

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

NINTH DAY

JUNE 7, 2011

VERBATIM TRANSCRIPT

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

Minutes Taken By:

Lucia Braaten & Alison Mahoney - Court Reporters

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

(*THE MEETING WAS CALLED TO ORDER AT 9:30 A.M. *)

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please? Mr. Clerk, are you there?

MR. LAUBE:

Yes.

P.O. LINDSAY:

Call the roll, please.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not Present)

LEG. MURATORE:

Here.

LEG. ANKER:

Here.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

(Not Present)

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

(Not Present)

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not Present)

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Here.

MR. LAUBE:

Twelve. (Not Present at Roll Call: Legs. Browning, Kennedy, Nowick, Stern, Cooper and D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Could everyone rise for a salute to the flag, led by Legislator DuWayne Gregory?

(*Salutation*)

If everyone could remain standing and Legislator Gregory will introduce our visiting Clergy.

LEG. GREGORY:

Good morning, everyone. It's a pleasure -- it's a pleasure to introduce Pastor Roy Kirton from Circle of Love Ministries Worldwide, who's going to be our Pastor and give our invocation today. Pastor Kirton is known as -- in the religious world as a champion and advocate of the disenfranchised. In 1997, along with his wife, Francine, they founded the Circle of Love Ministry Worldwide, a nondenominational church that reaches out to those who are traditionally outside the church walls. The church's statement is a ministry reaching the world -- the whole world, with the whole Gospel for the whole man. Shortly after establishing the church, the Kirtons gave birth to a food pantry that provides groceries to some hundred families weekly. Each Thanksgiving holiday, Circle of Love mobilizes the community to provide more than 700 dinners -- excuse me -- to feed the residents of Babylon Township.

In 2003, after working in the County jail for many years, Pastor Kirton established the Safe Harbor Mentoring Program. This after-care program assists men and women who are making the transition from incarceration to mainstream society. Safe Harbor is broad-based community organizer that reaches its mission and goals through education, advocacy, empowerment, prevention, increasing public safety and awareness. The Safe Harbor Program has been funded by the Catholic Campaign for Human Development and the Long Island Community Foundation. Pastor Kirton, as Executive Director, supervises some 35 volunteers from various church traditions that minister 150 inmates on a weekly basis.

In 2007, Pastor Kirton was elected President of the Ministry Alliance of North Amityville and Vicinity, otherwise to be known MANA. This alliance is an interdenominational clergy association of churches, pastors and clergy persons. This group, initially consisting of African-American ministers, has transformed itself under Pastor Kirton's leadership to include various ethnicities. Pastor Kirton was also the impetus to give birth to the Mana Newspaper. In addition, Pastor Kirton leads a weekly regional prayer meeting for spiritual leaders.

Pastor Kirton has received degrees from Suffolk Community College, Nyack College, and his Masters in Divinity from Alliance Theological Seminary. He has been married for more than 36 years to the former Francine Evora. The Kirtons are long-time residents of Amityville and have two children, Alexander and Janelle, who teach in Baldwin and Hempstead Schools respectively. Their daughter-in-law, Keyla, is a recruiter for the Economic Development Council in Farmingville University. The Kirtons are proud grandparents of Alexandra Rachel and Matthew Alexander. I give you Pastor Roy Kirton.

PASTOR KIRTON:

Good morning.

*(*Good Morning Said in Unison*)*

First of all, I'd like to thank the Legislators for the invitation to be able to command the blessing upon this group. I want to thank my Legislator, who I'm very proud, Legislator DuWayne Gregory. He's doing a phenomenal job in our district. And so, at this time, I would like to look to the Lord in a word of prayer. Can we bow our heads?

Oh, God, our help in ages past, our home for years to come, our shelter from the stormy blast in our eternal home. Lord, this morning we recognize your greatness and your sovereignty. We are in awe of your grace and your majesty. Your word states that prayer, supplication, intercession and the giving of thanks should be made for all of those who are in authority. That we, as citizens, may lead a quiet and peaceable life. I call upon you to bless the members of the Suffolk County Legislature, especially our Presiding Officer Lindsay and our Deputy Presiding Officer Fisher. Lord, grant these men and women who you have strategically placed here the wisdom, knowledge, and understanding how to deal with the issues that confront the people of Suffolk County. Your word reminds us that if anyone lacks wisdom, let us ask of God. We are living in trying times, high unemployment, massive foreclosures, record gas prices, to name a few challenges in our society. So we pray that each Legislator will deal with these issues and others and you will give them solutions that will aid the people of Suffolk County. We ask these blessings in your name. Amen.

*(*Amen Said In Unison*)*

P.O. LINDSAY:

Thank you, Reverend. If everyone could remain standing for a moment of silence for Harold Malkmes, who was the Brookhaven Town Highway Superintendent for 32 years, from 1968 to 2000; passed away on May 19th, 2011.

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

*(*Moment of Silence*)*

Thank you very much. Please be seated. Okay. We have a couple of proclamations. First up is Legislator Browning for the purpose of a -- you want to hold it down over there, please? Legislator Browning, for the purpose of a proclamation.

LEG. BROWNING:

Can we go to the next one and I'll get back to it?

P.O. LINDSAY:

Sure. Legislator Horsley for the purpose of a proclamation.

LEG. HORSLEY:

Yes. Now?

P.O. LINDSAY:

Yeah.

LEG. HORSLEY:

Tammy Nuzzo-Morgan, our Poet Laureate? Mr. Presiding Officer, I don't believe that she is here as yet. I don't believe she is here as yet, so --

P.O. LINDSAY:

Okay.

LEG. HORSLEY:

If we could maybe postpone it until --

P.O. LINDSAY:

I'll go to Legislator Muratore.

LEG. MURATORE:

Good morning, everyone, and welcome to the Suffolk County Legislature. You know, it's a custom here each and every General Meeting, we bring people before the group to pay homage to them, to recognize them for the things they've done in the community. And it's not very often that we bring a real young person before this Legislature to pay tribute to them for something they've done, and it really is my pleasure. I'm so proud of this. I mean, I was a cop here in Suffolk County for 35 years and I really never saw anything like this. So, if I can bring up Mr. Nico Ditoro and his family. Mark, you can come up here, too, with Gianna. This is a family affair here, this is a family here before us. Also I'd like to bring up Inspector Robert Oswald, the Commanding Officer of the Sixth Precinct, Police Officer Christopher Woods, who responded to the scene that we're going to be discussing here. We're also looking for Dr. Alise Guarnaschelli, Principal of the school, and Debra Wolfe, the Administrator. I guess they couldn't make it, but the most important people are here.

Let me read what Nico did. On April 26th 2011, Nico Ditoro was playing outside in the yard with his sister when he heard a noise inside the house. Nico's mom, Desiree Ditoro, had bumped her head on a ceiling above the stairwell and was rendered unconscious. Upon finding his mother on the ground, Nico grabbed his mother's cell phone and called 911. But what happened was he thought he had dialed 911, he had dialed 991. Getting no answer, intelligent as he is, he decided to call his Dad, who works at Con Ed in New York City. Got a hold of his father, his father called the police, EMTs responded, the police responded, and mom turned out, as we see, all right. Dad said he had to do a little repair to the ceiling, but mom is well.

So, on behalf of the 80,000 people in the Fourth LD and the 1.5 million people in Suffolk County, and all the people in this room, Nico, I want to say thank you so much. You're such a hero. God bless you.

*(*Applause*)*

And what we decided to do in the office was to show Nico how much we really care in our office, and we got you something, Nico. My Aide, Kevin, is bringing it. So maybe you can enjoy the summer a little bit.

*(*A Toy Pedal Police Car Was Presented To Nico Ditoro*)*

*(*Applause*)*

That's for you. It's maybe what you want to be down the road. Nico, this is yours and this is yours. Thank you so much for coming. Thank you. Thank you, everyone.

P.O. LINDSAY:

Legislator Kennedy for the purpose of a proclamation. Legislator Kennedy, are you ready?

LEG. KENNEDY:

I'm just getting my Aide. Do we have anybody else, Mr. Chair? He's got the procs.

P.O. LINDSAY:

Okay. Next -- then we'll skip over Legislator Kennedy. Next is we have a number of proclamations for the 2011 Brookhaven National Laboratory Science Fair winners. And Legislator Cooper is first up with the kindergarten winner.

LEG. COOPER:

Actually, if you can pass over me a little bit.

P.O. LINDSAY:

Legislator Nowick, are you ready?

LEG. NOWICK:

I'm ready, I happen to be ready.

LEG. COOPER:

Now I'm ready.

LEG. NOWICK:

All right. Good morning, everybody. I would like to ask Payton Schilling and Amanda Osman to come on up here, and their parents. And I'd also like to ask Principal Heppeler and their teacher at Burr Intermediate School, Marge Palamara, to come on up here, if you would. Come on, gather around. We have all our families here? Our first proclamation goes to Payton Schilling. Am I saying it right?

MR. HEPPELER:

Yes, this is Payton.

LEG. NOWICK:

Payton is the first grade -- is in the first grade at the Bellerose Avenue School in East Northport. Last summer Payton was diagnosed with celiac disease, requiring that she be on a gluten-free diet, correct? Earlier in the year her teacher asked if she could use paper mache and Play-doh. Her doctor advised against it, since flour will make children with celiac very sick. Payton decided to find a product that would make the best gluten-free paper mache. First grade and you're already doing things like that? What a woman. For her science project she gathered several gluten-free flours and corn meal and she mixed them with warm water. She blew up three balloons and applied strips of

newspapers dipped in the mixture to each one. After the product dried, Payton concluded that Bob's Red Mill gluten-free pizza crust made the best paper mache. Now this is not an advertisement for Bob's Pizza Crust.

*(*Laughter*)*

But, sweetie, you are really incredible. And I have a proclamation for you. And your parents can also be very proud, and your teachers and everybody in school. You just got a kiss. And later on we'll go out and take a picture. And this is your proclamation and we're going to open up this outside, and you can be very, very proud of that. Okay, honey? Look at the size of her.

*(*Applause*)*

The next young lady we have is Amanda Osman. Come on over here, Amanda. Come on, come on down. She's a fifth grader at the Burr Elementary -- at the Burr Intermediate School in Commack. Her science project was in response -- this is really interesting -- to her concerns for the plants and animals affected by last year's oil spill in the Gulf of Mexico. She read about the cleanup process and was interested in learning more about the effectiveness of synthetic materials versus natural ones. She selected three synthetic materials and eight natural products. She floated vegetable oil in a Pyrex dish with water and tested each material three times. The result was that the synthetic materials absorb the oil better than the natural materials. Micronized polyurethane, a synthetic product, was the best material, as it soaked up all of the oil and none of the water. And I can't help thinking about when we get spots on our clothes that are oil, we could take synthetic material, maybe, put an iron on it and soak up the oil. This could go really far. You've got a future.

And I congratulate her parents and her teacher, Mrs. Palamara, and, of course, her Principal, Mr. Heppeler. You have a very, very bright crew here, all of you.

MR. HEPPELER:

Thank you.

LEG. NOWICK:

Congratulations. I have a certificate for you as well, a proclamation, and you can show this to everybody in school and all your friends. Okay? And we'll go outside and take a photo.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Legislator Nowick. Next up is Legislator Kennedy, who has a proclamation for the Commack High School students, and also is going to do one of the Brookhaven National Lab procs.

LEG. KENNEDY:

This morning, we have a group that are here with us today, Mr. Chair, from Commack High School. And we are joined by our Supervising District Court Judge, Judge Madeleine Fitzgibbon, who has been a supporter of the Peer Resolution Program for many, many years. She's here with Mr. Gregg Scheiner. He is the Peer Mediation Facilitator. And I'm going to ask them to please come forward and join me at the podium today.

Once again, Mr. Chair, it's my great privilege to recognize a group that has invested a significant amount of time to actually make a difference and address issues that we have within our schools. As this body knows full well, we've heard many, many hours of testimony about things such as bullying and some other difficulties that we have in our school systems. Well, here today before you we have two impeccable community servants who have worked with our students to go ahead and

bring forward what we all hope is the reasoned alternative: Dialogue, exchange, and the ability to come to an amicable solution for all of our students that preserve safety and gives us and our students the utmost in an educational experience.

So I think it's important that we, as a body, recognize the important work of Mr. Scheiner and Judge Fitzgibbon. She has given so much to us, and it is my distinct pleasure to go ahead and honor her today. Thank you so much.

*(*Applause*)*

JUDGE FITZGIBBON:

I'm totally surprised by this. I'm very surprised by this. I was here, of course, to help celebrate with the students their achievement in this wonderful program of peer mediation. And to be honored in this fashion is very -- a very special thing for me. I want to thank all of you, and, of course, thank the Legislator and Gregg for working so hard with our students to learn alternatives, and to learn that it's better to reason through issues, and disputes, and problems and not find themselves in situations that could bring them to the District Court, unfortunately. But these kids, they've got the right message. And I'm very happy to be honored today. Thank you.

*(*Applause*)*

LEG. KENNEDY:

Okay, Mr. Chair. Thank you. If it's -- do we have other BNL listings, other recognizees?

P.O. LINDSAY:

Yeah, I do.

LEG. KENNEDY:

Okay. If I can, I'll bring up the person that I have after I get an opportunity to walk outside and to congratulate some of the students, Mr. Chair.

P.O. LINDSAY:

Okay. Thank you.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Jon, are you ready?

LEG. COOPER:

Yes.

P.O. LINDSAY:

Legislator Cooper, for the purpose of the BNL proclamation.

LEG. COOPER:

Thank you. Good morning. I'd like to invite up Riley Akerman and his mom, Christina. Riley Ackerman is a kindergartner attending Flower Hill Elementary School in Huntington. Riley's love of his backyard barnyard led him to his first science project. On his family's small farm, he has a small brood of various sized hens. Riley noticed when he collected the eggs daily that the eggs came in various sizes, shapes and colors. This sparked his desire to find out which hen had laid the largest egg. Maybe the larger eggs came from the heaviest hens, or maybe size did not matter. No

comments from the audience, please. His hypothesis was that the heavier hen would lay the larger egg, and the lightest hen would lay the smallest egg, since he believed the weight of the hen determined the size of the egg. Riley studied and observed three different hens daily to determine which laid the largest egg. He discovered that the lightest hen did, indeed, lay the smallest egg and the heaviest hen laid the largest egg, thus proving his hypothesis true. After performing this experiment, Riley hopes that one day scientists and farmers can work together to help all chickens lay large eggs.

(*Applause*)

So, Riley, you are one amazing kid. I know your mom is very proud of you. And it's my great honor to present you with this official proclamation on behalf of the Suffolk County Legislature and the one-and-a-half million residents of Suffolk County. Thank you.

(*Applause*)

P.O. LINDSAY:

Legislator Anker, you want to do your proc while Legislator Cooper is finishing his photos?

LEG. ANKER:

I just wanted to, again, thank you for coming out here to the Legislature. I hope you're having a good experience. This is government at its best, recognizing the citizens who do wonderful and great things. And, you know, again, being so young and so accomplished, you know, I'm very proud and I'm sure your parents are very proud of you.

I have a proclamation here, it is to recognize the science fair project that you worked on, the -- titled, *Survive a Long Island Tornado*. And again, that takes a lot of courage, because it's a very scary thing to be experiencing some type of trauma. And you thought it through and you came up with some wonderful ideas, and because of that, we're going to recognize you with this proclamation.

Danielle Ohrtman's project consisted of many different experiments and tests to figure out the safest way to survive a tornado on Long Island. Suffolk County respects and values the dedication, the commitment and hard work of Danielle Ohrtman and her classmates for their participation in a science fair project at Miller Avenue Elementary School. So again, I would like to thank you again for coming out here. And keep up the good work. I hope this inspires you to become maybe a scientist, or even a teacher, or someone that will continue to inspire other people. So it's an honor to have you here, and again, thank you so much.

(*Applause*)

P.O. LINDSAY:

Okay. Legislator Cooper, you want to do the second one?

LEG. COOPER:

Yes. I wanted to find out whether Isabella DeBrino is here. She is, okay, way back there. Isabella, if you could come up with your family, loved ones, teachers.

Isabella DeBrino, and these are her folks, Isabella DeBrino is a third grader at Bellerose Avenue Elementary School in East Northport. Isabella got her idea for her science project when she needed to decide what type of ski gloves to buy to replace her old gloves that she had outgrown. She was unsure whether mittens or gloves would be warmer, and wondered whether different insulating materials would make a difference. Isabella developed a science project to measure the different

hand coverings' ability to retain heat in order to provide her with the information required to make the best decision. Isabella's hypothesis was that a thick pair of gloves would keep her the warmest. To test her hypothesis, she filled four small palm-sized bottles with 120 degree Fahrenheit water and placed one bottle inside each of four different hand coverings, two different gloves and two different mittens made of different insulating materials. Isabella then placed the gloves into the refrigerator, since it was at a temperature of 34 degrees Fahrenheit, close to the temperature in which she often skied. Isabella removed the four hand coverings after a half hour and measured the water temperature in each bottle. She recorded the temperatures and returned the hand coverings to the refrigerator and repeated this procedure after one hour, two hours and three hours. Based on her analysis of the data, she proved her hypothesis. And I'm going to ask the audience what you think. Do thicker gloves make for warmer -- people shaking their heads no? Okay. The consensus seems to be no. The actual result of the data is no. She proved her own hypothesis to be false. The two -- now, what were warmer, the mittens or the gloves?

AUDIENCE MEMBER:

Gloves.

LEG. COOPER:

Gloves. Is that the consensus here?

AUDIENCE MEMBER:

Mittens.

LEG. COOPER:

Mittens. This lady is right, you win. The two mitten samples maintain the highest temperature water at the end of the three-hour period. The mitten design proved to be more effective in retaining heat than the thickness or type of insulating materials of different hand coverings, which I think is fascinating and very useful information.

So, Isabella, it's my great honor to present you with a proclamation on behalf of the Suffolk County Legislature and the one-and-a-half million residents of Suffolk County. Congratulations.

(*Applause*)

P.O. LINDSAY:

I have the sixth grade winner, Philip Tubiolo. Is Philip here? Hi, Philip. How are you? I'm sorry I mispronounced your name. All right?

MR. TUBIOLO:

It happens a lot.

P.O. LINDSAY:

It happens a lot, Philip says. Philip is at the James Wilson Young Middle School in Bayport-Blue Point School District, and his project was *Oil versus Photosynthesis: The Affect of Oil on Aquatic Plants*. That is something that's very timely, Philip. They could have probably used you in the Gulf last year, you know, on -- with the oil spill. How long did you work on the project?

MR. TUBIOLO:

About two months.

P.O. LINDSAY:

About two months? Very good. Congratulations. I have a proclamation. And your mom and dad is here. But great work and keep up your studies, we really need information like that, okay? Thank

you.

*(*Applause*)*

I'm running around today. Okay. Legislator Browning for the purpose of a proclamation.

LEG. BROWNING:

Good morning. Thank you. I'm also joined by Legislator Ric Montano, because we are here to honor Mary Finnin this morning. Mary, if you'd like to come up.

*(*Applause*)*

I know she wasn't aware of this. But anyway, Mary Finnin, I think we all know her. And I chair Health and Human Services Committee, so I get to see Mary quite a bit. But each year the League of Women Voters awards the Liberty Award to an individual or an organization whose passion, leadership and action have made a significant impact on a priority issue of the League of Women Voters. This year they awarded Mary Finnin the 2011 Liberty Award for being the perfect advocate. After her impressive career as a Public Health Nurse with Suffolk County Health Department, Mary has become an avid outspoken supporter for nurses and their collective bargaining rights, understanding that when our nurses are treated fairly, it reflects positively on the patients they care for.

Mary has served in many positions in the nursing associations, and is currently secretary to the New York State Nursing Association Board, is a member of the South Brookhaven Health Center Advisory Committee. And Mary is not afraid to take on big challenges, as she recently led the charge to keep Suffolk County from selling the John J. Foley Nursing Facility. And she has also been here on a regular basis fighting for our health centers.

So, with that, I would like to give this proclamation to Mary and gratitude from the Suffolk County Legislature for her work in Suffolk County. Thank you, Mary.

*(*Applause*)*

P.O. LINDSAY:

Okay. Next up is Legislator Kennedy.

LEG. MONTANO:

Yeah, just very quickly. We didn't have to tell Mary about the proclamation because we knew she was going to be here anyway, because she's always here working hard. I'm proud to call her a friend, a constituent. She represents me on numerous boards. And, you know, we all know your work, and I can definitely say there's something about Mary. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Next, Legislator Kennedy for the purpose of a proclamation.

LEG. KENNEDY:

Thank you, Mr. Chair. And we have Hannah Fioramonti here today, another Brookhaven National Lab science winner recipient. Hannah actually undertook a very interesting study, and it's something that each and every one of us deals with each day, and it had to do with the sanitary conditions of money. And so what, in fact, Hannah was able to do was to study the bacterial content associated with paper dollars as opposed to coins. And this young lady, this very industrious, bright,

intelligent young lady, was able to come to the hard scientific conclusions that our coins are more sanitary than our paper dollars, aren't they? But again, we have before us a bright young person who took the time to go ahead and to work on a very important conclusion, something that we see and we touch and we work on each day. And as we've done so many times before as a body, I think it is right and proper that we say to Hannah, we congratulate you, Hannah. We congratulate you on the behalf of the 1.5 million people of Suffolk County. Thank you for the good work that you've done, and keep up your quest for knowledge. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. I think that concludes the Brookhaven awards. Pursuant to Resolution No. 927 of 2007, establishing a "Be Pool Smart" public education campaign to promote pool safety, the Budget Review Office has chosen the winning posters for the first and second grade for 2011. Both submitted posters were excellent in showing their interest and talent in Suffolk County's elementary school youth. The criterion of the contest was to promote the importance of pool safety to prevent drowning. Based solely on the criterion, the Budget Review Office has made objective assessments and selected the following winners. And we have one today and we'll have one in Riverhead at the next meeting. And Legislator D'Amato is going to present the proclamation for one of the winners today.

LEG. D'AMARO:

Good morning, Mr. Presiding Officer. As you mentioned, this morning, Ladies and Gentlemen, I have the pleasure of announcing the winner of our annual "Be Pool Smart" poster contest, one of the winners. Each year the Suffolk County Health Department undertakes a "Be Pool Smart" public awareness campaign to promote pool safety and to help prevent tragic accidents and drownings in swimming pools over the summer, and this poster contest is actually part of this "Be Pool Smart" campaign.

Now just a couple of points. It's important to raise awareness through this contest, drowning, unfortunately, is the second leading cause of unintentional injury-related deaths of children between the ages of one and fourteen nationwide, and it's also the third leading cause of injury-related deaths of children in New York State. And get this: On average, 350 children under the age of five drown in swimming pools each year, and another twenty-six hundred children under the age of five are treated in hospitals for near drowning accidents. So this is a drastic and major concern for all of us here in Suffolk County, and that's why every year we have this "Be Pool Smart" campaign. It's important to raise public awareness.

So, to fight these statistics, in conjunction with the Health Department's campaign, every year this Legislature invites elementary school students, as the Presiding Officer noted, to create a poster to illustrate one or more of the ten most important "Be Pool Smart" tips, and that's part of the poster contest. One entry is then selected from each Legislative District and then competes at the County level, where one poster is ultimately chosen from amongst all the district winners, and that chosen poster will appear on the cover of the "Be Pool Smart" brochure that is put out by Suffolk County every year around this time. So this year I have the distinct honor and pleasure and I'm very proud to announce that the winner chosen from 11 finalists is from my Legislative District. She is a fourth grade student at Birchwood Intermediate School in Melville and her name is Keara Shea. Keara, come on up.

*(*Applause*)*

Keara this morning is joined by her mom and dad, Heidi and Ian. Also, I think your uncle and your aunt are with you also, Daniel and Carol Hoehn, as well as your grandfather, Kevin Hoehn. And

also, I believe you're joined by Anthony Ciccarelli, the Principal of Birchwood Intermediate School, as well as Kerry Crocco, Keara's teacher.

So, Keara, we have here for you a proclamation that recognizes your entry and winning the "Be Pool Smart" poster contest for this year. We're all very proud of you. And, Justin, if you could hold this up, this is the winning poster that points out all of the different "Be Pool Smart" campaign tips, and that will be appearing on the front of our brochure that's going to be distributed county-wide. So, to Keara, and to her family, and to her school, and to her teachers and her Principal, we again offer our congratulations, and keep up the good work. Thank you. Thank you, Mr. Presiding Officer.

*(*Applause*)*

P.O. LINDSAY:

Legislator Horsley, your guy still isn't here?

LEG. HORSLEY:

Is Tammy Nuzzo-Morgan in the audience? Tammy Nuzzo-Morgan? I guess to paraphrase Mr. Barraga, she's gone quietly into the night.

P.O. LINDSAY:

Okay. That concludes our proclamations. I thank everybody for their indulgence, they were rather lengthy today. I'd like to recognize Legislator Kennedy for a point of personal privilege.

LEG. KENNEDY:

Thank you, Mr. Chair. And I'll keep my comments brief, but I felt it was important to recognize a significant accomplishment for a member of my staff, my Legislative Aide, Ali Nazir. Everybody around this horseshoe has seen him, he has been with me for quite sometime. He started as a student intern and has worked tirelessly. My wife and I had the great privilege to witness Ali and his family get sworn in yesterday morning at Federal Court as United States citizens.

*(*Applause and Standing Ovation*)*

I should tell you, Mr. Chair, that in speaking with Ali's father, this is a process that his family went through that took 14 years, 14 years, but nevertheless, they stayed the course. They're outstanding citizens in our community, and I think it's something that each and every one of us should recognize. And I have to tell you, the hundred or so folks that became citizens yesterday covered the whole face of the earth, people from every country. And it was quite a moving ceremony, and if you've never seen it, it's worthwhile going to see. So thank you again. And how about a great big "attaboy"? I don't know if he gets a raise, but he gets an "attaboy".

*(*Applause*)*

P.O. LINDSAY:

Okay. Thank you. We're going to go into our public portion now. And I have the two Commissioners from the Board of Elections here that I'm going to call on first. And then Dr. Shaun McKay from the College is here. Please come forward, Commissioner Katz and Commissioner Rogers. If you'd like to sit right there, if this lady that's filming would get out of the way. Thank you. I'm shorthanded here today, so I'm running around a little bit. So, if I get up and take a picture over here, it's not that I'm not listening to you. Okay?

