Development, Education and Energy; 1298 to Health and Human Services; 1299 to Economic Development, Education and Energy; 1300 to Public Works and Transportation; 1306 to EPA; 1308 to EPA. And that's it. Right? Okay. That's it. Do I have a second to that motion?

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay. I'll accept a motion to adjourn. Motion by Legislator Viloría-Fisher, I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

We stand adjourned.

***(THE MEETING WAS ADJOURNED AT 10:22 A.M.)***

***{ } - Denotes Spelled Phonetically***