COMMISSIONER KATZ:

We'll be very brief.

P.O. LINDSAY:

Okay.

COMMISSIONER KATZ:

We know there are a lot of people who want to speak.

P.O. LINDSAY:

That's okay. Go ahead.

COMMISSIONER ROGERS:

Good afternoon -- or good morning. For some reason, unfortunately, the budget for the Board of Election's renovation kind of slipped through the cracks and it wasn't included in the omnibus bill. And we're here -- there's a stand-alone bill at this particular point that was introduced by Mr. Lindsay to put the money back into the Board of Elections for its renovation. This renovation that we're looking for is not fluff, it's not cosmetic. The building is 50 years old, the electrical system's not good. We can't even get light bulbs for the fixtures anymore. The heating and the air conditioning system breaks down on a daily basis. In the wintertime we have to open a bay door in the back, because it's so hot in some of the offices, to cool the people off in the rear offices. So we're asking that this money be put back in so we can do the renovation.

The health and safety of the people that work there is absolutely very important. As you know, I came from the labor movement and I would not be happy with any of my people working in these conditions that we have to work. I mean, it's ridiculous that the air conditioning system breaks down weekly. I mean, the other day we needed to print some poll roster books for somebody and it was so humid a few days ago that the paper in the room that we do the printing in was curling, so we -- because the air conditioning went out, so we had to wait to get more paper to get the air conditioning on so we could do our jobs. It's a matter of doing our jobs, it's not a matter of looking for new offices, and new paint and new ceiling, it's just a matter time and it needs to be done.

COMMISSIONER KATZ:

This is the Capital Budget amendment, Resolution No. 7 that we're asking --

MS. ORTIZ:

Just tap it once.

COMMISSIONER KATZ:

Thank you. It's Resolution No. 7 on the Capital Budget that we're asking to be put back in. This is an old resolution, it's Capital Budget Item 1459 in the budget. It has been in the budget for five or six years. It is slated for work in 2013. An RFP has already gone out. People have been in the building, checking it out to respond to the RFP, so this is a project that is already partially begun, even though it would not be until 2013 when the actual work is done. We need electrical wiring, particularly with all our new machines. Every time you plug one thing in, the entire building shorts out. I'll repeat what Commissioner Rogers was saying. This is not a cosmetic bill, it's really a safety issue. We don't have sprinklers in certain places. So anything you can do to put this back into the budget, I know everyone is asking today, we would really appreciate it. Thank you.

COMMISSIONER ROGERS:

Am I on? I'd like to just add one thing. I think it was two or three years ago we ran into a problem when we got these new machines. I know everybody loved the old machines, as well as both Commissioners love the old machines, but we have the new machines now. We didn't have adequate space because, unfortunately, we had two sets of machines, so we needed to quickly put up about sixty-five hundred, seven thousand square feet of space for the machines. The money for the front of the building was allocated and the project was ready to go. And so we could get this

done, what we did is agreed to take the money that was allocated for the front renovation and quickly do it so we could get the new machines in the back under a sealed roof, which is the new part of the warehouse now. And the money that we're asking for is the money that was supposed to be reallocated and is in there and now is being taken from us on a project that probably would have been done already, if not for the problem that we ran in with the new machines. So we'd appreciate it if you could reallocate the money.

P.O. LINDSAY:

I'm going to take the liberty of the Chair and treat this as a report by our Commissioners so that we can comment on it, because it's such an important issue. I just would like to explain to my colleagues that the Working Group completed their work on the Capital Budget and this project was not put back in. And I subsequently had a discussion with our Commissioners and said that I would put it in as a stand-alone and asked them if they would come and make an appeal to the full body.

The one thing that was said to me that really makes an awful lot of sense is, with the advent vent of the new machine, it depends on paper tremendously. I mean, we have tons, and tons, and tons of paper in this facility. It's a fire hazard, folks. Paper burns real easy. We've got a building without sprinkler systems with an antiquated electrical system. I know everybody is concerned about debt and saving money. If the Board of Elections burns down, we're all going to have to answer for that. Okay? So that's my spiel. Legislator Nowick.

LEG. NOWICK:

Having heard what you just said, aren't there any type of a laws, fire laws that would -- it sounds like they might condemn this building or -- maybe I shouldn't have said that. This does not sound good.

COMMISSIONER ROGERS:

The way the building is built with the warehouse in the front, and which we'll call the offices, the way that building design is, and it's so old, we did not come under the sprinkler or the fire code. We have fire alarms, but we didn't have a sprinkler system in the front. With the new renovation, they would have to do that, and we needed it anyhow in the front.

LEG. NOWICK:

So if the building is old, the fire department -- there's no fire regulations, everything just gets grandfathered in?

COMMISSIONER ROGERS:

Well, if you're still within the code and under the square footage, we're okay, and that's why it was never done. And now we're at the process where it has to be done because the laws have changed.

COMMISSIONER KATZ:

And FRES has been in our building and inspected it.

LEG. NOWICK:

And their reaction?

COMMISSIONER KATZ:

They made some suggestions. We tried to accommodate them.

LEG. NOWICK:

Safety is important.

COMMISSIONER ROGERS:

We got extra fire extinguishers.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah. Hi, Wayne, Anita. Good to see you guys. The structure itself, is it a wood structure or what -- that front piece, or is that a block? What is that?

COMMISSIONER ROGERS:

It's block and the roof is wood trusses, and actually a wood roof that's there now.

LEG. HORSLEY:

It is a wood roof?

COMMISSIONER ROGERS:

Yeah.

LEG. HORSLEY:

And that's the portion that's not sprinkled.

COMMISSIONER ROGERS:

None of it's sprinkled.

LEG. HORSLEY:

None of it. You have no sprinklers, even in the new portion that we put in last year?

COMMISSIONER ROGERS:

None, none. The new portion that was put on is not wood, it's tin.

COMMISSIONER KATZ:

And that's a metal free-standing warehouse in the back.

LEG. HORSLEY:

Right. That's where I had some other questions in the beginning. But so --

COMMISSIONER KATZ:

So that was metal, right.

LEG. HORSLEY:

But that is not sprinkled in there as well?

COMMISSIONER ROGERS:

No.

LEG. HORSLEY:

Would that back portion be sprinkled with this renovation?

COMMISSIONER ROGERS:

They want to do that, but they have to be careful what they do it with --

LEG. HORSLEY:

Because you could wet the machines?

COMMISSIONER ROGERS:

-- because we have electronic machines. We don't need sprinklers going off and them getting all wet. So they're looking at more -- other systems. I don't know what one they're looking at, but they need to put some kind of fire system back there, yes.

COMMISSIONER KATZ:

Right. They're talking about some kind of a dry system, obviously --

LEG. HORSLEY:

Right.

COMMISSIONER KATZ:

-- in those areas.

LEG. HORSLEY:

Okay. Okay, thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair, and thank you for coming forward. The equipment has a value at this point of approximately what, 15, 16, 17 million dollars that's being stored at this point?

COMMISSIONER ROGERS:

That's about right.

LEG. KENNEDY:

Okay. So, certainly, taking measures to go ahead and provide safety for the equipment, as well as for employees, is prudent. The amendment provides 3.3 million in 2013. Is that because you have no approved plans or drawings? Why are we not seeing any actions in 2012?

COMMISSIONER KATZ:

This is a redoing of the original 1459 Capital Budget item, which I believe was set for 2013. As you know, 2012, we weigh one against the other, the safety as well as the work of the Board. It is a Presidential year. They have just started the planning.

LEG. KENNEDY:

I see.

COMMISSIONER KATZ:

We just had people, engineers and architects, come through the building. I don't believe they could be ready until perhaps the end of 2012, which, of course, is the Presidential election, so --

LEG. KENNEDY:

Okay. So this really is --

COMMISSIONER KATZ:

I think it's the best they can do.

LEG. KENNEDY:

We're meeting the sense of urgency as best we can --

COMMISSIONER KATZ:

Exactly.

LEG. KENNEDY:

-- just because we have to have all the renderings and the other material done beforehand.

COMMISSIONER KATZ:

Right.

LEG. KENNEDY:

Okay. All right. Thank you, Mr. Chair.

P.O. LINDSAY:

Thank you very much for both of you coming and bringing this issue to light. All right?

COMMISSIONER ROGERS:

Thank you.

P.O. LINDSAY:

Okay. Is President McKay in the auditorium?

LEG. HORSLEY:

Mr. Presiding Officer, I believe Mr. McKay had to go back. He had some issues that were pending and so he went home.

P.O. LINDSAY:

Okay. If he comes back later, I'll put him on the agenda. Next -- first up is -- it looks like Patrick Young? Patrick Young. Patrick Young. Patrick Young?

MR. YOUNG:

Here.

P.O. LINDSAY:

There you go.

MR. YOUNG:

My name is Patrick Young from Central American Refugee Center in Brentwood. And just begin by stating our opposition to the pre-paid cell phone registry law, and then to just talk about the two bills that are being introduced by the Levy Administration concerning E-Verify, 1477 and 1478. And I know there are a number of other people who are going to speak after me concerning these bills. These bills would require contractors with the County and licensees with the County to participate in the E-Verify and the Social Security verification system for the purposes of identifying unlawful workers.

Just to look a little bit at the history of these bills, the County already passed four months before Marcello Lucero was murdered by a lynch mob in Patchogue a bill that created a pilot program mandating a limited number of contractors use the E-Verify system. And the purpose of that pilot program was to see how effective the County could be, whether it had an impact on reducing undocumented immigrant employment, etcetera, etcetera. You can look back at the bill to see what

all the purposes were. Part of the requirement when that was passed was that there be a report issued on the effectiveness of the program. Obviously, if you have a pilot program, you want to know whether or not it was effective. To date, County Executive Levy has not submitted a report on the pilot program, and, yet, you're being asked to consider making this a County-wide -- a County-wide initiative.

I think the first thing that has to be asked is, before you consider this legislation, where is the report on the pilot program? I think we know why there isn't a report, but I don't think it's an acceptable excuse for not having submitted it. Secondly, the County Legislature, two months after Marcello Lucero was murdered, established a Hate Crimes Task Force. The Hate Crimes Task Force was to look at the issue of hatred in Suffolk County essentially leading up to the death of Marcello Lucero. And, as we know, we had a series of violent incidents against immigrants in Suffolk County in the months preceding Marcello Lucero's death. That report has not been issued either, and I think a lot of us know that there was interference by the County Executive with the process initially of preparing the report and then with the actual issuance of the report. I don't think the County should be taking up any immigration matters until the County Legislature's authorized reports on these two programs, on the Hate Crimes Task Force and on the E-Verify pilot program, are delivered to this body. I think it's really incompetent for the County Executive to demand new legislation when the old legislation was never enforced.

Taking a look at these bills, I think you have two different -- two different programs that essentially under -- in play here. The first concerns licensees with the County. Anyone who holds a County occupational license could essentially lose that license if they're found in violation of the requirement to use the E-Verify system. So, in other words, not for hiring an undocumented alien, but for not properly using the system. The other applies to County contractors, but only County contractors who receive 100% of their revenues from the County. So, in other words, County contractor would do well to do a couple of driveways every year so that they're not covered by this bill.

P.O. LINDSAY:

Mr. Young, you're out of time.

MR. YOUNG:

Thank you very much.

P.O. LINDSAY:

I'm going to exercise the privilege of the Chair, and we have Dr. Strongwater, who is the President of the Medical School at Stony Brook University, and has a busy schedule, wants to make some comments, so I'm going to allow Dr. Strongwater to come forward.

DR. STRONGWATER:

Good morning, and thank you for the opportunity to talk with you this morning. I am speaking about the proposed budget cuts and/or closure of a number of the County clinics, in particular, the Elsie Owens Health Center, which we provide medical staff for.

I want to again state that it is a mistake to close the Elsie Owens Health Center. Closing the center will jeopardize the health of thousands of people, many of whom are working poor and taxpayers. We understand that the County is working very diligently with the Department of Health to find a solution to restore funds to keep Elsie Owens and the Dolan Center open, and to restore funding to a number of other County clinics, but that this will take sometime. And we ask and we seek support, particularly in the bill, 1354, coming from Budget and Finance and Information Technology Committees. We seek -- we support the bill that provides gap funding.

The County, just by way of background, was notified on July 1st -- excuse me. The County notified

Stony Brook University Hospital on July 1st that they plan to close Elsie Owens. New York State requires a closure plan, which was submitted in late May. The Department of Health has 90 days to act on that plan. They have not approved the plan. After the plan is approved, there's a 45-day notice period. Roughly 18,000 patients would have to be notified. Because of the 90-day delay and then the 45-day notice period, it seems apparent to us that it is impossible to close the Elsie Owens Center, even if one decided to close it, before the end of June. So there needs to be gap funding and we seek your support for that gap funding, again, Bill 1354.

One other point I'd just like to make, that this is a Safety Net Program and that Elsie Owens is being treated differently than many of the other centers. We understand that other centers are going to receive some percentage cut. We fear, as we have learned, that there might be very deep cuts, which is tantamount to closing the program, even though the doors might physically remain open.

So we seek your support to assure that Elsie Owens can remain a vital part of the Safety Net of Suffolk County, providing care for 34,000 visits, 8,000 patients annually. And I thank you for the opportunity to speak with you today.

P.O. LINDSAY:

Thank you, Doctor, I know you're a very busy man, for coming here and stating your thoughts on the subject. Thank you.

DR. STRONGWATER:

Thank you very much.

P.O. LINDSAY:

Okay. Noel DiGerolamo.

MR. DIGEROLAMO:

Thank you very much. Noel DiGerolamo, Vice President, Suffolk County PBA. I wanted to speak briefly on Legislator Browning's bill regarding cell phone registration, and, also, I'd like to clarify some misunderstandings and some concerns that may be out there regarding it.

You know, there's a misconception that when you require identification sometimes, that automatically law enforcement would be involved in verifying that identification or some of the status of an individual and that is not the case. In particular, New York State, there are many ways to get identification, including a New York State non- drivers identification from Motor Vehicle. That, including the Police Department at any point, we never check resident status. So, if there's any concern regarding this bill with regard to residency or immigration, the Suffolk County Police Department does not enforce immigration law, and that should be understood also.

One of the purposes of this bill in particular is to assist the Police Department in protecting people. This is a tool like any other that would afford us the opportunity to follow up on registration of a cell phone, no different than we follow-up registration of firearms and other items, you know, that are required.

We've seen a lot of issues recently in this county, you know, between Gilgo beach and increased drug problems, and we've seen the use of these non-registered cell phones, known as throw-away phones, where they're prepaid, and there's no ability, you know, to track them or find out who had them, or, you know, follow through on the investigation in order to get closer to the root of the problems. And when it comes to investigations, you know, the Detective Squad in particular relies heavily on any type of documentation that may be available. Also, the way this bill is written, that documentation that's provided when the purchaser takes one of those phones is not presented to anybody other than law enforcement with appropriate credentials and the right to take it. All right?

You don't have the ability to just call up and say, "Give me the information." You would have to be of a law enforcement agency, with proper documentation and -- where needed, appropriate warrants to seize that information.

This county has led the way in many forms, whether it be banning Ephedra, or making greater scrap metal laws, registering people who turn in scrap metal, and we didn't seem to be concerned about those issues at the time, and why? Because we recognized that they were good bills that protected people, and that's what this is, this is a good bill that's going to help to protect people. And no different than when we had those other bans, we weren't concerned of people running to Nassau County or Connecticut or somewhere else to do their business, we were concerned about protecting the people of Suffolk and hoping that it would spread to other jurisdictions.

I know I'm out of time. I just would like to finish up saying we strongly believe that this is a good bill that would help the Police Department and law enforcement in general to continue to provide the service that the people currently receive. Thank you.

P.O. LINDSAY:

Thank you, Noel. Elaine Kahl.

MS. KAHL:

You hear me now? Good morning, and thank you for the opportunity of speaking to you today regarding Governor Cuomo's decision on questioning suspending ICE and other procurement procedures from enforcing the law. And I'd like to say to everyone today to please listen to what I have to offer and what I have to say and to consider it seriously. I come here today as a help to all.

Governor Cuomo's ill-advised decision last week to suspend New York State's participation in the Federal Secure Communities Program was a very poor political act that put narrow special interests ahead of public safety. And for those who have never heard of Secure Communities, it is nothing more than an information sharing agreement.

MR. LAUBE:

You have to hold it down.

MS. KAHL:

I have to hold it down? Thank you. The Prison Common Sense Program allows State, local and police to identify criminal aliens within their jurisdictions, but only after they've been arrested and taken into custody in connection with a local crime. In other words, Secure Community does not result in local police hauling anyone in on suspicion of being an illegal alien.

Governor Cuomo's political pandering puts him at odds with the President. Secure Communities is a high priority of the Obama Administration and the Department of Homeland Security. Our Governor is on the wrong side of history. Secure Communities will be mandatory in all states, as I've previously stated, by 2013. Our Governor is at odds with the vast majority of New Yorkers. Our Governor needs a reality check.

We have a growing population of aliens here. I have fought, and fought, and fought for the rationale to be reasonable, for the criticisms to be valid, and for the rule of law to be applied. I have here some recommendations, which I can discuss with you later, but we strongly support I.R. 1477 and I.R. 1478.

And, by the way, I'd like to also share with you the following: Today I come today with a burden quite high representing hundreds of people, Suffolk County citizens and legal immigrants. They

wanted me to come today because everyone gets very concerned about the mantra that's being utilized. So I think and I know that E-Verifier would make us all equal according to the rule of law, and then we can get back to peaceful living in Suffolk County. Thank you.

P.O. LINDSAY:

Thank you, Elaine. Dr. Luis Valenzuela.

DR. VALENZUELA:

Distinguished Ladies, Gentlemen, Suffolk County has indeed been number one in many areas. Suffolk County was number one, in fact, ground zero for the nation in anti-immigrant sentiment. Arizona has taken that on. These two E-Verify bills that the County Executive has reintroduced, he had introduced them in 2008, months before Marcello Lucero was brutally, hatefully slaughtered. These are the types of bills that led to an intensified anti-Latino, anti-immigrant climate here in Suffolk County, which drove a complete population into fear.

The E-Verify program has flaws. And you could look up the Congressional Budget Office report on E-Verify. SSNVS, the Social Security Number Verification System that's to be utilized, is being utilized wrong. The intention of Congress was to match people with monies in the Social Securities Earning Suspense Fund, which is probably over 700 billion dollars now. Three-quarters of that fund come from, believe it or not, undocumented workers. The law is not necessary, we've stated that before, it's duplicative. We have the I-9s; unnecessary. Leads again to this climate of division that we don't need.

Just earlier this year, you guys unanimously approved a bill in remembrance of Marcello Lucero, and here we are discussing again immigration when Suffolk County has 180 million dollar deficit, is closing clinics, people are unemployed, and we're going to engage in this distraction that unfortunately may be a distraction for some, but it has an impact on the lives of others. And, indeed, Suffolk County has had that distinction of being number one in many areas.

And just for you who are with Labor, you know, organized labor is supporting the drive for comprehensive immigration reform, because they recognize that employers were unscrupulously using enforcement --

P.O. LINDSAY:

Dr. Valenzuela, you're out of time.

DR. VALENZUELA:

Okay. Enforcement to deal with worker activists who were trying to unionize. And lastly, the cell phone bill is perhaps well intentioned, but misguided. Some of our --

P.O. LINDSAY:

You're out of time.

DR. VALENZUELA:

-- members are going to speak on both issues.

P.O. LINDSAY:

You're out of time, out of time. I've got a ton of cards here. Professor Serge Martinez.

MR. MARTINEZ:

Hey there. Serge Martinez. I'm a --

MS. LORMORIELLO:

Hold the button down.

MR. MARTINEZ:

I'm holding it as hard as I can.

AUDIENCE MEMBER:

Hold the button.

MR. MARTINEZ:

Perfect.

MS. LORMORIELLO:

There you go.

MR. MARTINEZ:

Got me? Don't start my time yet. Okay. So I'm Professor Serge Martinez.

AUDIENCE MEMBER:

You're pressing the wrong one.

MR. MARTINEZ:

Dude, the green light is on.

MS. LOMORIELLO:

You're doing fine.

MR. MARTINEZ:

Once again, I'm Professor Serge Martinez from Hofstra Law School, where I am a Clinical Professor of Law. I'm here to talk about 1477 and 1478, the E-Verify bills. As far as I could tell, the stated purpose of these are to level the field between those who follow the rules and those who don't follow the rules. I would suggest that that is a theoretical mismatch between the problem and the proposed solution. If the problem is we have lots of people who are not following the rules, it defies logic to suggest that the solution is let's have more rules. What it does is actually create a less level playing field, because those who are not following the rules will continue to not follow them and they have to sign an extra piece of paper. Those who do follow the rules now would have the burden of tracking down their contractors, their sub-contractors, making them do E-Verify, making sure that they have all the affidavits on top of the requirements with the 1324A that we went through a few years ago. In short, it has the exact opposite effect of what is intended. Those who are following the rules now have more cost, more burden, more responsibility. Those who don't continue to live there "devil may care" lives, laughing in the face of authority and creating a wider gulf.

Second, even if we accept that this is a good match between problem and solution, the mechanism is dreadful. E-Verify is just not reliable. We point to it and say, "Look, it's right 95% of time." Of course it is. Ninety-five percent and more of the people in this country who are working, are authorized to work here. You walk through a crowd and throw -- you know, pick 95 -- pick 100 people out, I could guess correctly 95% of the time who's authorized and who's not. The problem is at the margins. The GAO Office, their study revealed that between one-third and two-thirds of the people who went through the system who are not authorized to work came through as authorized to work. The flip side, for example, in Los Angeles, they found that of the people flagged as not eligible, 95% of them were authorized to work, 95%. And, of course, the biggest problem the system had was with people whose last names were Arab or Latino. What does this mean? It's an invitation to discriminate.

If I am a business owner worried about complying with this law with my County contract, with my license to do business in Suffolk County and I'm not sure if this system is reliable, it makes sense for me to not hire the Latino guy or the guy with the Latino last name. I'm sensitive of that, obviously, being named Martinez, but it is not an inconsequential consideration. It's -- this is an invitation to discriminate. It's a bad -- bad solution to a purported problem using a bad mechanism that does not actually -- is not reliable and encourages people to discriminate. Therefore, I urge you not to even bother dealing with this and let it die a quiet death.

P.O. LINDSAY:

Thank you. Cesar Malaga.

MR. MALAGA:

Cesar Malaga, Hispanic-American Association. Since we were discussing 1478 and 1477, let me just indicate that the County Executive Levy is using immigrants just to get the free publicity. You know, he's not just looking for something. Now there is no crime for anyone to go to a place where there's a job. NAFTA, CAFTA, all of those programs destroyed many -- you know, many workers', you know, opportunities down in South America and Central America and Mexico. So the people are here to work and to feed their families.

So this -- you know, this bill, 1478 and 1478 (sic) discriminates against Latinos and immigrants, except it's used for publicity. And, as a matter of fact, County Executive Levy should be investigated for these crimes he committed. And all of you are quiet, don't say anything about the crimes he committed. By returning the four million dollars, it should not be the end, that we should know what crimes he committed.

The other item I would like to discuss is I.R. 1266, the pre-paid cell phones. The pre-paid cell phones is a lifeline for many people to be able to call when in necessity. They need the cell phone. It should not be, you know, registered, or you have to have -- approve of the, you know, documentation for that. Many of other people in my organization use cell phones when they travel and it is a necessity. Today we do not have cell phones -- I mean, public telephones as we used to have in the past. Everyone uses, you know, cell phones. And as a matter fact, these people cannot afford to subscribe to a cell phone company, it costs a lot of money. So for them it's better to buy a pre-paid telephone, cell phone.

And you talk about, you know, that's going to stop drug dealers or terrorists. They -- drug dealers and terrorists, they have better sophisticated systems. They don't need to buy, you know, a pre-paid cell phone to be able to do their business. What we have to do in this County and country is stop the demand for the use of drugs in this County and the country. That will stop the drug leaders -- drug dealers from bringing drugs to this country.

And the other thing is that I.R. 1226, I ask you not to vote for this vote, because if you vote for this, I.R. 1266, you might be, you know, voting for some innocent people being killed out there, because there is no way he can communicate with the police or ask for help from someplace else.

So I ask you, please, do not vote for I.R. 1266. Thank you very much.

P.O. LINDSAY:

Thank you. Susan Sineo. Susan, am I pronouncing your name correctly?

MS. SINEO:

Good morning. My name is Susan Sineo and I am a resident of Manorville, and I am here to speak about the cell phone legislation.

I've attended ceremonies here in front of Suffolk County's own Domestic Violence Tree and heard stories from battered women and their children, heart-wrenching stories about abuse, abduction and even murder. It is hard for me to fathom that just steps away in the Suffolk County Legislature Kate Browning has introduced a bill that would not only put these victims in harm's way, but would give their abusers a road map.

Kate Browning is the Chair of the Health and Human Services Committee, whose mission is to assure the well-being of our community. Accordingly, I believe this is a true dereliction of her duties.

Browning's bill is yet another piece of legislation that whittles away at our Constitutional rights and promotes Big Brother mentality. How many residents would be comfortable releasing statements and sensitive, private information to convenience store clerks? How long is it before a retailer is fined a thousand dollars or a year in jail because their employee did not follow proper protocol? When will Kate start pulling alcohol off the shelves of liquor stores to prevent DWIs, or make it mandatory to register every liquor bottle sold? When will this governmental intrusion end? What happens when these phones are purchased outside of Suffolk County or when, unbeknownst to the retailer, they're presented with fake ID to approve the transaction? There are so many flaws in this legislation, it is hard to imagine what Legislator Browning was thinking when she drafted this bill.

While I welcome any piece of legislation that would help put criminals behind bars and strengthen the prosecution, this bill is not the answer. It is not only ineffective, it is reckless. Thank you.

P.O. LINDSAY:

Maryann Slutsky.

MS. SLUTSKY:

Good morning, and thank you for this opportunity. I'm Maryann Slutsky from Long Island Wins. I'm here to express my opposition to the pre-paid cell phone bill and also to the two E-Verify bills.

If instituted, E-Verify will end up strengthening an underground economy, because it will force employers to pay workers cash off the books and, therefore, exclude them from paying taxes and fully contributing to their community. E-Verify is expensive for businesses, stretching their resources and limiting their ability to hire more workers. The biggest burden would be on small businesses, which accounts for the majority of employers. Businesses will risk losing licenses if caught hiring undocumented workers, which in many cases will put them out of business, and innocent law-abiding U.S. citizens will lose their jobs.

E-Verify portrays the program -- E-Verify portrays the program as a solution to end illegal immigration and a way to generate jobs for unemployed Americans. The reality is quite different, neither has happened. What we need are sensible and practical immigration solutions that work, that actually work, solutions that will strengthen our economy, build strong communities, and solutions that will benefit all members of our community. By enacting E-Verify, Suffolk County will reinforce its legacy across the country as being one of the most anti-immigrant communities in the country, and it will pave the way to economic hardship and that will benefit no one. Thank you.

P.O. LINDSAY:

Thank you. Nancy Dwyer.

MS. DWYER:

Good morning. My name is Nancy Dwyer. I'm with Pax Christi Long Island. That's the local arm of the International Catholic Peace Movement, and as such, we're very concerned about the immigrants here on Long Island.

In regard to the E-Verify laws, my question is why? What is the purpose of these two laws? It's a lose/lose/lose proposition. One loser is the worker who isn't native born, and whether legal or not, will once again be stigmatized and targeted, and we've seen some tragic results from stigmatizing here. So what is the benefit of such a law?

Another loser is the small businessman who already feels burdened by governmental regulations, and now he has still another government mandate interfering with his business, and this right in the middle of a recession. And what will this do to the small businesses this summer out on the East End, restaurants, the growers, the small shops, small businesses? And all of us who look to law enforcement for important functions for our security, we're all losers, because law enforcement time, energy and effort will be directed to enforcing this law, and why? Who benefits from these two laws?

As Pat Young pointed out, a similar law was passed in 2008 and has been on the books and no report has even been made on it. So who benefits from these two laws? And this is my question. Thank you.

P.O. LINDSAY:

Thank you. Mr. Lucero.

MR. LUCERO:

Good evening. Thank you so much for giving me the opportunity to be here and to stand up for two bills, against the pre-paid cell phones and also for E-Verify law. One of the things like, you know, what I noticed about this bill, what I find I noticed, E-Verify, this should be called racial profiling. That's the way it's supposed to be called, because what happens is something will be in the spotlight for quite a time right now and only for the negative way. You know, if you really want to send the right message or be in the spotlight as a good people, we should take an example what Governor Cuomo do in New York. That was the example to be sending the right message, because he thinks it's not fair to any immigrant to be a target for the Police Department or any hate crimes. That's what I think.

And also, this is an unnecessary act, coward bill, because it only target my community and target so many people that really suffer right now and all these families. I don't think it's a good idea to keep it, continue this. It's time to send the message, the right message to all over this country and to don't pass the law, to don't accept any ideas with this, because this is bullying for me. When I'm talking in the schools, I'm concentrating on hate crimes and also on bullying, and this bill is bullying with this person here who have nothing to do, just to target the easy target, which is my community. And remember something, it's not what I say, or what you say, or what they say, it's what you do. Thank you.

P.O. LINDSAY:

Jeffrey Behrens.

MR. BEHRENS:

Good afternoon. My name is Jeffrey Behrens and I'm here representing the Suffolk County Crime Victims Center, a Division of Megan's Law. Our Executive Director, Laura Ahearn, apologizes for not being able to attend today's hearing due to a scheduling conflict.

The Crime Victims Center provides comprehensive support services to victims of violent crime, including survivors of homicide, victims of assault, robbery, sex crimes, gang violence, domestic violence, stalking, kidnapping, human trafficking and terrorism. The agency has served over 7,000 victims of violent crime and property crime in Suffolk County. The agency collaborates closely with the Suffolk County Police Department in our joint mission to ensure that all victims of violent crime

are provided the support services they desperately need and are entitled to under the law.

The victims -- the Crime Victims Center supports I.R. 1266, a Local Law to register pre-paid cell phones purchased in Suffolk County. Pre-paid cell phones can facilitate crime and terrorist activities, and the inability to be traced to the owner or user impedes the ability of law enforcement to investigate and combat crime. The Crime Victims Center supports this legislation knowing full well that laws on the state and national levels are required in order to achieve full effects of regulating prepaid cell phones, but each journey must begin with a first step and we believe that this is that first step. Thank you for this opportunity.

P.O. LINDSAY:

Thank you very much. Dianne Rulnick.

MS. RULNICK:

Good morning. I'm Dianne Rulnick.

P.O. LINDSAY:

You have to hold your finger on the button, Dianne.

MS. RULNICK:

Thank you. Good morning. I'm Dianne Rulnick. I'm a resident of the East End, and I have been head of the Anti-Bias Task Force of the Town of Southampton, and now one of over 100 neighbors who've just gotten together to try in every way we can to bring down the kind of nasty hatred rhetoric that we find going on in our community that has a huge impact. It's a slow impact, but it's certainly meaningful and isn't helpful to us locally, and isn't helpful to us on a national basis.

And so I just come before you to say, please, let's not small-ball legislation, in other words, taking it piecemeal when it is -- each of the actions does have a large impact. And let's talk about helping our -- our advocating for comprehensive immigration, advocating for the Dream Act, advocating for small business advancement, but not in a way that polarize and separates. It is just not the civil way to move forward in a climate when so many are saying we have too much regulation. Why are we introducing three bills, a cell phone bill and two E-Verify bills that, again, help to polarize, and, as people have pointed out, just are not going to have the intended impact.

I'll just add very quickly that as head of Human Resources at Columbia University and a stint there for 18 years, I worked very hard to keep the bureaucracy down and keep the communications flowing in our Harlem community. I think we need to do that more than ever in Suffolk. Doesn't mean that these rules can't be looked at, but E-Verify is broken nationally. Yes, our borders may be broken as well, but we need to take actions that we can get behind in a way that is unifying and doesn't polarize. Thank you.

P.O. LINDSAY:

Thank you. Ronald McDaniel.

MR. MC DANIEL:

I yield the floor.

P.O. LINDSAY:

Thank you very much, appreciate that. Pastor Thomas Humphrey.

PASTOR HUMPHREY:

Good morning. I'm Pastor Thomas Humphrey of Long Island Men's Center and I stand on the side of immigration reform. House Republican's immigration strategy is to deport thousands and thousands

of immigrants and we think that's wrong. Eight hundred thousand Americans will lose their jobs if this happens. Seventeen billion dollars in tax revenue will be lost. For 20 years this strategy has not worked or defense did not work. The Long Island Men's Center rejects mass deportation, and call on Republicans in Congress to stop offering up fantasies and take the bill for reality. Comprehensive immigration is the only way to solve this problem.

Congress should require undocumented immigrants to register. Comprehensive immigration reform is fair and practical, and everyone will pay their fair share in taxes. We have 11 million undocumented immigrants and it is impossible to deport them, but there is a way, a better way. Congress must pass comprehensive immigration reform.

Suffolk County already has an employee verification bill on the books since 2008. Moreover, in 2008, the County Executive rescinded two very similar bills that he had introduced in June of that year, which was deliberately divisive. There is no need for this needless repetition. We denounce a new attempt by the County Executive, Steve Levy, to reintroduce anti-immigration legislation he first submitted five months before this terrible hateful murder of Lucero -- of Marcello Lucero. This is a renewed Legislative attempt to divide Long Island workers and businesses. Thank you very much.

P.O. LINDSAY:

Thank you. Harry Francis, Sr.

MR. FRANCIS:

I'll yield the floor.

P.O. LINDSAY:

Thank you very much, Mr. Francis. Mary Finnin.

MS. FINNIN:

Thank you, and good morning. I just want to briefly say that I want to speak again on -- in supporting -- of support, appropriate funding for health centers. I want to bring to your attention that of the 20 million dollars in clawback money from the State, I believe 25% of that money for Article 6 was for costs for the Medical Examiner, train EMTs, Crime Lab, etcetera. I don't believe that all of the savings or funding, if we don't get the money from the State, should be taken from the health care centers. We are denying the poor and the uninsured residents of our community the care and services they need. While we know that we have that burden to bear at the moment, there's also additional cuts planned for July 1. But just as an example of the consequences of any of these cuts, I had a friend make up this graph and it shows that on May 9th -- the fee for a woman going to the health center, an ongoing patient, was \$15 a visit on May 6th. On May 9th, it went to \$35, and then, plus, they had to pay for all of their, quote, ancillary services, X-rays, etcetera. That amounted to 2,640% increase in cost for one female, 45 years old, to visit and get her -- what was provided for her before in the health centers.

While we may have to charge some fees or re-look at the insurances that we take and what services will be provided, I would recommend that the labs and the X-rays continue to be provided at the health centers. The taxpayers have already paid for this equipment and it is there and available, and we should not be letting it go to rust and waste as we send people out to private vendors. Thank you.

P.O. LINDSAY:

First I need a reso -- a motion to extend the public portion.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga, seconded by Legislator Anker. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Absent: Leg. Viloría-Fisher)

P.O. LINDSAY:

Okay. Resuming, Mary Reid.

MS. REID:

Good morning.

P.O. LINDSAY:

Good morning, Mary.

MS. REID:

This morning I come before you to request your request to pass H.R. 05, sponsored by Legislator Tom Barraga. H.R. 05 would discontinue as parkland a portion of land that is between the parcels that First Baptist Church owns.

Several years ago First Baptist Church of Bay Shore and its 300 members embarked on a mission to build a new multi-purpose center on owned land adjacent to the current church edifice. This center would be a beacon to various services available to the residents of the Town of Islip and Suffolk County at large.

Having been in the same location since 1918, First Baptist Church and its properties have become a well-known gathering place for worship services, community group gatherings such as the AA, NAACP, the Sunnybrook Civic Association, multi-cultural meetings, many conventions and various other outreach programs.

Recently, we learned that a small parcel of land is currently zoned as Suffolk County parkland. The passage of our request will allow First Baptist Church of Bay Shore to obtain this parcel, Lot No. 64, Harrison Avenue. If you can imagine a pie, this property is a small slice of the pie, and it is what we believe is landlocked, and it's right in the middle of our property. Approximately half of this property is usable. The other property slopes down to the brook and is not usable. Working with the other groups in the community, though, we have been able to keep the brook clean. First Baptist also keeps that property clean at all times.

In an application to DEC to see how close to the wetlands we could build, it was recommended that we fence in the property, and also it was recommended that we could not build closer than 50 feet. So we have decided that we do not want to build on this property, but we do need the entire property for the continuity of the program that we hope to continue.

I want you to know that we thought that we always owned this property, and it was during the survey requested by DEC that we found out that we did not own it and we thought it was an error, so -- but after further investigation, we found that we really did not own it. We went to the Town of Islip's Planning Committee -- Commission, we then went to Legislator Barraga, we went to Senator Owen Johnson and Assemblyman Phil Ramos to see how could we own this property so that we would have one contiguous piece of property and --

P.O. LINDSAY:

Mary?

MS. REID:

Yes.

P.O. LINDSAY:

You're out of time. I love to listen to you, but you're out of time.

MS. REID:

Yes.

P.O. LINDSAY:

Thank you very much. Edward Parthe.

MR. PARTHE:

Hello. Good morning. The marine contractors' interest in the bill to ban cold tar sealers is to avoid the slippery slope of the Legislature, eventually banning the use of creosote-treated lumber in bulkheads. We had requested a one-word amendment to the bill to clarify its purview, but the amendment was not made. If coal tar pavement sealer causes cancer to persons who use parking lots or driveways, it should be banned. But there should be Legislative substantive procedural due process to protect small business investment from insufficient governmental procedures.

The contemporary professional procedures for adopting regulations can be found in the White House January 18th, 2011 Executive Order on, "Improving Regulation and Regulatory Review". Twenty copies of the White House Executive Order were passed out to the Legislators. In Section 1A, the regulation, "Must be based on the best available science." No record was compiled to show this was done. In section 1B, there should be, "reasoned determination". No record was compiled to show this was done. In section 2B, there should be, "an opportunity for public comment on all pertinent parts of the rule-making docket, including relevant scientific and technical findings." There isn't any docket to comment on. In section 5 of the President's memorandum, "scientific integrity, published on March 9th, 2009, and it's implementing guidance, each agency shall ensure the objectivity of any scientific and technological information and processes used to support the agency's regulatory actions." In this bill these procedures were not followed by the Legislature.

The rationale advanced by the members of the Legislature for approving this bill is Suffolk is going to do a better job of protecting the public than the United States Environmental Protection Agency, but is evident that the procedures used by Suffolk are seriously flawed and below any contemporary standards that's acceptable. In fairness to the investment made by Suffolk small business owners, it is recommended that this bill be tabled and more rigorous regulatory procedures be followed, which meets the standards set by the regulatory community for doing a thorough and fair job. Thank you.

P.O. LINDSAY:

Margaret Smyth.

MS. SMYTH:

My name is Sister Margaret Smyth. And as a religious person, I'd like to rephrase a saying that we're accustomed to, and what I'd like to say is that the path to heaven is often paved with good intentions, but good intentions alone do not produce good results. In fact, many times good intentions produce very poor results.

The three bills that affect workers and with the pre-paid cell phones are all bills that contain

sufficient enough flaws that with the good intentions behind them, we will see the very poor results that they will produce. As someone, along with others who are here, who also participate on the ground level working with the people, we see what happens when bills are passed that yield poor results. It would be very sad for Suffolk County to become known as the County with many bills with no ability to help create the kind of communities that we want, the safety features that we want. I ask the Legislature to use your collective wisdom to ensure that what is being done, what is being tried to be passed is that which will build and construct a better community for each and every person to live in in our county. Thank you.

P.O. LINDSAY:

Thank you, Sister.

*(*Applause*)*

Jessica Glynn.

MS. GLYNN:

Good morning. My name is Jessica Glynn. I'm an attorney with SEPA Mujer. This is the third time I've addressed this body on I.R. 1266 and in opposition of this bill. So I'm not going to waste your time with reiterating all of our points.

For those of you who are not members of the Public Safety Committee, last week we brought four women, survivors of domestic violence, here to speak with the committee about how they used a pre-paid cell phone to reach safety. Without that pre-paid cell phone, they wouldn't have been able to call the police, or call the hospital, or call a friend that brought them to safety.

Along with our organization, there have been several others that have come before you and raised concerns. There are Fourth Amendment issues, there are privacy issues, there are burdens to small businesses in Suffolk County. There are concerns that have been raised even by the District Attorney's Office in Suffolk County about how this legislation is a little bit misplaced at the County level, and would be ineffective unless implemented federally, your District Attorney. So what I would like to say is you need more time. You need more time to do due diligence to these issues, to represent your constituents. It passed committee last Thursday and it's Tuesday. And in side-bar conversations with Police Officers and with the people who you've brought before you as experts, none of these concerns have been properly addressed or vetted, and they couldn't be in four days. There's no way they could have been if you would have been doing -- you know, spending full-time over the weekend, which, I mean, I'm sure that knowing your schedules you did not, because you needed a break, but we need more time to discuss this. And so I beg you today to, please, take that time, and to, please, at least table this issue so that you can -- you can talk to the folks charged with keeping our County safe. Talk to more police and figure out how this is actually going to be implemented, if it is. Thank you very much for your time, and good luck today.

P.O. LINDSAY:

Lisa Tyson.

MS. TYSON:

Good afternoon, or morning, I don't know. My name is Lisa Tyson, Director of the Long Island Progressive Coalition, and I'm also on the Executive Committee of the Working Families Party, and today I'm going to be representing both organizations while I'm speaking.

We have -- both organizations have taken a strong position against the cell phone bill. We really believe it's an attack on working people. We believe it's an unfunded mandate onto businesses. We believe it also will have an impact on the wrong community. We understand that it has the goals of

addressing crime, and that is an important goal, but we do not think that this bill will do that. Instead, what this bill does is it hurts people who are low income and who do not have the resources like people like me to continue a cell phone service.

My cell phone might not be turned off. Well, I have many paid canvassers who work for me who constantly, their cell phones are turned off because they're unable to continue their bills because they have a lot of problems in keeping their jobs and paying that bill, as well as affordable housing problems. So when you combine the two, you know, unemployment, affordable housing, people do not have two forms of ID at all times. We know that because we have to require that when we're hiring people and a lot of people do not have that. And what happens is you lose your housing in the middle of the night, you might lose your ID, and people go out to get the cell phone. The cell phone is a safety net.

We are in a different part of the world than we were 10 years ago, 15 years ago. Cell phones are people's lifeblood. What we do know are criminals are cockroaches, they will find a way around this. At this point, we know they're going to go to Nassau. And even if Nassau passed it, we know criminals would go into the City. They will go anywhere they need to to get around this issue. And terrorism, we do not buy that as well, and it's the same thing, they are criminals as well. We know that they will get these cell phones, they will still do their crime, and who is going to be hurt? It's the low income -- low income people in your communities.

Talk to real people who are low income. They need these pre-paid cell phones. It's something that you don't think you need until, all of a sudden, it's midnight and you need something and you have to go out and get something. And that's how they communicate with their employers, and that's how they get to work and their family and health care. This is significant.

So Working Families Party has taken this position. It's a strong position of ours. This week we are reviewing who we're going to endorse, and we will be considering what people's position are -- is, is in our endorsement, because this is real to people. I mean, a lot of people don't know about this. To be honest, one of my Board Members came to us last week to notify us against it. So we say vote no. Thank you.

P.O. LINDSAY:

Paula Moore. Paula Moore? No Paula Moore? Dolores Thompson.

MS. THOMPSON:

Good morning. I find it devastating that it's necessary at this time in my life to have to still be in numerous fights that I'm faced with. Last night I stood before the Huntington Town Board for the third time fighting for housing, a housing development called Avalon Bay in Huntington Station, and now today again I stand before you speaking about health care.

I am a Trustee on the Huntington Hospital Board and I chair the Advisory Board for the Dolan Family Health Center, a facility that has been able to serve the underserved and underprivileged population in the Huntington community for the past 15 years.

MS. LORMORIELLO:

You have to press this, the light goes on.

MS. THOMPSON:

Did you hear me?

*(*Affirmative Response*)*

All right. I'm pretty loud anyway. We served over 9,000 patients in a year. Why the State and County have decided to target health care to close down the Coram Health Center, the Dolan Center, which is cut by 40%, is devastating and mind-boggling. Our hospitals are overcrowded now. Think of what's going to happen when you do not have the facilities that will stop them from coming to the Huntington Hospital. Our health centers are overcrowded.

The threat of closing down the Dolan and Coram Center because of cuts in funding when there are many other things that could be cut, I'm sure. The downsizing of our caregivers, again, we're targeting employment, all the major things that keeps our community and our world going.

I'm asking, pleading, that you all do whatever you can to see that we can fund the health centers. Health care is important, not only to you, to the people in the community, and also to me. We only have a short time in this world. Health care is something that is very much needed, and I'm asking again, please, do what you can, Mr. D'Amaro, Mr. Cooper, Mr. Stern, since I have to speak to you personally. I really expect something to be done about this urgent, urgent matter. Thank you so very much. Applause.

*(*Applause*)*

P.O. LINDSAY:

Gerry Keegan.

MR. KEEGAN:

Members of the Legislature, Gerry Keegan with CTIA-The Wireless Association, in opposition to I.R. 1266.

Federal law restricts wireless providers from disclosing consumer information. The Stored Communications Act, 18USC-2703, prohibits a service provider from disclosing subscriber information to federal, state and local governmental entities without proper legal authorization. The Act does not require a provider to create any records, but once a provider does, strict compliance with the disclosure rules is required. Basic subscriber information, such as name, address, phone number and means and source of payment can only be disclosed with appropriate legal authorization. More detailed identifying information, such as Social Security numbers or driver's license numbers, require court orders. No provider or their reselling agent, may simply deposit information into a county-administered database for law enforcement use, it is simply against federal law.

Accordingly, I.R. 1266 violates federal law.

Wireless service providers are bound to adhere to federal law under severe penalties for noncompliance. Moreover, once a service provider or the county creates a record and maintains it within its custody and control, any party to civil or criminal litigation may demand it's production. To the extent that Section 8 purports to deny civil litigants or criminal defense counsel access to information regarding purchases of pre-paid wireless products, it is plainly unconstitutional and will fail.

Furthermore Congress created a national regulatory framework for the wireless industry in 1993 by limiting the authority of state and local governments to regulate wireless services. Section 332C of the Communications Act provides that no state or local government shall have any authority to regulate the entry of and the rates charged by any commercial mobile service or any private mobile service, except that this paragraph shall not prohibit a state from regulating the other terms and conditions of commercial mobile services, unquote.

I.R. 1266 creates a barrier to market entry for wireless service providers by singling out pre-paid

wireless services for discriminatory treatment under the law. Accordingly, I.R. 1266 would face significant legal hurdles if challenged under Section 332.

In closing, although well intentioned, I.R. 1266 violates federal law and will not sustain judicial scrutiny. For these reasons and those presented in previous testimony, we respectfully urge a no vote on I.R. 1266. Thank you.

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

P.O. LINDSAY:

Thank you. Charlene Obeinauer.

MS. OBEINAUER:

Good morning. I'm here to talk about E-Verify. E-Verify would require every single worker in the U.S. to get permission from the U.S. Government to work; this is talking about the national bill as well. One single error which could be generated by a name change due to marriage or someone with two last names, typical to the Latino community who only goes by one, would be devastating. And the program's expansion will hurt also U.S. born workers.

A report from West Stat found that the Department of Homeland Security's E-Verify system inaccurately flags workers 54% of the time. Let me say that again; E-Verify inaccurately flags workers 54% of the time, according to a recent report of January, 2010. This bill is not only going through Suffolk County, but going through the U.S. House as well, it was introduced two weeks ago. And let's just set an example now in Suffolk County and stand against a bill that would drastically hurt the U.S. economy. Nationally, the AFL-CIO and Change-to-Win are united against this bill, as is Jobs With Justice. So to stand with labor, we urge you to vote no to 1477 and 1478.

Again, nationally there are some statistics on E-Verify that I think you all should be aware of before you vote on the bill. It could result in the loss of almost 800,000 jobs, according to the Government Accounting Office. In 2010, 80,000 Americans unfairly lost their jobs because of E-Verify. Four million workers' employment will be put on hold in an administrative stand-off; again, this is according to the Government Accounting Office. The Bloomberg Administration estimated that 2.6 billion businesses will be impacted negatively by this bill. It would also result in a large majority of the agricultural work force being lost, 75% of the agricultural workforce is undocumented, and that's according to the U.S. Department of Agriculture.

Additionally, undocumented immigrants contribute 17 billion to the U.S. economy every year, so it will result in a loss of \$17 billion to the U.S. economy, according to the Congressional Budget Office. So these are all numbers that we need to keep in mind when we talk about implementing this program in Suffolk County. This program, again, is deeply flawed; 54% of the time it's inaccurate. So that's a huge, huge number, I urge all of you to look at those -- to look at those statistics.

I also want to support -- I'm not going to reiterate what Lisa Tyson said about the cell phone bill, but I would like to support it, to support what she said and to stand against that bill as well. Thank you.

P.O. LINDSAY:

Okay. I believe we had Ed Heilig from the DA's Office here. Ed, if you could come forward. I was just made aware that you've been waiting to talk, and I know that you're busy. If you could just tell us what's on your mind?

MR. HEILIG:

Thank you, I appreciate it. I'm here just to discuss IR 1300 which is the -- amending the Capital Budget with respect to improvements to the 4th Precinct.

I know that my predecessor, Bob Kearon, has spoken on this issue at least twice before, before the Space Committee, the County Executive's Space Committee, and with respect to those issues with the old 4th Precinct. The reasons with respect to the District Attorney's Office needing that space is many, are many.

First off, we have a number of bureaus and/or units that are operating in outside leased space. Our Insurance Crimes Bureau, which recently was at Rabro Drive in Hauppauge, has just been moved into the old 4th Precinct. There was a minor renovation done to the old Detective's Squad area of the 4th Precinct and they're now sitting in there, that's about 16 people that have been moved over and we are no longer paying lease amounts for that space.

Furthermore, we have about 21 people in our Government Corruption Bureau that are currently housed off-site; again, for which the County is paying leased monies to. That -- we intend to move those people in to the old 4th Precinct; I'm told it's going to take at least a minimum of 18 months for that project to be done.

I am appearing before the Space Committee at the end of this month to ask for lease space that we have grant monies -- thankfully the County doesn't have to bear the expense -- to put our Tax Crimes Unit in. This Legislature accepted funding from the State for our Tax Crimes Unit, the Crimes Against Revenue Program. With respect to that program, it authorized the hiring of nine new positions for our Tax Crimes Unit, which is important for this body and this County in that our Tax Crimes Unit returns tax revenue to this County, I believe we've returned about \$5 million over the course of the last four, five years to this County in tax crimes revenue.

We have approximately 17 people in the Tax Crimes Unit. The nine new positions, we have only been able to hire four. I cannot hire anybody else under the grant money; and again, this is State money that we could hire people for. We cannot hire anybody because I have nowhere to put them in Building 77. Building 77 is bursting at the seams. I have Assistant District Attorneys that are sitting at Clerk Typist desks, I have Investigators that are sharing what used to be a closet, I have other people, Clerk Typists, that are top -- one on top of another in Building 77.

The other issue that we have with the need for space is that we have very onerous record keeping requirements placed on us by the State.

We have to maintain files for a minimum of 25 years, that's even with respect to misdemeanor files. We have storage space in the bottom of Building 77 and we're growing out of that space. So with respect to those issues is why we're asking this body to approve the amendment to the Capital Budget to provide the funding for the renovations of the 4th Precinct and allow the District Attorney's Office to take people out of leased space and place them into that building, the old 4th Precinct.

P.O. LINDSAY:

Thank you, Mr. Heilig. I appreciate it.

MR. HEILIG:

Thank you.

P.O. LINDSAY:

Ted Hesson?

MR. HESSOR:

Hi. I'm Ted Hesson representing Long Island Wins, a public information campaign covering immigration on Long Island. Our Director already spoke about our opposition, our strong opposition to both the E-Verify bills that are being presented, introduced by the County Executive, but I'd like to speak additionally about the cell phone registry bill that's being sponsored by Legislator Browning.

I think some of the things we've heard here have made it very clear that the bill will not affect the people that it's intended to, criminals. It's ridiculous to think that a drug dealer who can get drugs from Afghanistan or Columbia and bring them into Suffolk County can't go to Nassau County and bring a cell phone back here. I mean, I think on the face of it, that should be very clear.

In addition to that, the people that will be targeted are the people that have been mentioned, low income residents who perhaps don't want to commit to a one-year or two-year cell phone plan, or people with poor credit who maybe aren't able to obtain that type of plan. In addition to that, we've heard about domestic -- survivors of domestic violence who use these phones in times of great need. And quite frankly, I think that should be a strong consideration for all of you when you're voting on this, ask yourselves in what ways is this legislation actually effective? Thank you.

P.O. LINDSAY:

Thank you. Jennifer Hartnagel.

MS. HARTNAGEL:

Good morning, Presiding Officer and members of the Legislature. My name is Jen Hartnagel and I'm here representing the Group for the East End. For those of you not familiar, the Group for the East End is Eastern Long Island's largest professionally-staffed environmental organization, and we're here to encourage the Legislature to approve IR 1162 which is an act to ban the sale and the use of cold tar sealers in Suffolk County.

The proposed action is an important step in water quality preservation and is a step forward in terms of protecting public health. It's an initiative that's taken off nationally and internationally and I want to thank Presiding Officer Lindsay for introducing the measure here in Suffolk County where our surface waters are really an economic and environmental asset. It's crucial to make Suffolk's environment and health a priority.

So again, thank you, and Group for the East End fully supports IR 1162 and we encourage the Legislature's support. Thank you.

P.O. LINDSAY:

Thank you very much. Regina Corby Graham.

MS. CORBY-GRAHAM:

Good morning. I'm Regina Corby Graham --

MR. LAUBE:

You have to hold the button.

MS. CORBY-GRAHAM:

Oh, I have to press this?

MR. LAUBE:

Hold it the whole time.

MS. CORBY-GRAHAM:

Okay. Good morning. I'm Regina Colby-Graham, proud member of the Working Families Party, and

I just want to add my voice to all those who have expressed our opposition to the cell phone registry bill and also to the E-Verify bills.

I am a mother, a grandmother and also a granddaughter of immigrants who were English-speaking on my mother's side and Spanish-speaking on my father's side, so I saw very clearly the additional difficulties that people face when they're not native speakers of English. So I'm very sensitive to, you know, all the obstacles that those people face. And I just want to, you know, encourage you not to place more obstacles in people's way and to defeat these bills. Thank you.

P.O. LINDSAY:

Thank you. Anne Letturay.

MS. LeHURAY:

Hi. I'm Anne LeHurray from the Pavement Coatings Technology Council. I'm here to talk about IR 1162, the bill to ban coal tar sealants.

And thank you to the Legislature for this opportunity to talk to you.

It's not clear to me why this bill has been proposed. And indeed it's not clear why it's been on a fast track with no attention apparently given by the Legislature to either the impacts or to enforcement mechanisms for this bill. Indeed, I'd like to endorse the comments that were made by the Marine Contractors Association about the complete lack of process. When one sets out to legislate or to regulate on the basis of science, there's an implied responsibility that the Legislature is taking on to understand that science and to look into it.

Now, with all due respect to the east enders, it is not scientifically accurate, one might even say it's nonsensical, to say that cold tar sealants have any impact whatsoever on surface water or ground water or any possible source of drinking water. What we're talking about here is possible impacts on sediment and possibly on soil. And according to one study that was done in desert southwest into dusty conditions and dry climates. So the sealers that we're talking, about neither the sealers nor the breakdown products has any impact on surface waters, no impact on ground waters; any scientific investigation would reveal this immediately, this is not in question.

Suffolk County does not have any known areas of polluted soils or sediments that have anything to do with sealers. There may be some Superfund sites in the County I'm not aware of, but they don't have anything to do with the sealers. So a ban wouldn't address any problems that are known, it would only address problems that people can imagine. But it would adversely impact dozens of Suffolk County businesses and the employees who work for those businesses, and most of those employees, by the way, are low income employees, the working poor if you will.

So I would point out, as the Legislature well knows, you spent little time considering the impacts of this ban. The economic impact analysis that was done is very cursory and the Budget Director admitted that there was not a lot of thought put into it. The County Engineer who testified in front of the public Health & Human Services Committee said they didn't have any time. So I would urge you to either vote no or to table this legislation pending a more complete understanding of its impacts. Thank you.

P.O. LINDSAY:

Okay. Daphine Somerville. Daphine Somerville? Ms. Somerville; no? Okay. Sarah Lansdale, I think I was told she had to leave. Ann Haney?

MS. HANEY:

Good morning, Suffolk County Legislators. My name is Ann Haney and I'm Director of Grants and

representing the Suffolk Coalition to Prevent Alcohol and Drug Dependencies.

The Suffolk Coalition is an agency with a focus on prevention. One of our main goals is to establish school community partnerships, committed to providing alternatives to alcohol, drug use and substance abuse by our under age youth. I am here to support Legislator Browning's bill, IR 1266 concerning prepaid phones. We hope that this bill will add to Suffolk County's many efforts to produce as many road blocks to prevent and act as a deterrent for our youth.

The Suffolk Coalition has a passion for prevention and we see the components of this bill as working towards reducing the likelihood that prepaid phones will be used in activities that hurt our youth. It will do this in several ways. It requires that the identification be presented and recorded at the time of purchase. The bill seeks to provide law enforcement with a starting point for an investigation that may involve a prepaid cell phone; this starting point was not available before. Currently prepaid cell phones can be purchased in the same manner as a loaf of bread or a cup of coffee. Those who wish to pray on our youth did so knowing that they could hide in the shadows of anonymity. The bill does not prevent a prepaid cell phone from being bought for or gifted to another party. A parent can still buy a phone for a child or gift it for a special occasion.

The Suffolk Coalition wishes all to know that it has heard those who have expressed their concerns about this bill and we are aware that individuals and organizations are concerned about the impact of this bill on those that they serve. We are aware that there may still be some misinformation and misunderstandings about this bill. We continue to believe that the needs of those who are served by the various organizations are as important as preventing alcohol, drug use and abuse by our under age youth. We look forward to being a partner in working to reduce the intensity of those with concerns and working towards possibilities to address those concerns. We hope that this bill will move forward to become part of a web of protection for all residents and we hope that it will move forward to become one of several strategies in the prevention of illegal substance abuse activities. We look forward to working with all those who wish to protect the great gifts of Suffolk County and that is our residents. I thank you very much for the time.

P.O. LINDSAY:

Michele Lynch.

MS. LYNCH:

Good day to everyone. I'm here representing 1199, SCIU United Health Care workers East, and also I'm speaking on behalf of the Working Family Party's Executive Committee. We speak today not for corporations but the impact this will have on working people. We laud the intentions of Legislators and law enforcement officials to combat crime that affects all of our communities. However, we are concerned that this legislation is ill conceived and will have an unfair impact on working families. Requiring consumers to show two forms of identification will result in many people not being able to purchase a cell phone.

Most of us do not know what it is like to live on the brink of poverty or to be close to homeless. Many people do not have proper identification and will be negatively impacted by this legislation. Prepaid cell phones are often a lifeline of communication for those with lower incomes who seek to access critical services. We urge the Legislature to create a forum where law enforcement officials and community representatives can come together to find a way to combat crime that does not disproportionately hurt poor and working class residents of Suffolk County.

IR 1266, we're also very concerned about the unintended consequences this bill will have on civil liberties, immigrant communities, the poor and victims of domestic violence and human trafficking. For domestic violence and human trafficking victims, we believe the value of maintaining the degree of anonymity offered by prepaid cell phones used to prevent abusers and perpetrators from

tracking and further harming victims outweighs the potential benefit of this legislation.

Additionally, the intended purposes of this bill to deter would-be criminals and terrorists is misguided and ineffective. Would-be criminals could just as easily avoid identifying themselves by purchasing prepaid cell phones outside of Suffolk County or use a pay phone, yet the burden on our constitutional rights is great. Under this legislation, law enforcement would be able to obtain consumer personal information without a warrant, upsetting well-establishing Fourth Amendment rights.

I had a friend that was a victim of a rape and the rapist used a prepaid cell phone; the Police were still able to track him down with a prepaid cell phone. So we're asking the Legislature today to please table the bill subject to call. Thank you.

Applause

P.O. LINDSAY:

Terrence Smith?

MR. SMITH:

Good morning, Mr. Presiding Officer and members of the Legislature. Thanks again for this opportunity to be here and speak on behalf of Suffolk County's health centers, and in particular the Coram Health Center and the Dolan Family Health Center. I'd like to update you on what's been happening since the March 21st announcement of the disproportionate cuts to the Dolan Center and to the Coram Health Center.

First of all, at the Dolan Center, even with full funding from Suffolk County in 2011, our hospital was committed to 600 -- funding \$632,000 of the loss at the Dolan Family Health Center. With the cut we're looking at a million seven in funding that the hospital would potentially have to make up. I will tell you that in 2011, our volume is up by over 1300 visits at the Dolan Family Health Center compared to last year. The demand is very strong for health center services. At the hospital, our ER volume is on pace to match last year which I think was an all-time record for Huntington Hospital with 58,000 ER visits; however, we are preparing at this point for staffing reductions in order to absorb part of this budget cut. Approximately seven individuals will be displaced on or about July 1st. One of these visits is -- one of these individuals is a provider of health care services who would take with her approximately 4,000 visits. Other people displaced would be those people who officially move people through the health center, and that could potentially be responsible for another 2,000 visits. All told, it could potentially affect 2,500 to 3,000 different Huntington visits who depend on the Dolan Family Health Center. All other health centers, unfortunately, have diminished capacity to accept our patients from Huntington because they are also cut.

So into this mix we are going to be diverting, as I said, 6,000 visits and possibly two to 3,000 patients. Because of the cuts, we are now proposing to pass along additional expense to our patients for the cost of lab work and for x-rays. We hope that these patients will be able to complete these ancillary tests because they are vital to early diagnosis and comprehensive care.

I just want to close by thanking you. I know everybody here has worked very hard to help the health centers stay viable. I urge you to continue to work with New York State elected officials and New York State staff and the County Executive to fully fund the health centers. Thank you very much.

P.O. LINDSAY:

Thank you. Nancy Marr.

MS. MARR:

Is that the right push?

P.O. LINDSAY:

Yes.

MS. MARR:

Okay. My name is Nancy Marr and I'm a member of the South Country Compass Unity, a coalition with the mission of reducing substance abuse among our community members. We represent the South Country Communities of Bellport, East Patchogue, Brookhaven and parts of Medford and Yaphank.

Compass Unity is in support of the legislation pertaining to the registering of prepaid cell phones in our County. While there might be some logical reasons not to go forward with such legislation, and I certainly have been listening to them, the safety and well being of the majority of Suffolk residents must be the paramount concern. Requiring all persons purchasing cell phones to provide identification is not a foolproof means of protecting our residents, but it is a good start.

A group of people who use cell phones, and I think this was a concern of Legislator Browning and it certainly is of our coalition and our communities, is the number of young people who use illegal and purchase cell phones to set up their drug distribution networks. They certainly aren't the top sellers who could get a cell phone anywhere, but it's a very large number of people who start their careers selling drugs and this is an essential part of their equipment. So anything we can do, number one, to stop it and to stop them and to put them on a different course of action is something that we would support. Thank you very much.

I have another card in there for health, and if I could just say one thing?

P.O. LINDSAY:

Go ahead.

MS. MARR:

I think that our whole country is concerned about the rising costs of health care, and I think everything I read suggests that the best way to prevent it from rising so fast is to provide comprehensive, early preventive care for everybody and in-home care. And whatever we can do to keep the health center system alive and well is going to, in the end, impact the number of very expensive procedures that we will face in Suffolk County. Thank you.

P.O. LINDSAY:

Thank you very much. Gerry Nelson.

MR. NELSON:

Hello. My name is Gerry Nelson and I'm here in support of the Dolan Family Health Care Center. And at one time I ran a small business on the Island, and when I was able -- or not able to afford health care insurance anymore, that's when I became aware of the Dolan Family Health Care Center. And through the years of going there and getting care, I also had to take care of aging parents, you know, as the full-time health care giver. And, you know, just knowing that I had a place I could go, especially when my business became smaller, was more than comforting and more than helped. So again, I support -- I hope that you would support the health care center, and thank you.

P.O. LINDSAY:

Thank you very much, Mr. Nelson. Janet Serabia? I hope I pronounced it correctly.

MS. SMITH:

I'll be here to interpret for her.

MS. SERABIA:

Buenos Dias. Gracias for --

P.O. LINDSAY:

You have to pull that microphone closer.

*(*The following testimony of Ms. Serabia
Was translated by Ms. Elsie Smith*)*

MS. SERABIA:

My name is Janet Serabia and I want to thank you for the opportunity that you have provided by supporting the Dolan Center and the seeds that you have planted in that center. I am a divorced mother with three children. Because of the help that I received from the Dolan Center, I have been able to care for my children, and three of them are in college, two of them following the medical field. The oldest one is in Mount Sinai working for the Oncology Department investigating malignant cancers. The seeds that you have planted in my children, they want to come back to the community and return. Because of the care they received in the Dolan Center, they now -- the two that are interested in medical, are coming back to give to their community because of what the Dolan Center has done for them.

I work seven days a week to try to get a \$150 a week; however, not enough money to provide insurance for myself and my children. The Dolan Center has provided this for me. Please do not take away the inspiration in the hopes that the Dolan Center has given to my children and many others to give back to the community because of what they received through the Dolan Health Center.

P.O. LINDSAY:

You're out of time, ladies.

MS. SMITH:

My name is there, too, Elsie Smith. Would I be able to speak at this time?

P.O. LINDSAY:

Okay.

MS. SMITH:

My name is Elsie Smith --

MS. SERABIA:

Thank you.

MS. SMITH:

My name is Elsie Smith, born in Brooklyn, New York. I'm a working mother of two. Several years ago I went to a doctor's office, I had no insurance. When the doctor found this out, I was rejected treatment; I was supposed to get an ultrasound. Several years later I presented to the hospital, Huntington Hospital Emergency Room, and what could have been treated two years earlier in four days with a laparoscopy took eleven days to deal with and several thousand dollars because I was uninsured. And basically, when I went to the hospital I was told there was more of me on the other side than here. Thankful -- I am thankful for the Dolan Center and their follow-up care. They were

the ones who decided to go ahead and get the ultrasound done and they discovered that I had 101 stones, unbeknownst to me and I almost died. It turned into a major surgery. Again, when we're looking at costs having the centers around could have prevented that because they take care of the uninsured, whether you're here as an American citizen or a neighbor doing odd jobs to support our community.

The Dolan Center is a great asset to our community. Our community is better for it. We need it because people like me and hundreds of others will go, male or female, to the hospital incurring all those costs to get well so we can continue to work to support our children. Please consider all that you can do to keep it well, because I would not be here to tell you this story if it wasn't for the Dolan Center and the wonderful care they have there for us. And they educate; they don't just enable, they educate the community to get well, stay well and then pursue that with their children. So please consider the Dolan Center and the faces that you've seen today representing the communities that these centers help. Thank you and God's peace.

P.O. LINDSAY:

Thank you. Cheryl Keshner.

MS. KESHNER:

Hi. Good morning. My name is Cheryl -- sorry. Good morning. My name is Cheryl Keshner and I'm from the Empire Justice Center. I'm here to speak about a few items today.

First of all, I want to speak about IR 1266 regarding the cell phones. I was quite troubled to hear that the Crime Victims Center is supporting this bill. I've worked as a social worker for over 25 years, for several years I worked with elderly crime victims, and let me tell you, not having a phone is a revictimization of those who have just been victimized. It creates isolation, it creates further risk for those who may have had all their personal items stolen or who may have been raped or somehow attacked. It is so essential for not only victims of domestic violence, for a victim of any kind. And for those who are poor, who are immigrants who may not have easy access to ID, it is absolutely essential. It is not so easy to get a non-driver's ID, as the gentlemen from the PBA seem to think; you need identification in order to get that identification. So I urge you to reject that bill.

Regarding IR 1477 and 1478, there are also many reasons to reject these bills. And I would just like to share a few items from the National Immigration Law Center, speaking to some of their deficiencies in the Social Security Verification System and E-Verify. The SSA Inspector General found that the database SSA uses for verification contains 17.8 million discrepancies related to name, date of birth or citizenship. So, in fact, those who may be in a permanent residents or who may be citizens may be inappropriately denied employment because they're not properly verified through this system.

There also may be some risk of retaliation for those workers who assert their rights, because employers can use this system not only to verify one at the beginning but also during the course of employment. So those who exercise their workplace rights including confidentiality violations, discrimination, health and safety violations, often engaging in union organizing, may also be unfairly penalized. And we're also concerned about ethnic profiling and penalizing those who just may appear to be foreign-borne and not offering them the opportunity to be employed. So I strongly urge you to reject both 1477 and IR 1478.

I am sorry I wasn't prepared on the health center issue, but I hear people talking about it and it is absolutely so, so vital to preserve the health centers for our communities for those who are low income, for those who do not have any other means to acquire health care, so I urge you please to do whatever is in your power to do that.

And most importantly, now is the opportunity for the Legislature to take a stand to distance yourselves from the fallacies of the Levy Administration which have fed both bigotry and intolerance.

Applause

And by rejecting these bills, you have an opportunity to do that. It's time to move forward, it's time to show that we're a welcoming community for immigrants, for those who contribute to our economy, and to recognize that we are a diverse County and to accept that and welcome it. Thank you.

P.O. LINDSAY:
Bob Zellner? Zellner?

MR. ZELLNER:
Thank you. I can't see where I'm supposed to hold.

MR. LAUBE:
Got it. You have to hold it down right there.

MR. ZELLNER:
Oh, okay. Thank you very much. I'm Bob Zellner, I'm a retired professor at LIU of History. Fifty years ago I was a freedom writer that was arrested in the south because I wanted to ride with black and white people in the front of the bus and use the facilities in the interstate travel. My father was a member of the Ku Klux Klan in Alabama, my grandfather was. And in some senses, when I moved to Southampton to teach history, I felt I was moving from down south to up south.

(*Laughter*)

I have been very concerned over our County Executive Steve Levy and his divisiveness. While at LIU, I did a weekly commentary and years ago I was concerned about the divisiveness of our County Executive who at that time was a Democrat, I now understand he's a Republican. The Republicans tried a southern strategy in the south and President Reagan opened his campaign in Philadelphia, Mississippi, symbolically saying that the murder of three civil rights workers in Philadelphia, Mississippi, made it a good place to open his political campaign. I think the anti-immigrant campaigns now is a divisive stroke, not a serious legislative purpose. And I think those are divisive things and we don't need that in Southampton, we don't need it in Long Island, and I urge you to vote against these identification bills and also the phone bill that hurts working people. Thank you.

Applause

P.O. LINDSAY:
Lucius Weire?

LEG. ROMAINE:
Weire.

P.O. LINDSAY:
Weire, Weire, okay.

MR. WEIRE:
Good afternoon, Presiding Officer Lindsay, my devoted East End Legislators, Romaine and Schneiderman, and all of the rest of the distinguished Legislators of Suffolk County. I rise to give and voice, and as President of the Eastern Long Island NAACP of the five eastern towns, opposition

to those E-Verify bills and also the phone certification bill. All of these things fly in the face of all of the things that the NAACP has done over its 100 years in order to improve the quality for all Americans. I strongly urge you to vote against these bills.

And on the East End, let me just say that immigration, migration has been a very, very important part of our life, and without that immigration, without the migration over the past many decades, we would not have what we have today. And when our industries of agriculture and tourism crank up this time of year and throughout several other months, they need workers, they need workers now. Okay? And any interruption of that and any interruption of those families causes a hardship on all of us, including our economy. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Weire. Michael O'Neill?

MR. O'NEILL:

Where is the white button to push?

MR. LAUBE:

Hold this down right there, the black one. When the light is on you are good.

MR. O'NEILL:

Thank you, Legislators. It seems to me somewhat unbelievable that we're back again discussing this same issue of what I think is vengeance against immigrants. I've spoken to many of you outside of this room and you have expressed how embarrassing it has been for you that our County Executive has refused to recognize setting the tone in this County that is well-known throughout the nation as being so inhospitable to immigrants, even after they save our butts economically. Without immigrants, the population of Long Island would have declined drastically; because of immigrants it has been a positive in-flow of workers. I think that this bill is so anti-immigrant because it's so stupid.

Listen, we know that technology will move with or without this bill. Anybody can go on the Internet and get any kind of phone. Are you going to also ban or require registration for people who buy an i-Pad, who buy one of these small computers? People -- you won't be able to stop people communicating, even if they want to commit a crime, and your duty is not to make the Police work easier. Your duty is to protect our County. And I hope you will say no to both of these laws, because we know that the E-Verify will only be used against Latinos, as it has been. That most employers won't even hire Latinos if this bill goes on because they don't want to be bothered with this bureaucratic nonsense and the threat of enormous crime.

Now, if this telephone bill, cell phone was to go through because of some fictional terrorism, why in the world would -- you can buy a 50 caliber rifle that are made expressly to shoot down airplanes in World War II, you can buy that rifle at any gun show on Long Island and go sit over on -- next to the airport and cause mayhem and you don't need two ID's, photo ID's. You are looking at a person who has no photo ID. I do not have a driver's license, I do not have a passport; it has caused problems. But the Brennan Center --

*(*Beeper Sounded*)*

P.O. LINDSAY:

Your time is up.

MR. O'NEILL:

The Brennan Center of Justice --

P.O. LINDSAY:

Your time is up.

MR. O'NEILL:

Okay, let me just have 20 seconds. The Brennan Center of justice has showed that tens of millions of Americans do not have photo ID's. I urge you to look at the Brennan Center of Justice, their report.

Thank you.

Applause

P.O. LINDSAY:

Helen Fitzgerald.

MS. FITZGERALD:

I know I push a button; where is it?

MR. LAUBE:

We have it.

MS. FITZGERALD:

My name is Helen Fitzgerald. I'm here from East Hampton. I remember standing here a few years ago when we talked about E-Verify and I remember saying, as many others did that day, that it would be used for profiling, that it would discourage people from hiring someone with dark skin and so forth; nothing has changed in that. And I'm afraid that it is the Supervisor's legacy that he wants to be known far and wide as sort of an Arizona, Alabama town where, you know, people aren't going to be able to vote without two kinds of ID and all that.

As far as the phones are concerned, I think it's been made, the case has been made that it hurts the poor, hates women, powerless people, and there are no public telephones anymore anywhere. And I was sort of appalled to hear someone from the DA's Office say -- make an analogy to how you need to have ID to buy a gun, so therefore you need to have ID to buy a phone? I didn't get that. But anyway, thank you for your time.

Applause

P.O. LINDSAY:

Pat Miluzzo. Pat Miluzzo? Okay. Maria Williams.

MS. WILLIAMS:

Good afternoon all. My name is Maria Williams, I'm also a member of the Brookhaven Town -- well, I'm a member of the Brookhaven Town NAACP and a member of the Democratic Club in Brookhaven Town. I got an e-mail yesterday that said Mahatma Ghandi took a stand on June 7th by means of civil disobedience, so I took off from work today.

*(*Laughter*)*

All jokes aside, I am here to voice my outrage, outrage about the prepaid cell phone bill. So disappointed, Ms. Browning, I'm sorry. And your constituents --

LEG. BROWNING:

You're misinformed.

MS. WILLIAMS:

-- they don't know. Maybe. Come to the Democratic Club meeting, the Rosa Parks Democratic Club meeting and tell us about it. Because right now I'm really -- to me, it seems like a form of profiling. And even -- you know, I don't even want my information out there when I registered my granddaughter for college and she will have a prepaid cell phone.

And I'm also here standing in solidarity with those against our County -- our lame-duck County Executive's grimy immigration bill that he's trying to put through. And of course, I'm outraged about the closing of the Suffolk County health centers; the Elsie Owens Center which is so much needed and the Dolan Center. I'm a Registered Nurse working in the school system and I have to tell you, there's a lot of kids without health care coverage. And I don't know if anyone here has to ever use the health center; I have in the past when I raised my four children.

So please, I beg you to vote no for the prepaid cell phone bill and no to the anti-immigration bill and keep our health centers open.
Thank you.

Applause

P.O. LINDSAY:

Nanci Dallaire.

MS. DALLAIRE:

Hello. I come before you today to remind everyone that the John J. Foley Skilled Nursing Facility has not been operating at its full potential or utilized all of the programs to their full capability. I understand everyone is worried about the cost, but keep in mind that this is the cost operating this facility at its lowest. And why wouldn't it be at its lowest? Everyone who does know that John J. Foley exists thinks it's closing or is already closed. The signs leading to the building were damaged this past winter and today, on June 7th, we are still waiting for those signs to be replaced so people can find the place.

Let's notify the County that this Skilled Nursing Facility, which has served this community for the past century, will continue to serve our community, regardless of the economic storms that will arise. Health care services are not an option. And I thank you all for your continued efforts to look for options to help this facility become the success that it can be for Suffolk County. Thank you.

Applause

P.O. LINDSAY:

Omar Henriquez.

MR. HENRIGUEZ:

I don't know if it's morning or afternoon. Good everything. You know, I woke up this morning, it was a beautiful day, a beautiful day. I came driving here and it was a beautiful day to feel American, and it's a good day to go out and exercise my constitutional rights; I'm going to do that, right? And while it is beautiful outside, what brings me here makes it ugly, dark and stormy. What I'm about to say here today is not a threat or a warning, nor a wake-up call, it's simply a statement of truth. These bills will hurt and cause great harm in our communities until evidence has been presented. And now I'm not just talking about my immigrant community here, not just about immigrants here, I'm talking also about the hard working people of Suffolk that cannot afford a national phone carrier that includes the white, poor and blacks, right?

You might not know this -- I don't know, you might know it, you presented with evidence here -- or you might choose to ignore it, I don't know, but our community knows, we do know the effects and negative impact it will have and we know it by past experiences; it's nothing new. So you know, I ask you, as you prepare to cast your vote in this, keep in mind your future political career, because we will not forget how you vote here today, we will not.

And if you saw the Census numbers, you have reason to be concerned. Our children -- they're not illegal, by the way, they were born here -- they're becoming rapidly voter age. We are teaching them; we're teaching them what a district is, how the districting works, what is the process of political laws here, we're teaching them. We're teaching them how to read, how to see how you vote, and we are registering them to vote. We are teaching them how to be Americans by standing for freedom and justice for all, something that I don't see here being promoted at the Legislature.

So as I prepare to go out into the day and enjoy the day outside -- because here, I told you, it makes it hard -- I just want to finish with this; you can all tell Steve Levy, "Via com el diablo, mi amigo." Thank you.

P.O. LINDSAY:

Jackeline Saavedra. Jackeline?

MS. SAAVEDRA:

Hello. Good afternoon. My name is Jackeline Saavedra, I'm an intern at SEPA Mujer and I'm also a law student. I would like to speak out against the -- in opposition to the E-Verify bill and the prepaid cell phone bill.

It has been found that the E-Verify database contains a great deal of discrepancies, and these discrepancies will actually not allow, I guess, lawful illegals who obtain employment. This law will also affect undocumented workers because they will not be able to -- they will be subject to racial profiling and also other immigrants, they will be subject to racial profiling because of their accent and because of their -- and because they look foreign.

I would also like to speak out against the prepaid cell phone bill. Because a lot of people don't have two forms of identification. Actually, domestic violence victims, sometimes they just leave their house or their abuser with just their clothes they have on and they're only -- they are no public phones on the street so the only way they have -- they could have a phone is by actually going to a store and purchasing one. And like most of the times they just leave with the clothes they have on, they can't -- they don't have a form of identification.

Also, I would like to say that SEPA Mujer is not financed by any cell phone companies, so our testimony just comes from our experience and from what we hear from the victims. Well, it's time to clean-up the image of Suffolk County, so this bill -- this very anti-immigrant bill should not be allowed to go forward. Thank you.

Applause

P.O. LINDSAY:

Okay. That concludes my cards. Is there anyone else in the audience that would like to address the Legislature that hasn't signed up?

Okay. With that, I'll accept a motion to close the public portion.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

If we could go to the agenda. I've got about two minutes and I'm going to try and do a little bit of work. Do we have a motion to approve the *Consent Calendar?*

LEG. MONTANO:

Motion.

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay. Go to page six if you have the paper agenda, *Resolutions Tabled to June 7, 2011:*

1559-11 - Amending the Suffolk County Classification & Salary Plan in connection with the position titles in the Police Department (Range Officer I)

LEG. ROMAINE:

Motion to table.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to table by Legislator Romaine, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

2258-11 - Adopting Local Law No. -2010, A Charter Law to provide for fair and equitable

distribution of public safety sales and compensating use tax revenues (Schneiderman).

MR. NOLAN:

We have to pass over that for a Public Hearing.

LEG. SCHNEIDERMAN:

The Public Hearing is later today. I'll make a motion to table.

P.O. LINDSAY:

Okay, so we have to pass over it, I was just told.

MR. NOLAN:

He said he would table it.

LEG. SCHNEIDERMAN:

We can table.

P.O. LINDSAY:

Table? Okay, motion to table.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

IR 1002-11 - Adopting Local Law No. -2011, A Local Law to protect the public from injury caused by accumulated snow or ice on moving commercial motor vehicles (Cooper).

LEG. ROMAINE:

Too hot.

LEG. COOPER:

I would like to make a motion to approve.

MR. NOLAN:

No, we have to do the Public hearing this afternoon.

LEG. COOPER:

Oh. That's not closed yet?

MR. NOLAN:

You had to reopen the public hearing.

LEG. COOPER:

Okay. I make a motion to close, please.

MR. NOLAN:

No.

P.O. LINDSAY:

No, no. The bill has to be tabled for Public Hearing.

MR. NOLAN:

Or passed over.

P.O. LINDSAY:

Or passed over.

LEG. COOPER:

George, you're sure we didn't do that at the last meeting?

MR. NOLAN:

We had to reopen the Public Hearing I think twice on this bill because it changes. It's on for this afternoon. We could pass over it and hold the public hearing and --

P.O. LINDSAY:

Okay.

LEG. COOPER:

No, that's okay. I'll --

P.O. LINDSAY:

Why don't we just pass over it because it's 12:30 anyway, all right? I'll accept a -- well, we'll recess until 2:30 for Public Hearings. Thank you.

*(*The meeting was recessed at 12:29 PM*)*

*(*The meeting was reconvened at 2:32 PM*)*

P.O. LINDSAY:

Okay. Mr. Clerk, we have to call the roll.

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

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. ANKER:

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:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Here, yes.

LEG. ROMAINE:

Mr. Clerk?

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy-Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay. We have our *Public Hearings* for the day. It starts off with *2011-2012 Suffolk County Community College Budget* and I have one card, Kevin Peterman. Please come forward, Mr. Kevin.

MR. PETERMAN:

Good afternoon. I just wanted to speak on the record and wanted to thank you for your past

support for the college. I know this is, again, another difficult year as far as funding, but I would just appreciate any support you could give, any additional support you could give to the college. And I appreciate -- I know that things are tough because our enrollment's going through the roof again, so we need all the help we can get. And if I might be able to make a comment, I appreciate your support on the Capital Projects. Thank you.

P.O. LINDSAY:

Okay, Mr. Kevin. I don't have any other cards on this subject. Is there anyone else in the audience that would like to speak about the college budget? Seeing none, I am -- we have to recess this Public Hearing because we have to hold another Public Hearing in Riverhead. So I'll make a motion to recess, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislator Kennedy-Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Okay. Next up, *Public Hearing on IR No. 2258-11 - Adopting Local Law No. -2011, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman)*. I have one card, Noel DiGerolamo.

MR. DIGEROLAMO:

Thank you, Presiding Officer, Legislators. I'll just take a moment of your time. I wanted to speak on this bill, you know, let the PBA's position on this bill be known. We're very supportive of Legislator Schneiderman's resolution. We believe that this bill will create a guaranteed source of funding for respective departments, in particular the Police Department, the Suffolk County Police Department, and it would assist with budgetary stability. This would also prevent any tampering or gimmickry within the Police District with regard to the General Fund and offsets with the sales tax revenue that's generated for public safety.

In 2009, we witnessed a budget within this County where the Legislature took the bold move of increasing the Police District Tax in order to hire Police personnel. And as the year went on, that fund was subsequently shorted with the designated sales district money because the increase to the Police District was made for the purpose of hiring. Now, that hiring was never done and, therefore, the additional funds that were in the Police District negated the need for the transfer from the General Fund of that designated portion of the public safety funds.

We've also seen in recent years the Administration threaten to reduce services to outside agencies with regard to chargebacks and so forth. These outside agencies need to know that they have a direct source of income and a guaranteed source, and that's exactly what this bill will do. This bill does not give anything greater than what currently exists, it just guarantees a base line in which they'll receive, which is the quarter percent out of the total of up to three-eighths.

It's for those reasons that I just explained that we're very supportive of this. We know that, again, it will create a more guaranteed source of revenue to the Police District and it adds for the transparency that's necessary with regard to the increase of the Police District Tax for a specific purpose that was done two years ago. Thank you.

P.O. LINDSAY:

Okay. We have Russ McCormick.

MR. McCORMICK:

Thank you very much, Mr. Presiding Officer and Legislative Body.

My name is Russ McCormick, I'm the representative for the Suffolk Detective's Association, I represent the Legislative body in our union.

Our concern over the issue that Mr. Schneiderman's bill is if it's not passed, you have a certain amount of monies that are dedicated for a specific purpose. If the -- to bring it to all of our -- in our own homes, if you will, if you have a certain amount of money and you know you're going to pay a certain amount of bills, you know what you're going to be able to do at the end of the year. During an investigation, which is what we're involved in, if you're in the middle of an investigation and funds that you thought were in the budget are removed or reallocated to another location, the investigation can cease to exist, it wouldn't be brought to a successful conclusion. That's a concern that we have, obviously, and the concerns that the PBA brought up are also the same concerns we have.

Any time that you have -- we're supposed to be at a number of 414 Detectives; we're currently at a number of 349 Detectives, so you already have a shortage in manpower. To have a shortage in tools that perhaps the budget would allocate would be a concerning as well. So we're already fighting one battle; to fight another battle that money may be put in to a budget for an investigation and possibility of having that money being removed is obviously a concern. If there's any questions, I'd take them right now, but --

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, just to clarify.

P.O. LINDSAY:

Yeah, I don't -- I'm not saying I'm opposed to this bill, just be careful with it. First of all, where the money is allocated in the budget we absolutely do here. Whether that money is ultimately spent on that budget line is really a matter that the department and the Executive Branch handles. In other words, you know, we put in classes of additional Police Officers for a number of years and they didn't get filled, you know. We can't do anything but put it in the budget.

As far as the sales tax is concerned, we've taken more than a quarter percent of the sales tax and allocated it for Police issues for the last several years to help -- to help hold down the taxes in the Police District. One of the things that this bill will do is take some of those resources and allocate them to the independent Police Departments within the County, and there's only one place for that to come from, from the Police District.

MR. McCORMICK:

And that's why we're in favor of it.

P.O. LINDSAY:

Okay.

MR. McCORMICK:

We feel that if the money is dedicated and can't be removed, the money, once it's in the budget and put for a specific purpose, it can't be reallocated to another area of the budget in the County.

P.O. LINDSAY:

That doesn't mean that it can be spent either.

MR. McCORMICK:

Without question, I respect that, and you're right. But if the money is in the budget and it can't be moved out, it's --

P.O. LINDSAY:

There's only so many resources that we can put into the budget. And one of the things that this bill will do will take money from the Police District and allocate it to the other Police Departments within the County.

MR. McCORMICK:

Well, just so I'm understood, I believe it should be put to the Police Department and to the other departments as well, not for any other purpose.

P.O. LINDSAY:

Okay. Just as long as you know that you're going to take some money out of the County Police District to allocate to the villages.

LEG. SCHNEIDERMAN:

If I may?

P.O. LINDSAY:

You want to -- I'm not going to debate the bill.

LEG. SCHNEIDERMAN:

No, I'm not.

P.O. LINDSAY:

If you want to ask Russ a question, go ahead.

LEG. SCHNEIDERMAN:

Just a point of clarification, if I may. I think what Russ is referring to is not so much the fair sharing portion which is part of the bill, but the guarantee under the bill that the public safety money is going to Police services.

LEG. ROMAINE:

Right.

LEG. SCHNEIDERMAN:

It can't go to other services. That quarter will be guaranteed to go to Police services, not other public safety functions like FRES or DA or Sheriffs, etcetera.

P.O. LINDSAY:

I understand that, I understand that. But the quarter percent of the sales tax, we've spent more of the sales tax every year for the last several years in -- for the Police District.

LEG. SCHNEIDERMAN:

Again, a clarification. Under the State law we can provide between one-eighth and three-eighths, we're allowed to go in between, right now our current level is around a quarter. This just says it won't drop down below a quarter and drop down, let's say, to the one-eighth level. The Police Department as well as the towns and villages have become dependent upon that in their budgeting and a radical drop could really impact them severely.

P.O. LINDSAY:

Okay. Legislator Kennedy, a question.

LEG. KENNEDY:

I'm going to take a lead from you, Mr. Chair. This is not the right time to debate the bill, but I just -- similar to what you echoed to Russ.

You know, Smithtown, my recollection, we had correspondence from the Town Board last year that pointed out that there was \$46 million that was raised out of the Town of Smithtown in the Special District Levy, and there was a question about whether or not there was fare value that, you know, the town residents were receiving in exchange for that Levy. What I don't want to see happen with this is that notion that our residents start to take a look at, you know, dollar-for-dollar. The functions are what's paramount, and it's our job to fund them and to fund them to the best that we can. And then as the Presiding Officer pointed out, the Executive Office I guess decides how they're going to actually allocate those resources.

So equity is a good thing, but I'm not certain that this bill actually is going to achieve what Legislator Schneiderman and Legislator Romaine and Cooper are looking to articulate with it. But I appreciate your comments.

MR. McCORMICK:

Thank you, Mr. Legislator. The only thing I would say referring to that, there are departments that don't have a business district within their Police Department. But all their residents shop and spend money within Suffolk County, so the tax revenue being acquired by the County are being acquired by the individuals that live in those particular areas as well. And I'm not advocating or going against any of the departments that are smaller or larger than ours receiving the funds, I'm just saying that it seems like a very fare bill and it's a bill that we, the SDA, stand behind.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI,

Thanks, Mr. Chairman. Russ, are you at all concerned, and I'm going to try and maybe reframe what the Presiding Officer said in that while the total amount of money that's spent on public safety and on Police services from this allocation, the floor to that rises to a quarter percent. Are you at all concerned that somehow the Police District's allocation in total will decrease from what it typically is because we're giving more money to other Police -- other Police Departments within the County?

MR. McCORMICK:

Well, I'm concerned that we probably don't receive enough money as it is for the Police Department, but that's not my issue. My issue is to say that if a Police Department, whether it be Northport, Westhampton Beach or another department, needs funding to do their job, I believe they should be entitled to it. We're looking to support a bill that we feel would be beneficial to specifically the Detective Division within the Suffolk County Police Department, but also the other departments as well. We all want to see crime brought down, we all want to see our citizens protected, whether it be one department or another who is successful in doing that is all of our goal, I believe.

LEG. CILMI:

So it doesn't concern you that -- I mean, I would imagine one unintended consequence of this bill might be that the total amount of money spent on the Suffolk County Police District from this allocation would decrease from what it currently is.

MR. McCORMICK:

Well, I think if the monies are expended to the Police Department as opposed to law enforcement in the district, I think it would be more specific to the needs of the people of Suffolk County as far as investigating crimes and preventing crimes.

LEG. CILMI:

Okay. Thanks.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Just a couple of quick questions. Were you aware that certainly when I was serving the Legislature in the 80's and no sales tax was used to support the Police District or any other Police entities, that it was all from property tax?

MR. McCORMICK:

No, Mr. Legislator, I didn't know that. I'm only familiar with this particular bill.

LEG. ROMAINE:

Are you aware that once the County decided to use sales tax to supplement the Police District, the sales tax is not collected just from the Police District but it is collected County-wide?

MR. McCORMICK:

That's why I'm in favor of the bill being -- taking care of departments outside the district as well. If it's specifically for Police Departments, I think it's a very good bill.

LEG. ROMAINE:

Right. And outside the Suffolk County Police District, there are nine village departments, four on the west end and five on the East End, and then the five towns of the East End. Were you aware that an economic study showed that more than 25% of the sales tax in Suffolk County was collected from the five eastern towns which only comprise 115, maybe 10% of the population?

MR. McCORMICK:

Well, I'm being educated today, but I do --

*(*Laughter*)*

LEG. ROMAINE:

Okay. Obviously I'm making my points.

MR. McCORMICK:

Yes, you are.

LEG. ROMAINE:

Because what we're asking for is not a percentage of the sales tax that the East End contributes, which is 25%, we're asking it be based on population which we feel is a fairer measure, even though it's less than what is contributed, because that way everyone gets their fair slice of the pie. So if we're going to use sales tax and if we're going to collect sales tax County-wide, then we should distribute it to the Police entities on a per-population basis to ensure fairness (sic), and it also ensures that we give each and every year, not that at the whim of the Executive it changes from one-eighth to three-eighths, but we fix that number at a quarter percent, that way there is a continual flow of revenue to all the Police jurisdictions who I believe work cooperatively throughout the County.

MR. McCORMICK:

Which we do and we're very proud of that.

LEG. ROMAINE:

Thank you very much.

P.O. LINDSAY:

Maybe just -- Robert Lipp, for my clarification, the sales tax that's allocated for Police matters, does that go anywheres but Police Departments? I know it can go to the DA and Probation, but do, in fact, we take money out of that sales tax pool for those other law enforcement functions?

MR. LIPP:

You're talking about the three-eighths sales tax for public safety purposes.

P.O. LINDSAY:

Right.

MR. LIPP:

Technically, the entire three-eighths could go to the General Fund since there are sufficient public safety purposes that would amount to three-eighths which totals close to \$100 million. So we could give anywhere from zero to close to \$100 million to the Police District in time.

P.O. LINDSAY:

I didn't ask that.

MR. LIPP:

Okay.

P.O. LINDSAY:

In fact, do we fund the DA and Probation out of -- we do?

MR. LIPP:

No, we do not.

P.O. LINDSAY:

No, we do not.

MR. LIPP:

In fact, sales tax is general revenues and --

P.O. LINDSAY:

I know that.

MR. LIPP:

-- they're not allocated to any particular fund.

P.O. LINDSAY:

But that one-eighth to three-eighth that we move out of there for public safety purposes, my understanding, went exclusively to the Police Departments.

MR. LIPP:

Anything in the General Fund in terms of sales tax is not directly connected at all.

P.O. LINDSAY:

Okay. I better just leave this because I'm just confusing myself.

LEG. NOWICK:

Aren't you glad you came?

MR. McCORMICK:

Yes (Laughter).

P.O. LINDSAY:

Just so you know, there is an allocation that goes to each one of the village and town departments now, it's called revenue sharing.

MR. McCORMICK:

And it was increased, right.

P.O. LINDSAY:

And it was increased periodically for five years last year and it remains stagnant because we're broke. Okay? So it isn't that we don't support the independent village and town departments, we do.

MR. McCORMICK:

No, and I appreciate that and I know you guys do.

P.O. LINDSAY:

Okay.

MR. McCORMICK:

My thing is the dedication to the Police Department as opposed to a more general.

P.O. LINDSAY:

Okay. Okay, thank you.

Okay, I don't have any other cards on 2258. Is there anybody else who would like to speak on 2258? Seeing none, what is your pleasure, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to close.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Public Hearing on IR No. 1002-11 - Adopting Local Law No. -2011, A Local Law to protect the public from injury caused by accumulated snow or ice on moving commercial motor vehicles (Cooper). And I have some cards; Cesar Malaga.

MR. MALAGA:

Good afternoon, Presiding Officer and good afternoon, Legislators. I drive a lot between Southampton and Babylon, and in the wintertime there are many cars that they do not remove -- you know, they don't remove the ice from the roof, from the windshield, from the front window and the rear window. Sometimes many vehicles, they will have a hole in the front here and another hole in the back window. So this law should not only apply moving commercial motor vehicles, it should apply to all vehicles and they should, you know, remove the ice from the top of the vehicle and also in the front windshield and rear windshield and also from the side windshields. It is very dangerous in the summer -- in the wintertime when you drive when the ice starts falling from the roof of the vehicles, especially the commercial vehicles. They do, you know, sometimes clean, I guess, sometimes they don't clean, but all other vehicles, passenger vehicles, they do not clean the top of their vehicles. It's very dangerous.

And the fact that someone said that, you know, you cannot force senior citizens to clean the top of their vehicles, senior citizens, when the inclement -- or the weather is bad, they do not drive in bad weather conditions, they stay home or cancel any medical appointments they have. So the law should be all -- you know, removing all motor vehicles, it should not only, you know, indicate commercial vehicles. So I would like for you to clarify or change the law that applies and the fines, it should be in there that it endangers our lives on the highways. And if this driver is caught for the second time, the driver should -- the fine should be double. That is our concern of many of us who drive on the highways. I drive on Sunrise highway and also the Long Island Expressway, I see this condition all the time in the winter. So please, you know, let's apply this law to all motor vehicles, not only commercial vehicles. Thank you.

P.O. LINDSAY:

You're welcome.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Okay. I don't have any other cards on this subject. Is there anyone else in the audience that would like to speak on 1002? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to close, please.

P.O. LINDSAY:

Motion to close.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Kennedy & Horsley - Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Public Hearing on IR No. 1124-11 - Adopting Local Law No. -2011, A Local Law to change

the formula for distribution -- oh, we did that one.

LEG. MONTANO:

This is different, though.

P.O. LINDSAY:

Oh, it's a different bill. *A Local Law to change the formula for distribution of funds and fees generated from the seizure and forfeiture of vehicles (Schneiderman)*. And I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Kennedy & Horsley - Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Public Hearing on IR No. 1224-11 - Approving rates for Roncalli Freight Company Inc. (Presiding Officer Lindsay), and I have a couple of cards. Peter Thambounaris?

MR. THAMBOUNARIS:

Very good. Thank you. Presiding Officer, Ladies and Gentlemen --

P.O. LINDSAY:

Just hold your hand on the button. Thank you.

MR. THAMBOUNARIS:

-- of the Legislature. Thank you so much for hearing me as a taxpayer and a homeowner on Fire Island Pines. I do appreciate this time because I know how difficult your jobs are.

Owning a home on Fire Island is truly an honor and a privilege, which I want to express to everyone, and it took me a lot of hard work to get that home. My Dad was a Police Officer and I worked very hard to get that home. And this economy is killing all of us, and I hear it here at the Legislature from every branch, it's killing everyone.

Many of us are trying to stay afloat. I understand that Roncalli Freight has applied now for a freight increase, which unfortunately is the only freight company we as homeowners have to use to bring major items over to the Island. I'm in opposition to the Roncalli Freight increase as a homeowner at the present request because of many different items, one of which, it will stifle the Island and many of the taxpayers on the Island. The original freight rates -- which may have been in effect for quite

some time and I understand there were some licensing issues and all and I don't see why they shouldn't get an increase -- was never increased because there was no licensing. However, at this point, with a monopoly, if they hadn't had increases in ten years, they're going to hit us with the increases all in one year, all in one year, and it's just incorrigible.

According to a petitioner, the -- Roncalli Freight are savvy business professionals. They purchased this business after owning the town for five years. I'm sure they did their research into Roncalli Freight, they knew what they were purchasing, they knew its earnings, they knew its equipment. They also knew what they had to do to make it correct. There's no question there should be an increase, however they went from a petition where there were 57 discretionary items -- in other words, if you brought something over and it was \$25, that was it -- but now it's going to 157 discretionary items which means it depends on the size and weight. And nothing in this application gives us any indication what does that mean; an ounce too much, 10 ounces too much, 10 inches, 20 inches? So basically, if this petition is approved as it is, the Legislature is giving Roncalli Freight freedom to charge whatever they want. They are the only monopoly, the only freight company that we have as homeowners to use, and it will be extremely debilitating to the entire community.

The petitioner is claiming that he lost 117,000 last year, he put in 250,000 in improvements, bought the business. He's only showing ten months of income because that's all he's owned the business; I think that's not bad losing 117,000 if you're only in business ten months and you did all that work. You can't ask for this kind of increase just in one year. We have no problem with a phased-in increase, some kind of respectable increase or something where we know what that means, where they say, "Look at that refrigerator. Oh, that one's \$100 because it's big. That one's \$22 because it's small." What does it mean? We have no, no guidance at all as to what that means.

You have all received a letter of endorsement from the FPOA Board.

The FPOA Board was under the impression that this Legislature has no power to change this application. I'm one of the homeowners that's willing to talk and stand up because I don't believe that is true; I don't believe that is true. It's signed by Mike Hartstein, five or six people agreed to it, not the 600 homeowners and many of the people that I've spoken to, they're literally outraged. The increase is more like 50%, and the way it works on Fire Island is if you get something shipped to you and it costs \$50 to the dock, if you ask for it to come to your home it's an additional \$50 to your home. This -- the prices you're seeing are just to the dock. And of course we all try to pick up as many things as we can on our own, but if it's a 20-foot tree, I can't put it on my back and bring it to my home. So please consider these items when you're looking at this fare increase.

One hundred and fifty-seven discretionary items, and these are all the items that we use every day, one of which I'm going to show an example, is we all get gas, propane gas. We use two, three tanks a week. They presently charge \$7 per tank to bring it over, of course our tank gas supplier forwards it on to the homeowner. Now, Roncalli Freight asked for a \$3 increase making it \$10 a tank, then a \$5 price to take the empty tank back; so from \$7, the price for a tank of gas is now going to 15. This is astronomical.

I'm not saying that the budget who reviewed -- my time is up, but the budget that reviewed didn't look at the items, but they put it down as suggested price in this economy, but they did not say subject to increase because of size and weight. So there is no cutting on this as to what they can charge anyone. Thank you.

P.O. LINDSAY:

Wait, don't go anywhere, because I've got a bunch of questions for you. So before, like for a tank of gas, it was \$7 round trip full, going back empty?

MR. THAMBOUNARIS:

Correct.

P.O. LINDSAY:

Okay. See, we don't have any records of what happened there because all these years you guys were dealing with an unlicensed company.

MR. THAMBOUNARIS:

Correct. And we would love to -- I would love to supply you with everything you need.

P.O. LINDSAY:

Gail, do you have the documents for Roncalli Freight in front of you, or do we have to wait for Craig?

MS. VIZZINI:

I have a report.

P.O. LINDSAY:

Okay. How many -- do we -- how many freight-only companies do we license?

MS. VIZZINI:

I don't know off the top of my head. This one, I don't know if there's -- three at best, I think.

P.O. LINDSAY:

I remember there's one that hauls garbage.

MS. VIZZINI:

That's Tony's, yeah, Tony's Barge.

P.O. LINDSAY:

Most of the other that handle passengers also handle freight, too, right, I think?

MR. THAMBOUNARIS:

Not large freight.

P.O. LINDSAY:

See, unfortunately you talk about a monopoly. We license the carriers, we don't have control over how many people bid on it, and almost all of the routes have literally no opposition. I can't think of any one of the lines that we license that there's a competitive bid there.

MR. THAMBOUNARIS:

If I may?

P.O. LINDSAY:

Yes.

MR. THAMBOUNARIS:

The next speaker who will be coming up, Michael Savino, will show you there are two other communities which are near The Pines, Cherry Grove and one other. Their rate -- they're not even going for a rate increase on those communities at all, that's number one. Number two, when he has a comparison for all of the Legislators to please look at, you will see the prices are minuscule compared to these increases. So if the Legislature would like to look at that, that's wonderful.

P.O. LINDSAY:

We'd be happy to look at it, but what I might suggest, if you have a rapport with some of those

carriers, why don't you get them to bid on your routes as well?

MR. THAMBOUNARIS:
(Laughter) thank you.

P.O. LINDSAY:
Okay, I'll be happy to listen to the next speaker.

MR. THAMBOUNARIS:
Thank you.

P.O. LINDSAY:
Michael Savino.

MR. SAVINO:
Should I wait?

P.O. LINDSAY:
No, go ahead.

MR. SAVINO:
Thank you, Presiding Officer and Legislative body. I am Michael Savino, I'm a homeowner in The Pines and I've observed the very good service that Coastline Roncalli Freight furnishes and the improvements they've made in their business and they're professional businessmen, no one begrudges a rate hike to cover the inevitable rising costs we all face.

The problem we have is as it is an admitted monopoly, the Legislature has regulatory authority so that the community does not get squeezed on this because we have no other option. With that in mind, it's important when you're looking at this rate request to make sure you understand all the facts of it. It is not a 26% increase as was stated in the petition. Most of those items that are 0% increases are for items like groceries or other items that are not frequently shipped. The vast majority, if you look on this sheet, are items of 60% increases, 100% increases, 200% increases; by some estimates it was calculated this is approximately a 50% increase in the price. That in and of itself is bad enough, but when you compare on the first sheet that you have, which is a color sheet, it's a comparison with a freight company that serves Ocean Beach, and the first column of figures there is the current rates that Roncalli Freight charges, the second line are the proposed rates, and then in the blue are the rates that Fire Island ferry charges for Ocean Beach service. You have to struggle to figure out why they can provide such -- the same services for such cheaper prices than Coastline Freight is proposing; 300% more at Coast Line, 264%, 175%.

Meanwhile, Coastline Freight also services Cherry Grove, and I understand that the petition makes no mention whatsoever of Cherry Grove. If this rate is to apply to Cherry Grove, then there's a question about did Cherry Grove get any public notice about this, is this going to apply to that? No one there knows of any price increase.

If this is only applying to the Fire Island Pines and not Cherry Grove, it begs the question, why is the Fire Island Pines community being asked to burden -- being asked to absorb the burden of all these extra costs?

I'll give one example as a typical. Midway down the sheet, on the color sheet, if you look at the tree, for a 5-foot tree, in the blue, Fire Island ferry charges \$10 to deliver that, the current rate to the Pines and to the Grove is \$16, the proposed rate to the Pines is \$38, it will still be \$16 to the Grove. One has to ask, why does it cost so much more for the same freight company to deliver to one community and not the other? The only difference -- there are two differences. One is the

Pines is a private dock with a not extensive docking fee; the second answer is Cherry Grove does have a competitor. So one can look at this and say, well, without competitive pressures here, that becomes a problem.

The other very big concern we have is on the second sheet I gave you it says, "From the laws of Suffolk County," at the top. Section D requires that this application be submitted with financial statements, which they were which were audited by a certified public accountant, which it was, and that those statements carry a statement that the financial statements are in accordance with GAP principals. The Budget Office report says on the bottom, which I've quoted, that the auditors stated that they're not in compliance with GAP accounting, that there are other related entities we do not know. The auditor himself says the effect of this is indeterminant; in other words, we don't know what the effect is. Is the depreciation on the building being properly allocated? Maybe yes, maybe no, we don't know. Are the costs being properly allocated? Maybe yes, we don't know. But we're at a little bit of a quandary as to the fact that this does not appear to be in compliance with the requirements to make the filing. So in that event, I would request that the Legislature wait for a legal opinion on whether this is a proper filing or wait for the proper papers to be submitted. The auditor apparently finished this work in February; the petitioners had since February to comply and provide the proper other entities financial statements, but as it stands that is not there.

To also repeat a point that -- expand on a point that Peter made.

*(*Beeper Sounded*)*

I'm sorry, I'm out of time.

P.O. LINDSAY:

Go ahead. You want to finish up?

MR. SAVINO:

Sure. The Budget Office Review did look at the price increases, did not compare them to the other companies, but also made no mention whatsoever of the fact that the number of unregulated, or uncapped shall we say, minimum priced asterisked items was 47, it's gone from 47 to 157 out of something like 220 which means that the Legislature would be essentially ceding its regulatory oversight on more than half the freight carried; that's of great concern to most of the residents who use the service.

P.O. LINDSAY:

I'm going to ask Mr. Freas, do you concur with the speakers that --

MR. FREAS:

No.

P.O. LINDSAY:

No, okay. Could you explain why?

MR. FREAS:

First of all, with respect to the auditor's report, the auditor's report stated that the audited financial statements did represent the financial position of Roncalli Freight Company for the period audited. The audited financial statements did, however, as we mentioned in our report, mention that there were two other associated entities that should have been reported with the -- with the freight company's statements. It did not issue an adverse opinion, it did not issue no opinion, it issued an opinion stating, again, that the financial -- that the financial statements accurately represented Roncalli Freight's financial position.

As noted in our report again, we felt that the remedy would be to upon their renewal for licensure which would occur in 2012, that these entities would be reported in accordance with the auditor's recommendations. But since the auditor felt that the financial statements were accurate, the auditor was apparently, from reading the financial reports, able to determine that even without the full reporting from these companies, that the statements represented a full picture of Roncalli's financial position. We felt the remedy of having the report in the 2012 license renewal would be sufficient.

P.O. LINDSAY:

Okay.

MR. FREAS:

The second issue Mr. Savino raised regarding the comparison with the other freight companies, I would point out to the body that both Fire Island Freight and Sayville Freight carry significant passenger loads and that's their primary business, and that any freight that they're carrying is, of course, carried along with the passengers. And, therefore, any freight business they do is significantly supplemented by their passenger revenue, it allows them to carry stuff probably at a lower rate than Roncalli Freight. The only other freight-only company servicing Fire Island is Tony's Freight, they use a different rate structure; basically you're renting their boat for their current price per hour for a minimum of six hours.

P.O. LINDSAY:

Okay. Legislator Cilmi and then Legislator Barraga.

LEG. CILMI:

Yes, thanks, Mr. Chair. I guess my only question is what would happen if Roncalli Freight decided -- if we didn't pass this increase, what would happen if they decided not to continue service?

MR. SAVINO:

Well, that is always a great concern and it sort of does feel like we're discussing this in that context, with a possibility of a gun to our head. What happens if they go away?

LEG. CILMI:

Well, I mean, they're a private company, certainly they're -- you know, they're not obligated to serve the community.

MR. SAVINO:

Undoubtedly, and there would be disruption until another company came in to the fold and took over the business. But that's the whole point, do we just say we'll grant any increase whatsoever just because they might go away?

There's a third page that I submitted to you that shows some of the free services they had demonstrated they provided, and the minute I believe it was Legislator Barraga asked for a recess on the last meeting until this meeting, Roncalli Freight sent out some e-mails saying, "Those policies are no longer, we're now charging you for everything." So yes, that will -- that could happen; there could be repercussions, I recognize that.

LEG. CILMI:

Inasmuch as that sounds like they wouldn't be amenable to this suggestion, have you attempted to discuss any of these issues with them one-on-one?

MR. SAVINO:

Not one-on-one, I know the Property Owner's Association negotiated the 25% pull-back on Saturdays, although that only, it turns out, applies to residential, not commercial either.

LEG. CILMI:

Okay. So specific to these rate increases, as far as you know there have been no conversations with them to try and somehow negotiate or to try and come to an understanding as to why they're requiring such tremendous increases.

MR. SAVINO:

I can tell you the reports that were given to us by the Property Owner's Association was that they tried to negotiate the 25% surcharge down, they tried to negotiate a decrease in the gas prices, they were told, "No. We'll give you the 25%," period, end of story, that's the end of the discussion. And at that time, that was back in April before the Property Owner's Association had heard from all its homeowners, so it was before any of us had a chance to look at all the uncapped rates, before we had a chance to look at the comparisons to the other companies, how can this one do it so cheaply than this one. And with respect to that comparison of the other companies, my example to Cherry Grove was not comparing it to Sayville Ferry, it was comparing it, Roncalli Freight, to The Pines and Roncalli Freight to Cherry Grove; there's big disparities there.

LEG. CILMI:

I guess my concern is that you have two sides here, both with their backs against the wall, which is never a productive way to operate.

It seems to me that it would behoove both of you and, you know, I'm sure Roncalli Freight is -- if they're not here, I don't know if they are listening in to this conversation at least -- it would be prudent, it seems to me, to get together and at least come to an understanding as to why their increases are such. And they may say to you, "Look, you know, if we can't get the prices that we're proposing in this resolution, then it's just not profitable for us to do this business and you'll have to find somebody else," and that may be perfectly acceptable to you, but it seems like it's a conversation that you better have.

MR. SAVINO:

Thank you, Legislator.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

As Mr. Savino indicated, I was the one who did recess the Public Hearing the last time we took this subject up, and I did so because Mr. Savino and a couple of others had contacted me indicating that they had not adequate time to really review the rate increase, to review the proposal. There was an organization on Fire Island that had signed off in terms of approval, but there was some doubt as to whether or not the constituency of that particular group really was made aware of the rate increases; that's why I recessed it.

I guess the more fundamental question I have, Mr. Freas, you know, based on your comments; do you think Roncalli's rate increases are out of the ordinary? When one takes into account what you just said, they do not have a passenger base as Fire Island Freight and Sayville Ferry do, do you think that Roncalli rate increases are inappropriate?

MR. FREAS:

We supported the rate relief because we felt that the increase was appropriate given the rate of inflation, given the rate of inflation specifically in fuel costs, and given the fact that the original base

rate was based identical to Sayville Ferry's rates. So it was probably lower in the first place as a base, but there really wasn't anything at the time for them to go on and that's why the two -- the earlier BRO report recommended using something -- vaguely comparable, another freight bottoms going to Fire Island.

So the other thing that the rate increase does is with respect to the company's viability, is it alters rates in such a way that some of the rates for things that are most likely to be shipped went up where previously the rate structure depended more on things that were less likely to be shipped. Do you understand? You know, if I'm selling a hundred widgets, my price should -- my prices should be based on selling those hundred widgets and not on the one other thing that I sell in a year, and the requested rate relief changed that.

I spoke to Mr. Von Kuersteiner also and he briefly, before the opinion, only mentions the Pines Landing site, it really should mention both. I don't know if we need to amend the petition at that. But the petitioner's intent was to charge uniform prices at both their landing sites.

LEG. BARRAGA:

So again, Budget Review is supporting the rate increase predicated on what you've just said.

MR. FREAS:

Yes, sir.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. My question goes to what the speaker spoke about before with a question as to adjoining communities that may or may not be served. I believe you spoke about a question as to whether Cherry Grove would be impacted by that?

MR. SAVINO:

I think Mr. Freas just answered that.

LEG. KENNEDY:

He did. So they're not. This is only going to go to the Pines, Craig?

In other words, we don't have any notice issues, we don't have other communities that may be impacted that wouldn't have an opportunity to come forward and respond?

MR. FREAS:

I don't think I can answer that question.

LEG. KENNEDY:

Okay. Then how do I ask it, to whom do I pose it? George, who does Roncalli service?

MR. NOLAN:

Well, I think it serves multiple communities. So I'm going to have to go grab their petition and take a look at that and then I can answer your question. Okay?

LEG. KENNEDY:

Okay. Because if I understand what happens with the rate setting, there is a requirement that

serviced communities are advised of the prospective increases and given an opportunity to come forward and comment.

MR. NOLAN:

Well, I think we do our advertising the way we would advertise local. I don't think we advertise specifically, I think we advertise in our County-wide papers for the ferry changes; I believe that's the case.

LEG. KENNEDY:

Which would mean that we would indicate communities that were going to be served by this carrier?

MR. NOLAN:

I don't know if we'd get that specific, I'm not sure. Let me go see what they did.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Okay. Thank you very much. Eric von Kuersteiner.

MR. SAVINO:

Can I just close with a comment?

P.O. LINDSAY:

You really had your five minutes.

MR. SAVINO:

Okay. Thank you.

P.O. LINDSAY:

Eric?

MR. VON KUERSTEINER:

Good afternoon. Eric Von Kuerstein, I represent Roncalli Freight, and I just wanted to go over a couple of points that were brought up before.

The letter that was sent from in -- the Fire Island Pines Property Owners Association Board was sent by Mike Harstein, that was noted earlier, he's the Treasurer. It was discussed with Executive Committee. After the Presiding Officer received an e-mail from Michael Savino, they actually held a board meeting and all but Michael Savino voted to stand behind the letter and recommend the rate increase. So I just wanted to make that one point. So the Homeowners Association did discuss it, the board discussed it.

The following week on Saturday, I think it was the 21st of May, they had their spring annual meeting, they discussed it at the annual meeting, I was there and I answered questions for any of the homeowners that had questions about the rate increase and went over it there. So there was plenty of discussion about the rate increase and if any of the homeowners had any questions about it.

In addition, we sent an e-mail and a letter to all of our customers about the rate increase so that everyone would have proper notice. They -- we received some e-mails back, some questions, but it went to over a thousand of our customers in our data base, and those are pretty well the people that live over in Fire Island and Cherry Grove. That's really all I had to say about the question, the items

that were brought up earlier. So if there's any questions I can -- I'd be happy to answer them.

P.O. LINDSAY:

Any questions? I'll take a shot. The extensive schedule of pricing by item seems to be more unusual than the other companies that operate across the bay; why is that?

MR. KUERSTEINER:

I think that we have a lot of different types of items, and the other reason is that as times have gone on, different -- like a refrigerator, for example, you can have a small one, you can have the subzero, I mean, there's many different types as well as hot tubs, things like that, so that could be part of the reason. And we try and itemize as closely as possible to the items we're shipping when we did the analysis of everything that we shipped last year, and so that's how we came up with this price list. Some of the items weren't on the original price list, so we wanted to make sure that those got incorporated in.

The other point that Peter made was people don't know what they're going to get charged; that's actually -- people call us all the time. We give them a rate if it's not readily available on the rate sheet and transparent, we're happy to quote any way that comes into the office, we have no problem with that.

P.O. LINDSAY:

And it looks like you're -- I mean, compared -- I'm looking at the Fire Island comparison sheet. Some of the items are actually cheaper, you get a buck and quarter for a case of beer, Fire Island gets two. Cheaper on a five-gallon bottle of water. Your rates on lumber are all way higher.

I mean, we're very much used to analyzing passenger traffic and it's -- I think your kind of unique application for us. Anybody else have any other questions?

LEG. CILMI:

You know what, I'll try, too.

P.O. LINDSAY:

Go ahead. Legislator Cilmi.

LEG. CILMI:

Thanks. Are there any other companies such as yours that work exclusively with freight, cross-bay or cross-water that maybe you've used their schedules to sort of compose yours?

MR. VON KUERSTEINER:

Well, actually I believe Davis Park has a freight-only service, but I'm not positive on that. As far as the people that service the Pines and Cherry Grove, it's primarily ourselves, Tony's Barge who does large-type items and Sayville Ferry, and they do mostly -- at least to the Pines, they do mostly the restaurants and the type of things that they would need, and in the grove they do more of a bit of everything for the Grove. So I think we're the only ferry company that does strictly freight.

LEG. CILMI:

So what sort of process did you use to come up with your menu of pricing? I mean, did you just kind of throw darts at a dart board?

I mean, there must be some sort of method behind your madness.

MR. VON KUERSTEINER:

Yeah, I probably should have brought this up before. During my last testimony, what we did was when we purchased the company, part of the suggestion was made by the Budget Review Office to

use Sayville Ferry's rates which we adopted last year. They also suggested that after a year in operation, approximately, that we come back for a rate increase given that we would have a year's worth of information of what we shipped, how much it cost to ship each item for us and try and make that more equitable, so that some items were way under priced and some were a little over priced. So we tried to make that equitable as far as what we were charging and what it cost us to ship, and so that's sort of how we came up with this new price list.

LEG. CILMI:

And so Presiding Officer, when we -- when we authorized Roncalli Freight to do this business, is it -- am I correct in saying that we didn't have any other bidders, I guess?

P.O. LINDSAY:

There was no bidders, but there was no -- the predecessor to Roncalli Freight wasn't licensed, operated for years. We never saw them, we didn't have anything to do.

MR. FREAS:

Mr. Cilmi?

P.O. LINDSAY:

This fella came along and made it all legal. And this is really the first application before us; am I correct?

MR. FREAS:

We don't -- it's not a franchise, the licenses are non-exclusive. So -- and again, as the Presiding Officer just said, there's no -- the previous owner was not licensed, didn't carry HAZMat insurance, didn't carry Workman's Comp, didn't carry -- probably didn't carry general liability insurance, you know. And when Roncalli purchased -- Kevin Duffy, who previously wrote the ferry reports, I believe he recommended that -- well, you know, just so you have something to get started with, use the same rates as Sayville Ferry; well, they're a different business model than Sayville Ferry, so now this is that adjustment.

LEG. CILMI:

I don't know if this is putting you in an uncomfortable position to answer this question, even if you -- I guess it's unfair to ask it. No, I won't even ask the question.

I mean, right now -- so what you're saying, then, is that any company can come in and set up shop right next to Roncalli Freight and offer services and yet no one has; is that correct?

MR. FREAS:

They would have to be licensed for the ferry service through the Legislature, but yes, that's correct.

LEG. CILMI:

Okay. Thanks.

P.O. LINDSAY:

Eric, I've got one question of you. The biggest -- the most numerous complaints is about the gas tanks, that not only did the fee go up but the return to take back the empty was a fee which was never done before. Is there any room on that to give these folks some relief?

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

MR. VON KUERSTEINER:

I actually, you know, looked at the pricing that Ocean Beach charges as well, and I called around to some of the propane companies there. So Lighthouse Propane in Ocean Beach charges about \$90 to fill up a 100 pound of propane. And Walter Boss charges 120, which is \$30 more than what they charge in Ocean Beach. So I think that there's room there as well. I mean, I'm willing to do something, but I think there's also room on the propane provider's standpoint as well

P.O. LINDSAY:

Counsel just told me, is that the petition only applies to The Pines. You know, you either have to amend your petition or you can't apply this. I don't mean to put words in your mouth, Mr. Counsel.

MR. NOLAN:

Yeah, that's -- I just pulled the petition and it only talks about The Pines, so I think that probably was an oversight or a mistake on somebody's part at your end. So I would suggest, if you intend to have this supplied to other communities, the petition should be amended to reflect that.

MR. VON KUERSTEINER:

I mean, I'd be happy to do that. We're under a little bit of a time crunch here. So, I mean, I'd be happy to do that when we come back for our license renewal as far as for Cherry Grove and be happy to continue with them at this -- at the lower rate. We really don't ship a lot of things to Cherry Grove, so it really wouldn't impact our business that much. But, if we don't get a rate increase, it's very difficult to operate at a loss for a second year in a row. So that's why we're hoping to move this along.

P.O. LINDSAY:

So we can move this application.

MR. NOLAN:

We could, but, again, it would only apply to the one community that's mentioned in the petition. We could theoretically move this.

P.O. LINDSAY:

Okay. Anybody else? Okay. Thank you very much.

MR. VAN KUERSTEINER:

Thank you.

P.O. LINDSAY:

I don't have any other cards on this subject. What's your pleasure?

LEG. BARRAGA:

Close it.

P.O. LINDSAY:

Motion by Legislator Barraga to close.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Vote Amended to 13 - Not Present: Legs. Romaine, Schneiderman, Kennedy, D'Amaro. Absent: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

J.R. 1228 - A Charter Law to establish 2% Discretionary Spending Cap in Suffolk County (Cooper). And I have one card, Cesar Malaga.

MR. MALAGA:

Good afternoon. Once again, my name is Cesar Malaga. You know, for the last two years I've been addressing to these Legislators here in this room in these chambers that our economic condition in this country and this county, it's going down. And in a way, you know, to say that we are establishing a 2% discretionary spending, it may be a good idea, but what we should be doing is actually, you know, cutting expenses. If we don't cut expenses, you know, we have too much debt, because you're spending money that you don't have. And many people in Suffolk County especially are leaving the County because there's no jobs. There will be no jobs for a long time here in Suffolk County. And the economic condition, as you know, of the country, our country overall is going bad.

I mentioned to you, you know, at the previous meetings here that to read, you know, Time Magazine, you know, March 15th, which actually, you know, it outlines what is happening to this country between politicians, unions, and level rates, and these conditions is going to get worse. So rather than having 2% discretionary, 2% spending cap, what we should be doing is cut expenses. You have, you know, waste of money in the County in many areas. Like I mentioned, one item I would like to mention is like many of you have your District Offices where people don't go. It's a waste of money there. You know, New York Times about two years ago, I think, or three years ago made, you know, a survey and there was only one district in which one person showed up in the summertime. And, you know, Legislator Romaine is the only one that uses Town Hall, you know, office in the Town Hall, but the rest, no one goes there. Some Legislators don't even have any hearings, any meetings in their offices, so it's a waste. You can be cutting expenses.

So let's not just have a cap in spending, let's start cutting expenses in the County, because but in the future, we are not going to be able to pay the money that we borrowed. Thank you.

P.O. LINDSAY:

Mr. Malaga, for give me if I might comment, but you're so wrong. People use my District Office all the time, all the time. It's probably the only meeting place in the whole district, public meeting place. Legislator Romaine doesn't have his offices in a Town Hall, he has them in a County office building. Several of us have them in County facilities.

As far as expenses here, there is no fat. We're 340 people less than we were this time last year. You've been here for all the discussions where we can't afford to operate our nursing home anymore, where we're closing health centers. We're down to the bone. This impression that there's a lot of fat around here, I wish somebody would show me where it is. Okay? Thank you.

MR. MALAGA:

Mr. Presiding Officer, many of you have what we call, you know, the affairs, you know, for your campaign of elections. Why can't we do the same situation for our health centers? Why don't you all donate some kind of a generating funds so we can continue to operate our health centers, like you do for your campaign re-elections?

P.O. LINDSAY:

So we should have fundraisers to keep the health centers. I got a better idea. Why don't you talk to your State representatives and tell them to stop cutting our funding to keep our health centers going.

MR. MALAGA:

I talk to them.

P.O. LINDSAY:

You know, the State has passed down 100 million dollars in two years of additional expenses to us. How are we supposed to provide that money and still keep the same services going? If anybody has that answer, I'd love to hear it.

MR. MALAGA:

Well, Presiding Officer, there's a lot of things we can do in this country -- in this county. You have to remember that a few years ago we did not have all the expenses that you have here. We have the Town Supervisors doing the thing and we didn't have offices.

P.O. LINDSAY:

That was more than a couple of years ago and that system was found to be unconstitutional.

MR. MALAGA:

Well, it was just to set up a political system, that's all really it is. It's like many things, for political system, you know, we create things to expense more money, more money, and we are getting to a point --

P.O. LINDSAY:

You know the most efficient political system there is? It's called a dictatorship. Democracy can be expensive at times, but that's the rule that we live under.

MR. MALAGA:

Mr. Presiding Officer, you mentioned democracy. You know, truly, frankly, when we have, you know, democracy, you know, as a matter of fact, two years ago I sued the Board of Elections in case of democracy. We do not really have democracy, we are controlled by two parties, the Republican and the Democratic Party. The two argue, nothing's there.

P.O. LINDSAY:

Okay, okay, okay, okay. That's it. Okay. Your next -- the next -- I don't have anything else on 1228.

MR. MALAGA:

Thank you.

P.O. LINDSAY:

Is there anybody else that would like to speak on 1228? Seeing none, do I have a motion?

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

Motion to recess. Do I have a second?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

1247 - A Charter Law limiting annual growth of the County Operating Budget --

MR. LAUBE:

Fifteen. (Vote Amended to 16 - Not Present: Leg. Muratore. Absent: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

-- and tax levy to no more than 2% (Co. Exec). I have no cards on this subject. Do I have a motion on this subject? Do I have a motion on 1247?

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

Motion to recess. Do I have a second? Second by Legislator D'Amaro All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Leg. Muratore. Absent: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

1314 - A Charter Law to establish a Truth and Honesty Zone for Clean Campaign practices in Suffolk County by Banning Improper Fundraising (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 recess.

P.O. LINDSAY:

Motion to recess. Do I have a second?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Leg. Muratore. Absent: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

I.R. 1365 - Increase and improvement of facilities for Sewer District No. 3 - Southwest, outfall final effluent pumping station (Co. Exec). I don't have any cards on this subject. Is there anyone in the audience who would like to talk on this subject? Seeing none, I'm going to make a motion to recess. We -- there was several bills I think from here down that weren't properly noticed in one of our publications, so we have to re-advertise them and deal with them again at the next meeting. So I make a motion to recess. 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. Muratore. Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

J.R. 1366 - Increase and improvement of facilities at Sewer District No. 3 - Southwest, Infiltration/Inflow Study/Sewer Rehabilitation (Co. Exec.). and I have one card, Cesar Malaga.

MR. MALAGA:

Presiding Officer, I'm going to make this short. Prior to approving the hookup of the Tanger in Deer Park to Southwest Sewer District, we mentioned that many contractors work -- there was a report that many contractors were hooking up to the Southwest Sewer District without getting special permits. So I think, you know, perhaps it would be wise to investigate those new builders that were building in Deer Park or at the end of the sewer district to find out which buildings were hooked up to the Southwest Sewer District without any permits. We might be losing money in those -- you know, that were not given permit by the Southwest Sewer District. So I would, you know, suggest we do some kind of investigation. Thank you.

P.O. LINDSAY:

We'll be happy to look into it, Mr. Malaga. As a matter of fact, I will give that assignment to the head of Economic Development, Legislator Horsley. But, to our knowledge, I don't know of anybody that's hooked up that isn't approved by this body, because we get fees and the district gets a lot of money from those hookups. And I can't -- I can't imagine some slipping by. But if you would look into that, Legislator Horsley, I would greatly appreciate it.

LEG. HORSLEY:

Sure.

P.O. LINDSAY:

Okay. And I'm going to make a motion to recess. Do I have a second?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen -- fifteen. (Not Present: Legs. Muratore and Kennedy. Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

J.R. 1414 - A Charter Law to require timely submission of budget amendments (Cilmi). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I am going to make a motion again to recess.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legs. Muratore and Kennedy. Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

1425 - A Local Law amending Chapter 278A of the Suffolk County Code addressing invasive non-native plant species (Viloria-Fisher). I have nobody in -- no cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, again, I'm going to make a motion to recess.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Leg. Muratore. Absent: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

1465 - A Local Law to ensure safe backflow testing in Suffolk County (Cooper). I have a couple of cards on this subject, and the first one up is Edward Spinner?

MR. SPRINGER:

Springer.

P.O. LINDSAY:

Springer. I'm sorry, Mr. Springer. I didn't -- I had trouble with the card. Thank you.

MR. SPRINGER:

Good afternoon, Presiding Officer and fellow Legislators. My name's Ed Springer. I'm the Chief Fire Marshal with Suffolk County. I'm speaking in support of 1465-2011, Introductory Resolution. I have a concern with the individuals who are actually testing these devices now without any real certification, a four-day course. Part of the problems is these backflow prevention devices are on most of your new businesses, some of your older businesses, and they provide water from back-flowing into the domestic system in the County. What the problem is is that these people that are servicing them are not able to repair those backflow devices if they do find something wrong with them. And also, with respect to shutting the buildings down, not only are they shutting the domestic water to a building down, but they're shutting the fire systems down to these buildings. And if there's a problem with the fire system after it is shut down, leaking valves, there is actually no one there approved to actually do any repairs on those systems. So I'm in agreement with the Local Law as far as who should actually -- you know, a master plumber should have his license and the people that work under him to make sure that these systems are put back in service properly. That's all I have.

P.O. LINDSAY:

Thank you very much, Fire Marshal, we appreciate your input.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Victor Pennino.

MR. PENNINO:

Just to give you a quick background, coming from my -- retired from South Huntington Water District. I worked there for 28 years. I helped implement, set up there cross connection program, which is backflow. I've been doing backflow testing since approximately 1990.

I'm against master plumbers requirement to do backfill test. It's true, you have to turn off water as far as a fire line goes. A master plumber's not going to be able to repair a leaky fire line valve right on the spot. He would have to get material and call in people that could handle that type of work. Also, there's -- just because you're a master plumber doesn't make you a competent person. There's people with driver licenses that can't drive also, so that's not a valid excuse to make us get a master plumber's license. The other thing it's going to do to get master plumbers is you're going to raise the price right away. Back in the '80's, when they started this program, they were getting \$50 a test. Today they're getting 35, \$50 a test. So, if you want to increase the price of the test, that's what you're going to create by passing this bill. That's all I have to say. Thank you very much.

P.O. LINDSAY:

Thank you very much. Mike Bonney.

MR. BONNEY:

Hello. Thank you very much for letting me speak. For those who don't know what a backflow looks like, this is a backflow device.

P.O. LINDSAY:

Thank you. Thank you very much, Mike.

MR. BONNEY:

Okay.

P.O. LINDSAY:

I'm sure none of us would know what it was if we tripped over it.

MR. BONNEY:

Our big complaint as plumbers is the fact that the four-day class given by the Health Department doesn't give requisite knowledge or proof of requisite knowledge to safely turn water off and on to a building. I'm trying to come up with some kind of example of something that you guys could compare to and the only thing I can come with, if I got certified to, let's say, repair medical equipment, which would be fine, I can go repair some equipment in a hospital, you wouldn't let me repair it with a patient hooked to it, and that's what we have when we do a backflow test, the patient, being the building with the running water and the fire system and all this stuff. If the device could be tested where it was taken out of line and tested individually, then I wouldn't have a problem with that. But the fact is, to be a backflow tester, you don't need any insurance, there's no one requiring insurance, there's no prerequisite of any knowledge. There's a lot of guys out there that have been testing backflows for 20 years and, yeah, they do know what they're doing. However, there's no one requiring that these guys actually have insurance. There's no one testing them to see that they know what to do. If they shut a valve and it breaks closed, you know, they really don't have the authority to do any repairs on these valves, and meanwhile, they leave a shopping center off with water or what have you.

So, you know, we're just trying to get -- the plumbers are trying to get this law passed so that everybody's on the even keel. We all know we're insured out there and the public's safe, and it's not about, you know, "Hey, I lost my job driving a taxi." In less than a week, I can be out shutting off

fire mains, because that's the way it is right now, and I'm being serious. That's what -- it's a four-day class, you buy gauges, you buy a list from the water company and you're in business, and that's it.

P.O. LINDSAY:

Okay. Mike, Legislator Kennedy has a question for you.

LEG. KENNEDY:

Okay, I'm going to bite. What is -- what is backflow and what does this valve prevent?

MR. BONNEY:

Okay. Backflow is the reverse flow of water in a service line to a building. So you have a water main running down the street and you have a tap on that water main and let's say a one-inch copper line going into your house.

LEG. KENNEDY:

Okay.

MR. BONNEY:

Okay? The water main -- the water company and the Health Department only wants that water to go one direction, from the street to your house. If it flows from your house back to the street, that's backflow. So we put backflow preventers on that prevent that from flowing back. Now, your house doesn't sound like a very dangerous situation, but this could be put on factories, fire systems that you have -- you know, full of cutting oil and non-potable water, all kinds of different systems that you wouldn't want mixing back with the drinking water. So it's there to protect the customers of the water district from getting contaminated water.

LEG. KENNEDY:

And code at this point is only for industrial or commercial applications, residential it doesn't go into?

MR. BONNEY:

Code is kind of -- it depends on where you are. Even in Suffolk County, there's different -- it's -- the coded --

LEG. KENNEDY:

Tell me this is town by town.

MR. BONNEY:

Yeah, it's town by town.

LEG. KENNEDY:

Ah, nice, good.

MR. BONNEY:

I mean, the country really has --

LEG. KENNEDY:

Village by village, too, probably, right?

MR. BONNEY:

It really is.

LEG. KENNEDY:

There you go, good.

MR. BONNEY:

But Suffolk County water kind of is most of Suffolk County, but there are some other water districts in Suffolk County that decide for the code and enforce it their own way.

LEG. HORSLEY:

Got the same thing with sewers too, John.

LEG. KENNEDY:

What does it mean to -- I like your analogy about the testing requirement, and the fact that it's going to compromise, you know, a working entity or a running entity. But it also sounds like this is an important piece of equipment. What would be a better way to accomplish what the sponsor's trying to do?

MR. BONNEY:

I'm not sure I understand the question.

LEG. KENNEDY:

Well, so you're the -- in other words, the way the bill is in there now, you're 100% in favor of it now?

MR. BONNEY:

A hundred and ten percent.

LEG. KENNEDY:

Okay. And it's -- okay, fine. All right. Thank you.

P.O. LINDSAY:

Okay. Anybody else for Mr. Bonney? Thank you very much, Mike.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

David Medina.

MR. MEDINA:

First of all, good afternoon and thank you. My name is David Medina. I represent one of the sponsors for the New York State Department of Health Cross Connection Control Training Program. We give the four-day course on behalf of the New York State Department of Health and train backflow testers. So the course is strict, and the license that you do receive does come from the New York State Department of Health, they issue the license after completion of the four-day course, and, yes, you are required to pass the course. So I'll word this as simple as I can.

Backflow testing is performed by the New York State Department of Health Prevention Device Tester registered with the New York State Department of Health. Currently, they are performed by the following individuals: Water supply personnel, fire sprinkler personnel, irrigation and lawn personnel, state, village, town personnel, government personnel, as well as licensed plumbers. Testing does not require the installation of a backflow prevention, nor does the repair of a backflow prevention by the tester. Installation and repairs are done by the licensed plumber.

Passing such a law would escalate, number one, the pricing of backflow device testing in perhaps

one of the worst economic times this state has seen in over 30 years. Passing such a law would put legitimate companies and personnel out of the backflow testing industry, which they have been engaged since 1991, again, in one of the worst economic times in decades.

Hydronic Supply Copiague is the sponsor for the New York State Department of Health approved training course for backflow testing certification. The training course is the only approved course in Long Island. The course is comprised of the following personnel again: Water companies, fire mechanical companies, irrigation companies, state, village, town personnel, government personnel, plumbers, etcetera. Ruling out all the above personnel with the exception of the licensed plumber would basically force us to close the training program.

I, myself, have given a training course for the New York State Department of Health since 1992. All the individuals who attend the approved training course must pass the requirements of the New York State Department of Health and are competent in the specialized area. Many of the above companies and agencies have made a major investment for training personnel and purchasing the backflow testing equipment throughout the years. It is being asked of them to give this up. This is wrong. Let us focus on what has been working well on Long Island for so many years. Please reconsider changing the current policy in backflow testing. And I'll take any questions if anybody has them.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Hi. Over here. Just a couple of quick questions. People who want to test a backflow pipe, they have to take a four-day course that is established by the New York State Department of Health?

MR. MEDINA:
That is correct, a thirty-two hour, four-day course, eight hours a day.

LEG. ROMAINE:
Do they get a license or do they get some certificate, or what do they get at the end of the course?

MR. MEDINA:
They get a license by the New York State Department of Health after passing and a completion of the course. They must pass the course.

LEG. ROMAINE:
Right. And once they pass this course, this is not -- this doesn't give them the ability to make repairs, do anything like that, it's just to test the backflow valve to see that it's functioning properly.

MR. MEDINA:
That is correct. Every city, village and town in New York State, including Suffolk County, has plumbing and building codes, and that is stressed thoroughly throughout the training program, that only licensed plumbers can install and repair backflow devices, correct.

LEG. ROMAINE:
Right. So the only thing that this bill will do is extend the testing for licensed plumbers only and cut everyone else essentially out of that, whether they have training or not.

MR. MEDINA:
Absolutely, and again, in some of the worst economic times we've seen here for quite a while. You're asking people who have been engaged in backflow testing legitimately and run legitimate

companies for many, many years. And I've been doing this for an awful long time. I haven't seen any mishaps, and safety is covered thoroughly through the program for the safety of the tester to turning the water on and off.

LEG. ROMAINE:

Thank you. There may be a compelling reason to use licensed plumbers. You've obviously made the case, the opposite case. It is obviously something that myself and my colleagues are going to be looking at very carefully. Thank you again.

MR. MEDINA:

You're welcome. Thank you very much.

P.O. LINDSAY:

Just hold -- if you could just -- Legislator Cooper has a question.

LEG. COOPER:

Yes. And this is also to address a statement that Legislator Romaine just made. Are you aware that -- it's really not true that the personnel that you train at the school you represent will no longer be able to work in this industry, you can continue to train backflow technicians or specialists. What this simply says is they have to work, they have to perform the job under the supervision of a master plumber. So you can still train these personnel, but if they're actually doing the work, they have to do so under the supervision of someone who's adequately trained. And my belief and that of the experts that I've been working with for many months now is that only a master plumber has those qualifications.

MR. MEDINA:

I'm not here to dispute the master plumber's theory of why he feels that only master plumbers should test. I can tell you that 99% of the personnel that come to be trained are in this industry in some shape or form, being the irrigation people, the fire mechanical people, the licensed plumber. Every water supply company in Long Island, there are about some 70 some-odd water supply companies, all have licensed testers on their staff and have been testing from -- since 1981. They're not plumbers, they're simply testers. They are not required to install devices. The license does not give you the right to repair devices, it's simply to test a device to make sure mechanically it's working correctly.

LEG. COOPER:

Okay. Thank you.

MR. MEDINA:

Anyone else?

P.O. LINDSAY:

Thank you.

MR. MEDINA:

You're welcome.

P.O. LINDSAY:

Jim Lund.

MR. LUND:

Good afternoon. Dave pretty much covered most of what I was going to say. I've got over 4,000

customers, I've been doing this for 20 years, and I'm not a plumber. I never had any kind of complaints or claims against me. And this test is a New York State mandated, it's not each local town, and each water company has the responsibility of tracking it for the State.

And as far as doing the test, it's basically just turn the water off, which is not brain surgery. You have to make three pressure measurements with the gauge and you turn it back on. You ask the customer, "Can I turn the water off?" They say yes. You don't need a master plumber to do this. And the master plumber is not going to be the guy out there doing the testing, it's going to be one of his workers who may have no experience of backflow valves.

I know more about backflow valves than most plumbers, including master plumbers, because they do a lot of different things. We do just backflow testing every day, eight, ten inspections, all year long, so we know the valves better than the plumbers. Well, there are some plumbers. Mike, for example, is one of the guys that spoke, he's a plumbing company and he is -- from my experience, he's really trained and knows the backflow valves. But a lot of plumbers don't even want to touch them because they're afraid of them.

And as far as the -- if you have the master plumber do it, the price is going to skyrocket. Right now, it's at a low price of about \$40 for an inspection, which is really low, you know, for all the business owners in Suffolk County, and every building has one. If you have the master plumber do it, they're going to raise their prices, and on top of that, master plumbers, they do plumbing, I don't do plumbing, so I have no reason to fail that valve to put a new one in. And there are -- there are a lot of good plumbers out there and fair plumbers, but there are also ones that aren't so fair and honest. They'll be changing all the valves out making a lot of money and it might not even be necessary.

P.O. LINDSAY:

Thank you.

MR. LUND:

Any questions?

P.O. LINDSAY:

That's it. Thank you. Okay. 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'm going to make a motion to recess.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi. All in favor? Opposed?

LEG. COOPER:

Oh, Bill, I'm sorry. You wanted to make a motion to recess, because I wanted to close.

P.O. LINDSAY:

It hasn't been advertised properly.

LEG. COOPER:

Oh, I see, I see. Okay.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Leg. D'Amaro. Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1466 - A Charter Law to ensure a Workable, Common Sense Reapportionment Process (Kennedy). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'm going to make a motion to recess. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

LEG. KENNEDY:

Mr. Chair, this is being recessed because of that publication issue?

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

One of our County publications did not print the notice properly, so we have to re-advertise.

LEG. KENNEDY:

Okay. Thank you, Mr. Chair.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1468 - A Charter Law creating a program for public financing of County campaigns and the banning of certain donations to curb potential conflicts of interest (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. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. At the request of Legislator Kennedy, I'm going to call a five-minute recess.

LEG. KENNEDY:

Mr. Chair, no, I'll withdraw that. I don't need the recess at this point.

P.O. LINDSAY:

Okay. Do you want one, Jon? Are you okay?

LEG. COOPER:

No, that's okay, we're okay.

P.O. LINDSAY:

Okay. Very good. Okay. I want to set the date for the following public hearings of June 21st, 2011, 2:30 P.M., the Maxine Postal Auditorium, Riverhead, New York:

2011-2012 Suffolk County Community College budget.

I.R. 1477 - A Local Law to require companies doing business with the County to certify utilization of Social Security Number Verification Services and the E-Verify Program (Co. Exec.).

LEG. MONTANO:

Mr. Presiding Officer, if I may.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. I would like to make a motion to amend the schedule, the agenda and re -- you know, reschedule the public hearings for I.R. 1477 and 1478 to a date subsequent when we complete our budget process. As you know, these hearings, we've been through these hearings, they take a lot of time. And what I think we should do is we're going to be coming into the budget process, so I'd like to move that we set these public hearings for a later date when we complete our budget and that would be in November.

P.O. LINDSAY:

I'm going to second that for two reasons. Number one, I voted for the pilot program for E-Verify and I am not prepared to go forward until we have the results of that pilot program. And I think to reintroduce these bills is premature at this time, because I really don't know whether E-Verify works or doesn't work, and I'm really looking forward to that pilot program.

And I agree with you in terms of the budget. We have some very serious problems and -- budgetary problems this year, and to cloud the issue with this subject I think is -- we kind of take our eye off the ball. All right? So we have a motion. Did you want to comment on this?

MR. KOPP:

Well, I guess. I wasn't planning on it, but I wasn't planning on this occurring. This seems like a rather unprecedented action being taken here concerning the County Executive's bill.

P.O. LINDSAY:

It's not -- it's unusual. It's not unprecedented, it's unusual, but we checked the rules this morning

and our Counsel believes it's within our purview to reset this hearing to a date specific that this body can decide on.

LEG. HORSLEY:

Here-here.

MR. KOPP:

Well, we had hoped that the County Executive's bill would, you know, have a traditional hearing in the traditional calendar.

P.O. LINDSAY:

I know what you hope for.

*(*Laughter*)*

MR. KOPP:

Okay.

P.O. LINDSAY:

Okay. And just, Legislator Montano, I'd like you to modify your motion. To the date specific would be November 9th.

LEG. MONTANO:

That is correct, that is the motion. That is the hearing -- the date when we finalize our budget process.

LEG. HORSLEY:

Is that Riverhead?

LEG. NOWICK:

No.

P.O. LINDSAY:

We have a motion and a second to set a specific date of November 9th for the hearing on 1477 and 78. On the subject? On the motion, Legislator Cilmi.

LEG. CILMI:

Just very quickly. That's the day that we're actually voting on the budget, is it not?

P.O. LINDSAY:

That's correct. So we'd take it up as soon as we're done with the budget.

LEG. CILMI:

Okay.

P.O. LINDSAY:

Okay. Is there any other questions? Legislator Barraga?

LEG. BARRAGA:

I understand Mr. Montano's point of view, but I have to ask, you know, how do we prevent a reoccurrence session after session in terms of what we had this morning, same groups coming down every single session in the public portion, going over the same groundwork, because these bills are still hanging out there, even though they're not going to be taken up until November?

P.O. LINDSAY:

Well, I think that could be true of almost any subject. We don't limit people to what they come here and want to talk about. But I think it would kind of inhibit discussions on this subject being -- that it being known that we're not going to deal with this until the end of this year.

LEG. BARRAGA:

It hasn't -- frankly, it hasn't stopped them in the past. I mean, whether it's this issue or the Foley Nursing Home, they'll come session after session, and we will have to have, you know, public -- the public portion. You know, they'll be here every time we do meet. And the question is whether or not we just should put this in the regular rotation and get it done. I just have a feeling we're going to sit here for the next five or six months and every time we have a session, they'll all be back. So I'm not so sure -- you know, I think that has a negative impact in terms of the budget and our work.

P.O. LINDSAY:

Okay. I don't know how to respond to that, just that people can come here and speak whatever they -- on whatever subject they want.

LEG. BARRAGA:

Yeah. I guess what I'm saying is that if it goes through the regular rotation, maybe we just get rid of this in the next couple of months, as opposed to sitting here for the next five or six months and hearing the same twenty, thirty people every session talking about E-Verification.

P.O. LINDSAY:

Okay. I appreciate your comments.

LEG. BARRAGA:

Because they've never been discouraged in the past.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, we -- the last iteration with this was the agreement to put the pilot program in place for E-Verify. And as sometime went on and for a whole variety of reasons, that process never commenced. However, I believe that it did finally get underway in March, I believe it was March. So our departments are now undertaking whatever that actual activity is for licensed contractors and ascertaining whether or not they have work rosters that furnish the I-9 and all the other material necessary to establish legitimacy to work on a County project. When will we get the results back for the -- for that test, do you know that?

P.O. LINDSAY:

Legislator Cooper could correct me, but I believe the original pilot was supposed to go on for 18 months to give us some figures.

LEG. COOPER:

Right. So that would bring us to September of 2012. We should have the written report from DPW.

P.O. LINDSAY:

The unfortunate thing is that if -- when Legislator Cooper originally passed the bill, if it was implemented as per the legislation, we'd have the results of that pilot program this year.

LEG. COOPER:

We would have had it about six months ago, actually.

P.O. LINDSAY:

Yeah, okay.

LEG. KENNEDY:

Again, as I had said, yes, it did not get off the ground for a whole variety of circumstances and I --

P.O. LINDSAY:

No, I don't think a variety, I just -- I don't think the -- I think the Executive Branch dropped the ball.

LEG. KENNEDY:

Well, you know, we can talk about that all day long, too, Mr. Chair. There's a question as to whether or not the department ever had the sufficient personnel to pick it up to begin with. My point is, is, you know, Legislator Barraga does point out that there's the possibility this matter could be before us session after session. But there is some objective measure that we're awaiting that's going to affect or impact what subsequent course we take. So, in that light, it doesn't seem so unreasonable to move to a time forward. I just was uncertain when we would get the results, that's all.

P.O. LINDSAY:

Anybody else? Okay. We have a motion and a second to set the dates for the Public Hearing of 1477 and 78 for November 9th, 2011. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Fifteen. (Absent: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

Okay. Set the Public Hearing for ***I.R. 1544 - A Local Law eliminating financial disclosure requirements for Farmland Committee Members (Romaine)***. That's for June 21st, 2011, at 2:30.

For ***1545 - A Local Law banning the retail sale of puppies in Suffolk County to combat the problem of puppy mills (Cooper)***.

Again, the same thing, June 21st, 2:30, in Riverhead.

And 1546 - A Local Law amending Chapter 260A of the Suffolk County Code pertaining to demonstrations at funeral services (Stern). Again, it's the 21st at 2:30 in Riverhead.

And 1547 - A Charter Law utilizing Assessment Stabilization Reserve Fund surpluses for enhancing sewer capacity and County-wide taxpayer protection (Co. Exec). And that was set for June 21st at 2:30 as well.

So -- and we took a vote on the two to November 9th. I need to take a vote on the other four public hearings, setting the public hearings. I'll make a motion.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. Back to Page 6 to bills tabled to June 7th. Did we -- we didn't finish 1002, am I right?

LEG. CILMI:

Right.

P.O. LINDSAY:

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

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Any debate?

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Counsel, could you just sort of reiterate the latest form of this bill? What does it include, what does it not include?

MR. NOLAN:

It applies only to commercial motor vehicles, that they'll be given an affirmative duty to make reasonable effort to remove enough snow and ice as they can from their vehicle prior to operating it on a street or highway in Suffolk County. These requirements will not apply to a motor vehicle that is operated during a snow or ice storm which began and continued for the duration of the motor vehicle's operation. And the law added an exemption that it won't apply to school buses, transit buses or paratransit buses.

LEG. NOWICK:
It exempts them?

MR. NOLAN:
It does.

P.O. LINDSAY:
Any other questions, or anybody want to weigh in on it? Legislator Montano?

MR. MONTANO:
Yeah, just a quick question. This applies to vehicles coming into Suffolk from outside the area? In other words, if you're driving from New York City where this is not required, and you go into Nassau, you come into Suffolk, then you can be fined?

MR. NOLAN:
I think it would -- they would be required to remove the snow and ice if they want to operate their vehicle in Suffolk County. So, yeah, under your scenario, they could operate in the City, they could operate in Nassau County, but if they had accumulated snow or ice on their vehicle, they'd run into a problem in our county.

LEG. MONTANO:
What if they're not aware of the law? And how do we intend to publicize the law so that we don't run into situations where someone coming in from another jurisdiction just happens to be, you know, in violation? Is there going to be a warning period, Legislator Cooper, or --

P.O. LINDSAY:
Go ahead, Legislator Cooper.

LEG. COOPER:
George, you can actually address the question, the specific warning period. But I did want to say that that aside, as you may be aware, there are six states already that have implemented this law, or actually in most cases much more stringent variations of this, and the exact same situation, if you're driving --

LEG. MONTANO:
Including Pennsylvania as one of them?

LEG. COOPER:
Pennsylvania, Connecticut, Massachusetts, New Hampshire, Washington D.C. There are six all together. And in all those instances, a truck traveling from one state into any of those states will have to comply with the Local Law. But now, George, if you could address the question. I'm not sure how much --

LEG. MONTANO:
Jon, if I may. Have all those surrounding states from New York implemented -- is that what you're telling me, that all of our adjacent states have passed this law? So --

LEG. COOPER:
I'd actually have to look at a map, but --

MR. MONTANO:
That's what I'm asking, do you know?

LEG. COOPER:

Connecticut, New Jersey, Pennsylvania, New Hampshire.

LEG. MONTANO:

So if they all -- if they all border New York, then --

LEG. COOPER:

Most of them have.

MR. MONTANO:

Okay.

LEG. COOPER:

And there's now legislation pending in Albany. And I spoke to one of the sponsors and he actually says he hopes that this passes here because it will provide impetus to --

MR. MONTANO:

Okay.

LEG. COOPER:

-- action at the State level.

MR. MONTANO:

All right.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

If this was a Home Rule Message, I'd be voting for this, particularly since our adjoining states have adopted similar legislation. But I think Legislator Montano pointed out a very key point, is that we're just a county and we're mandating this, and we have a lot of interstate traffic since we're an island that's a deadened of the island, that's coming from elsewhere where they may not be aware of this law. It may be difficult to enforce.

I commend Legislator Cooper, because this is a safety factor. No one wants to see trucks with ice and snow hitting their car if they're driving. But if they're coming from Nassau or from the City, I mean, they're not aware of Suffolk law and probably can't get them aware of Suffolk law. This would probably be better on a State level. I would encourage Legislator Cooper to work with our State Legislators and then we can do a Home Rule Message. I think that would be a good approach on this one.

LEG. COOPER:

If I may address that, Legislator Romaine. First of all, the driver of the vehicle is not the one getting the fine, it's the company. So, if a trucking company gets that first fine, they're going to realize pretty quickly that this is, indeed, the law in Suffolk County. This is not about generating revenue, this is protect -- about protecting Suffolk residents. And I don't know about you, but there are many times I've driven on the L.I.E. or the state parkways and I've had to swerve out of the way because chunks of ice or snow have fallen off vehicles in front of me. And the trucks, there are national studies showing that there's a particular problem with trucks and other commercial vehicles. So I'm less concerned about a fine being levied on an out-of-state trucking company than taking steps to protect the health and welfare of Suffolk residents.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
Jon, do you know if the other states have the school buses as part of their legislation?

LEG. COOPER:
No. The other states applied to all commercial vehicles, and actually, in most cases, they applied to private passenger cars as well. I was trying to address concerns expressed by a couple of Legislators here over it applying to passenger vehicles, senior citizens having to remove snow and ice. And there was also a concern expressed by Legislator Browning, in particular, about school buses. And I actually spoke at some length with Jon Corrado from -- again, Kate, what's his organization? I always forget.

LEG. BROWNING:
Suffolk Transportation.

LEG. COOPER:
Suffolk Transportation. And we had a long conversation, and the rationale for excluding school buses and transit buses is that they're in a yard where you may have 100, 200 vehicles leaving at the same time and they have to pick up passengers, let's say, school kids on a schedule, unlike the commercial trucks, where they're individual drivers, one at a time. If they leave ten minutes late, fifteen minutes late, it's not a problem. So I could see the rationale for exempting school buses, so we are -- we actually would be the first municipality to carve out an exemption for school buses, but I think it makes sense.

LEG. NOWICK:
Well, I know your heart's in the right place. I just -- I get concerned about all those school buses owned by private companies, and if I'm riding behind that school bus and a piece of snow falls off the school bus, that's going to hurt me just as much as if it falls off another vehicle. And I know you're thinking that they just can't do it, is that is, you're just thinking that they just can't go out in the morning?

LEG. COOPER:
Well, I was concerned that it might be impractical, but, as I mentioned to Mr. Corrado, if this law does go into effect, it can always be revisited down the road, in this case by another Legislator that would have to sponsor it. And we could always expand next year to include school buses.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:
Yes. Thanks again, Mr. Chair. Just to Legislator Nowick's point, although red light camera video aside, I guess most school buses are anyway are driving on local roads at a low rate of speed, so it may not be as much of a problem as it would be with commercial vehicles. I mean, that's another point to be made.

But I do have a couple of questions. First of all, George, when you were, I guess, reading a portion of the bill, to Counsel -- to Counsel, when you were reading a portion of the bill, you specifically mentioned something, I may be paraphrasing, reasonable effort to remove the snow. Could you sort of opine on what that really means?

MR. NOLAN:

That's normal legal type of language. What is reasonable depends on the circumstances and is determined by a fact-finder afterwards. They'll look at all the circumstances, they'll listen to an explanation from a driver, he'll -- if this would ever go to a trial, let's say, and he would explain what he did, it would be up to a court to decide was that reasonable under the circumstances?

LEG. CILMI:

Okay. And then the second question is with regard to the -- if somebody were to be ticketed for this, where does that money go? I mean, is this a motor vehicle, you know, moving violation where part of the money, I guess, goes to New York State, and could you describe that?

MR. NOLAN:

I think it would go -- it would be like a violation, I think that's where the money would go. Exactly where it would go, I can't say. It's not set forth in the law, but I think it would be distributed as per normal -- as traffic violation monies are always distributed.

LEG. CILMI:

As a speeding ticket would be or --

MR. NOLAN:

Right.

LEG. CILMI:

-- what have you?

MR. NOLAN:

I believe so, yeah.

LEG. CILMI:

Where does that -- does anyone know where -- exactly how that distribution works?

MR. MONTANO:

It goes to the State?

LEG. CILMI:

All of it?

LEG. MONTANO:

Most of it. If I may, George. With respect to that, I believe the money would go to the State, not to the County. So the question is, do we get a revenue share from the State on these or do we not?

LEG. HORSLEY:

No.

MR. MONTANO:

Excuse me? Wayne, I didn't hear that.

LEG. HORSLEY:

No, I'm just being sarcastic.

LEG. MONTANO:

It's allowed.

LEG. HORSLEY:

Not about you.

LEG. MONTANO:

That's all right. Does anyone know the answer? Does anyone know the answer?

LEG. CILMI:

No one knows the answer? Somebody's got to know the answer. There's got to be somebody.

LEG. MONTANO:

We're paying -- my point is that -- our point is that we're paying to enforce it, but our -- you know, we're using our resources to enforce it. Are we collecting any revenue from the violations, or does that money go to the State? My understanding is that, like a traffic ticket, if it goes to the DMV, then the money will go -- the fine will be paid to the State. Oh, Dennis. Dennis has the answer, right?

LEG. KENNEDY:

I'm going to take a shot at it. It's not a VTL violation, it's a County violation. The funding -- the funds from the violation, they're not earmarked or dedicated to some type of specific program or to fund a specific type of agency. So I think by process of elimination, it should go to the General Fund.

LEG. MONTANO:

But how do we collect it?

MR. BROWN:

Through the --

LEG. MONTANO:

Who's going to enforce it?

LEG. COOPER:

George? It's on you, George.

LEG. KENNEDY:

Where's the returnable, George?

MR. NOLAN:

It's a violation.

MR. BROWN:

Where is it -- where is it returnable? Where is it to be adjudicated?

MR. NOLAN:

Where a -- I guess that would be the District Court, would it not?

MR. BROWN:

District Court. And, you know, Legislator Montano, if the District --

LEG. MONTANO:

Well, the money from the District Court goes to the State.

LEG. ROMAINE:
Or Justice Court.

LEG. NOWICK:
Bill, why don't we table this and find out --

MR. BROWN:
True.

LEG. ROMAINE:
They don't have District Courts out east.

MR. BROWN:
True, or a Justice Court. Or a Town Court, true.

LEG. MONTANO:
I have no issue with that.

LEG. NOWICK:
What?

MR. MONTANO:
I have no issue with that. It's 90 degrees outside, we don't have to pass it today. No offense, Jon.

*(*Laughter*)*

LEG. ROMAINE:
The ice will melt.

P.O. LINDSAY:
Legislator Muratore.

LEG. MURATORE:
Mr. Chairman, through the sponsor, Jon, have you checked the VTL? I thought there was something in the VTL that covers obstruction of your vision in the vehicle, and also reckless -- I mean, I think if you're driving like that and something falls off the top of your car, you're acting recklessly.

LEG. COOPER:
Yeah. No. I addressed that months ago, if not actually probably years ago at this point, and Bob Moore had said that -- we had checked with Chief Moore and he had said that there's nothing on the books that covers this. He actually said that he was one of the ones that hoped that this would pass, so -- and to address this question about where the money goes, I have no freakin' idea where the money goes, to be completely honest. I don't know what -- George, is it -- can we, by specifying in this resolution, specify where the money goes, or is that determined by State Law?

MR. NOLAN:
I think it's determined by a formula somewhere, but I don't know it is.

LEG. COOPER:
All right. I think it's out of our hands, unfortunately.

MR. NOLAN:
I could find out, but I don't know offhand right now, I couldn't tell you.

P.O. LINDSAY:

Do you want to make a motion to table?

LEG. MONTANO:

Yeah, I guess I will make a motion to table. It's 90 degrees outside, we don't have to pass this today. But, Jon, I would support it, but I would like to maybe have in there a mechanism so that the revenue does come to the County, you know, whether it's enforced by one of our agencies like Consumer Affairs, or something like that.

LEG. COOPER:

Well, fine.

MR. MONTANO:

That may be a way to amend the bill. You know, look I don't know how much this is going to generate, but this ice is, you know --

LEG. COOPER:

Yeah. No, that's fine, Ric.

MR. MONTANO:

Okay.

LEG. COOPER:

I'll make a motion to table.

LEG. MONTANO:

I'll second it.

LEG. COOPER:

And, George, I'll work with you. If there's a way to amend the resolution to make sure that we get the revenue, I'd be all for it.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen. (Not Present: Leg. Barraga. Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. Ms. Vizzini, what I was hoping to do was just finish Tabled Resolutions and then we'll go into Capital, all right?

D.P.O. VILORIA-FISHER:

Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

1182 - Appropriating funds in connection with the purchase of Public Works Highway Maintenance Equipment.

LEG. COOPER:

Mr. Presiding Officer, could I make a motion to reopen the Public Hearing so I don't have to start all

over again on this? Or at least I'd save one cycle.

LEG. MONTANO:

So motion to reconsider the Public Hearing and then we'll --

P.O. LINDSAY:

We closed it.

LEG. MONTANO:

Right. We're going to reconsider it.

LEG. COOPER:

Just in case I need to amend the bill.

MR. MONTANO:

Right.

P.O. LINDSAY:

Okay.

LEG. COOPER:

Bill.

P.O. LINDSAY:

Okay. We have a motion to reconsider closing the Public Hearing, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. The Public Hearing is now before us again.

LEG. COOPER:

And now I'd like to make a motion to recess the Public Hearing.

P.O. LINDSAY:

Motion to recess.

MR. MONTANO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. Back to ***1182 - Appropriating funds in connection with the purchase of Public Works Highway Maintenance Equipment (CP 5047) (Co. Exec.)***.

LEG. KENNEDY:

Mr. Chair, I -- after three months worth of discussion and dialogue, I want to commend the department for all the information they brought forward. I am prepared to make a motion to approve on this resolution today. And all of my colleagues saw the latest response from the Department. We did have some discussion this morning about whether or not there's a necessity to go ahead and purchase a semi-tractor. I'm told that we would delay this even further if they were to amend. I believe the Department's prepared to indicate that they will defer purchase on that. And we pared this one down to the absolute needs. It's come down about 25% from where it started. And I know the Department is needing this so that our roads can be plowed when it's not 90 degrees out and back while we have the snow and ice. Okay. Is there somebody from Exec's Office who can just confirm that's our understanding?

MR. KOPP:

I can confirm that is our understanding, Legislator Kennedy. You and I have had a dialogue back and forth over the past two months and we've worked this out.

LEG. KENNEDY:

Thank you. I appreciate it. I am going to bring something forward that amends Section 186 of the Code so that we get a little bit more of this on a regular basis. But I'll work with the Department so it's not such an onerous and burdensome task. Thank you.

P.O. LINDSAY:

Okay. So are you making a motion to approve?

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1182A, the accompanying bond resolution of the County of Suffolk, New York, authorizing issuance of \$1,909,500 bonds to finance the cost of the purchase of Public Works Highway Maintenance equipment (CP 5047.529).

LEG. KENNEDY:

Mr. Chair, I'll make the motion to approve.

P.O. LINDSAY:

Same motion, same second. Roll call.

*(*Roll Called By Ms. Ortiz, Chief Deputy, Clerk*)*

LEG. KENNEDY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Absent)

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Seventeen. (Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

J.R. 1381 - Authorizing Budget Director to execute and amend contracts with not-for-profit agencies (Kennedy).

LEG. KENNEDY:

I'll make a motion to approve on this one, Mr. Chair. This has been amended. It is something that is specific only to revising what was a genuine mistake associated with an agency, and that's why it's being offered and put forward.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick.

LEG. STERN:

I'll make a motion to table.

LEG. KENNEDY:

Oh, you want a motion to table?

LEG. STERN:

Yes.

LEG. KENNEDY:

Okay. I'll withdraw that motion to approve and I make a motion to table, Mr. Chair.

P.O. LINDSAY:

Motion to table.

LEG. COOPER:

And I'll second that motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

J.R. 1408 - Authorizing the conveyance of County-owned right-of-way commonly known as C.R. 81, Long Wharf having Suffolk County Tax Map Identification Numbers (of District 0302 Section 001.00 Block 01.00 Lot 002.000 and District 0903 Section 002.00 Block 03.00 Lot 026.000), and I'm not going to read all the numbers, for public highway purposes pursuant to Section 115-B of the New York State Highway Law (Co. Exec).

LEG. COOPER:

Motion to table.

LEG. SCHNEIDERMAN:

Motion approve.

P.O. LINDSAY:

Motion to table by Legislator Cooper.

LEG. D'AMARO:

Second.

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Motion -- second by Legislator D'Amaro to the tabling. Motion to approve by Legislator Schneiderman.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

Second to approval by Legislator Browning. Anybody on the subject?

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I know that at the last meeting some Legislators had asked for more time to look at the issue. I hope that they have had that opportunity to do so.

This resolution, which is not my resolution, it's County Executive's resolution, to give the Long Wharf to the Village of Sag Harbor. We had been maintaining it at a cost of around \$100,000 a year. I see Commissioner Anderson has stepped up as well to answer questions. I have an aerial here.

The Village has said that they will take it. Originally, we had hoped to give it with the repairs done, which we believe right now are about \$400,000. The money was not approved to do the repairs. The idea now is to have the Village take this, and the Village has to do the repairs on it. If we are not going to give this to the Village, I would then ask my colleagues to please repair the Long Wharf. I do have a stand-alone budget amendment later for that \$400,000. We can't have it both ways. If we're going to -- if we're going to keep it, we must maintain it as we must maintain all the infrastructure. The Village is willing to accept it and maintain it.

There are some revenues that they generate here, they are not enough to maintain the Long Wharf. If we keep it, we will no doubt keep it at a loss at a time when the County really cannot sustain a loss. I'm mixed about it. I would rather see the County keep it and maintain it, but the Village has said that they would take it on, and that's what I would ask my colleagues to support.

And I'd like to turn to Commissioner Anderson for some more information on this and I'll circulate an aerial.

COMMISSIONER ANDERSON:

This was a resolution forwarded by the Department. The facility -- the County gets no benefit out of the facility. We do maintain it right now. There was an ongoing maintenance program to maintain, rehabilitate the dock itself. It turns out it really only needs effectively what turns out to be a scrape and paint of the bulk-heading, during discussions on another piece of legislation similar to this, we did discuss the ability of the Village to maintain it based on an estimated revenue of \$80,000 per year that the Village gets for their boat slips. We showed -- we submitted a table that showed that they could maintain the facility and eventually do a full rehab around 2020, which would be -- you know, is generally anticipated given the life of a facility such as this. We strongly recommend getting rid of this facility. Again, the County gets no benefit. We see no revenue out of it. It's really a Village facility.

P.O. LINDSAY:

Anybody else on the subject? Yeah, Legislator Montano.

LEG. MONTANO:

Hi, Commissioner. How are you? Just I'm not familiar with this property now. We own -- we own the property?

COMMISSIONER ANDERSON:

Correct. It's actually -- it's actually a highway. It was taken into the highway system. It's -- I don't remember the number, but when it was transferred over to the County, it was taken for highway purposes.

LEG. MONTANO:

All right. So this is physically our property, we own it, and you're proposing to deed it to the Village?

COMMISSIONER ANDERSON:

Correct.

LEG. MONTANO:

Has any appraisal been done on the value of this property in terms of what are we giving away?

COMM. ANDERSON:

Well, it --

MR. MONTANO:

You know, dollar wise. Has that been done?

COMMISSIONER ANDERSON:

That hasn't been done because this is really -- you know, this is -- in our estimation, this is a highway, so we're looking to transfer it over to the adjacent landowner, which is the Village in this case.

LEG. MONTANO:

Right. But highway to where, though? It's like the bridge --

COMMISSIONER ANDERSON:

It originally was a loading dock, and, I mean, that's really what it was.

LEG. MONTANO:

It's a highway to the water.

COMMISSIONER ANDERSON:

Yes.

LEG. MONTANO:

All right. Is there -- has there been any -- in all seriousness, has there been any -- there's been no appraisal, so we really don't know what value it has; am I correct in that?

COMMISSIONER ANDERSON:

Correct.

LEG. MONTANO:

And have we looked at an alternative means of disposing of this property for, you know, consideration or for value? Has anything been done along those lines? For instance, I don't know if it's feasible, have we looked at privatization of this particular parcel for a use? I mean, has any of that been done before we simply turn around and decide to give it away?

COMMISSIONER ANDERSON:

We discussed, an off-record conversation with the Village, about the possibility of the County taking full use of the dock, charging a fee for parking, for some type of revenue. At the end of the day, it is still a highway and I don't believe we can actually offer it up for sale. We can offer it to the adjacent landowners, like you would a surplus piece of highway, but no appraisal has been done for that.

LEG. MONTANO:

And no formal -- no formal RFP or study has been done, I gather --

COMM. ANDERSON:

Correct.

MR. MONTANO:

-- am I correct?

COMMISSIONER ANDERSON:

Correct.

MR. MONTANO:

Okay. Thank you.

LEG. CILMI:

Bill.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Hi, Commissioner.

COMMISSIONER ANDERSON:

Hi.

LEG. CILMI:

So we own the roadway now, but the Town has -- or the Village, rather, has the right-of-way to the boat slips, to the docks?

COMMISSIONER ANDERSON:

They have a lease agreement with us. I think it actually expired right now, but there is a lease agreement that gave them the ability to, yes, run the -- for the -- yes, to access the boat slips adjacent to the dock.

LEG. CILMI:

What was the revenue of the lease agreement? What was the --

COMMISSIONER ANDERSON:

I believe it was a dollar a year.

LEG. CILMI:

Oh, so it was -- okay. So they're generating revenue for the Village from the rental of the boat slips. We weren't ever getting really any substantive revenue from the lease of the docks --

COMMISSIONER ANDERSON:

Correct.

LEG. CILMI:

-- to the Village. And so this really just amounts to cost avoidance for us.

COMMISSIONER ANDERSON:

Absolutely.

LEG. CILMI:

Okay. Thanks.

P.O. LINDSAY:

Legislator Anker, and then Legislator Barraga.

LEG. ANKER:

The question I have, how much was it costing the County to maintain the Wharf?

COMMISSIONER ANDERSON:

Over the long-term, it's about -- it turns out to be about 100,000 to \$80,000 a year, when you take in the capital project that we did a few years back, I want to say in the '90s, maybe the early 2000s. We did a full reconstruction of the bulkhead.

LEG. ANKER:

And do you foresee additional costs in the future, you know reconstruction, something, a large amount of fees that we might have to invest, if we keep it?

COMMISSIONER ANDERSON:

We will at some point, looking at the -- when we did the proposed look at whether the Village could afford capital projects, we anticipated the painting project I explained earlier within three years, and in 2020 a full reconstruction of the dock itself, of the bulkheading.

LEG. ANKER:

Okay. Now, looking at my notes, the Village is getting \$80,000 in tie-downs from boats? Are you familiar with that and --

COMMISSIONER ANDERSON:

That was mentioned at committee, yes. We don't know where it was from, but that was mentioned.

LEG. SCHNEIDERMAN:

Yeah. If I could, because I've had discussions with the Mayor, that was a one-year number. That's the highest revenue they've ever seen. Typically, it's more around 40,000, but there was one year they were able to get a little bit more. It still falls short of the money that would be needed to maintain it, and there are costs associated with collecting those fees and, you know, obviously, having personnel out there, as well as liability to the County, you know, when you have large boats pulling up, as well as the Wharf not having any hand rail along the perimeter, so -- but the Village has costs associated with collecting the money.

LEG. ANKER:

Okay. And the other -- I'm sorry, one other question. Now, do you oversee other docks in Suffolk County, and is there any situation like this where we lease our property for a dollar a year?

COMMISSIONER ANDERSON:

Docks such as this generally are overseen by the Parks Department. But in this particular case, it was transferred to the County, I believe, in '47. At that point, they saw fit to make it -- consider it a right-of-way.

LEG. ANKER:

Okay. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

So, in their best year, the Village generated about \$80,000 for the boat slip leases. Does the Village have any other event on the Wharf during the course of the year that generates revenue, either for the Village or for business people?

COMMISSIONER ANDERSON:

That I don't know.

LEG. SCHNEIDERMAN:

I could answer that. There are some events that happen on the Long Wharf. There is a fund-raiser for Bay Street Theater, which is also a theater that we support as a County. I don't know that the Village charges Bay Street anything. I don't believe they do. They set up a tent and it's a fairly successful fund-raiser. There also are occasionally kiosks with vendors, craft vendors, those type of things, local farmers, that happen not so often, but there is a -- I believe it's a Fall festival that happens out on that Long Wharf. There may be some other community types of events that --

LEG. BARRAGA:

So there are activities that generate revenue for the Village.

LEG. SCHNEIDERMAN:

I don't know if they generate revenue, but it is used --

LEG. BARRAGA:

Well, I mean, people are in there buying things either on the Wharf or close by from other retailers?

LEG. SCHNEIDERMAN:

I don't know if it's managed by a not-for-profit or a chamber or something. I don't know if it's

generating revenue for the Village, but those events do happen occasionally. This is a community gathering point within Sag Harbor Village.

LEG. BARRAGA:

Are there parking spaces on the Wharf?

LEG. SCHNEIDERMAN:

Yes.

LEG. BARRAGA:

Is there something that prohibits the Village in the future from putting park meters in the Wharf?

LEG. SCHNEIDERMAN:

I don't know the answer to that. Right now, there is no paid parking anywhere in the Village.

LEG. BARRAGA:

Right now.

LEG. SCHNEIDERMAN:

Right. I don't know if there's anything --

LEG. BARRAGA:

But in the future, if economic times got tight, there's nothing that prevents them, I guess, if they assume ownership, that they could put parking meters on this Wharf?

LEG. SCHNEIDERMAN:

I don't know the answer to that, sir.

LEG. BARRAGA:

Okay. Was there any effort ever to work out an agreement with the Village so that they'd have dual ownership, dual responsibility for maintenance, and at the same time dual distribution of profits generated from the Wharf, the boat slips?

COMMISSIONER ANDERSON:

Not that I -- no, not that I believe. I believe it was a ten-year agreement, lease agreement that I believe initiated in --

LEG. BARRAGA:

Was that ever on the table where you would say, you know, like it's going to cost the County "X" amount of dollars to maintain this Wharf, why don't we split the costs and split the profits, the revenues that come to the Village so they're shared with the County?

COMMISSIONER ANDERSON:

As far as I know, no.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Gil, it's classified as a road, as you mentioned earlier, but it's really not, it's more of a --

it's a wharf or dock and it has boat slips. I see it as a valuable asset that the County owns. I mean, the history of it has been that we're leasing it for a nominal amount to the Village and it's being used. But, you know, we're in a period of time right now where we're talking about other assets that we wouldn't give away. I mean, selling and leasing back the Dennison Building, there are other things come to mind, sale of the Foley Center. And I think, even though it's classified as a road, I think it should be appraised. I think it does have value. I mean, it's right on the water in Sag Harbor. It has an operating series of boat slips right there. It can generate revenue. And then Legislator Barraga, of course, mentioned the parking as well perhaps could be metered. I just think that there is an opportunity here, perhaps, for the County either to realize a price for the Wharf, maybe privatize the Wharf, if someone's willing to pay for it, or if the Village wants to pay for it. You know, Legislator Barraga, again mentioned, you know, some kind of partnership.

I just think in a time when we're looking for so many sources of revenue and times are so tough budgetarily, I think it really would be in more of our best interest, rather than to jettison this property because we have to invest the \$100,000 a year, which we could make back or come pretty close just on the boat slips alone, we may want to revisit this and think about, you know, is there a way to make this generate revenue to Suffolk County. This is not just, you know, a landlocked parcel of land somewhere in the middle of nowhere that has no benefit or use, this is a really valuable asset right on the water in a very nice area that used all the time, and, in fact, right now is generating revenue. And I would recommend that we not go ahead and just approve basically giving it away, but perhaps give DPW an opportunity to consider some of the things that we talked about here today.

P.O. LINDSAY:
Legislator Anker.

LEG. ANKER:
I also agree. I think this is a source of a possible revenue. I was in Sag Harbor last summer and there were two yachts, huge, and I don't know if they were hooked up to that Wharf, but again, that's potential revenue. And even as a capital project, to extend the docking area, whether we do it as a County or, like you had said, a private partnership, I think would be really a good project to look into before we decide to let go of a very, very valuable piece of property for one dollar.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Yeah. I want to make clear that this cannot be privatized as a road, but I do not believe you can just sell it to somebody else. As the Commissioner said, you'd have to work with the Village. If the --

LEG. D'AMARO:
I think it could be abandoned, however, if it's a road.

LEG. SCHNEIDERMAN:
I don't know the answer to that.

LEG. D'AMARO:
I do --

LEG. SCHNEIDERMAN:
If we are not giving it to the Village, I would ask my colleagues, if that turns out, and I am not

attached to the County giving it to the Village, if we're not going to give it to the Village, and I am planning on voting to support giving it to the Village, but if we as a body do not do that, I would ask you to support the stand-alone resolution in the Capital Budget so that we have the money to maintain it. We can't really have it both ways.

If we're going to look toward generating new revenues, I would only ask that we include the Village in any discussions, because some -- you know, we work really hard to revitalize our downtown areas, and Sag Harbor right now is a tremendous engine in terms of sales tax for the County. And I wouldn't want to do anything that's antithetical to the interest of the Village, so if they could be at the same table and we can talk about revenues, but not to just come in and say we're going to start putting parking meters, which could really be detrimental. To put together some kind of a study group to look at that, you know, with the Village representation might be a possibility.

But again, I believe that at best we'll lose less money through this approach than we currently lose. Probably the best thing for the County would be to dispose of it and give it to the Village. They once had it at a very different point of time when they didn't have the resources to maintain it and gave it to the County, where now, effectively, if we support this resolution giving it back to them at a time when I think maybe the Village is in a better position to manage and maintain it than the County is. So I'll just ask for an up or down vote. If it fails, I would ask for the support for the budget amendment.

COMMISSIONER ANDERSON:

If I may.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. You know, I -- my feeling on this is that we should explore more -- more options. And what I probably would like to see is maybe to recommit it back to committee to have them look at the various options and see what -- you know, what we can really do with it from a financial standpoint. I don't think this is the time to be giving away valuable assets, you know, for a dollar. You know, I'll leave it at that. Is there a motion to table?

P.O. LINDSAY:

There is a motion to table and there is a motion to approve.

LEG. MONTANO:

You know what, I'm going to make a motion to recommit as opposed to table. I think that it needs further discussion, and I think that it should probably take place in committee.

LEG. D'AMARO:

I'll second the motion --

MR. MONTANO:

Okay.

LEG. D'AMARO:

-- Mr. Presiding Officer.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

I still would like an up or down vote.

P.O. LINDSAY:

Are you withdrawing the tabling motion? You're withdrawing the tabling motion?

LEG. COOPER:

It was actually mine.

P.O. LINDSAY:

Okay. All right. You want to leave all three motions? That's fine.

LEG. COOPER:

Yeah, Bill.

P.O. LINDSAY:

Legislator Nowick, do you want to weigh in?

LEG. NOWICK:

I just wanted to say, did the sponsor say you wanted an up or down? Was that what the sponsor prefers?

LEG. SCHNEIDERMAN:

Yes, I would like an up or down, particularly in light of the fact that we have the Capital Budget to do and we -- today is our only opportunity on that, and I'm -- if we're not going to give it to the Village, we need to put money in place, the \$400,000, to do the basic painting, or we're going to end up with a much more expensive project down the road because we're trying to prevent a greater problem by doing some maintenance repairs.

LEG. COOPER:

You know what, in deference to the sponsor, I'll withdraw my tabling motion.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

You know, if the motion to approve fails, to Legislator Montano, a new bill could be put in later, rather than recommitting it. It makes sense in light of the Capital Budget.

LEG. MONTANO:

Well, the reason I want to recommit it or I'd like to see the bill recommitted is so that we can explore the other options.

LEG. SCHNEIDERMAN:

We can always do that.

MR. MONTANO:

If we do -- if we do an up or down, if it passes, we don't explore any options, and if we do -- if we vote it down, then there's nothing to explore because there's no bill. So it makes more sense to recommit it. If you don't have the support for that, then you'll get your up and down.

LEG. SCHNEIDERMAN:

If we vote it down, then we have the Capital Budget amendment, the stand-alone, that --

LEG. MONTANO:

That's a separate issue. We can always amend the Capital Budget later.

LEG. SCHNEIDERMAN:

But I have to find an offset, whereas today we have the --

LEG. MONTANO:

We understand that.

LEG. SCHNEIDERMAN:

The reason why no one's --

MR. MONTANO:

And we haven't gotten to that yet, and that's only \$400,000.

LEG. SCHNEIDERMAN:

I'd like an up or down vote.

LEG. MONTANO:

It's not your bill, it's County Exec's bill.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Very quickly, just in response to Legislator Schneiderman. First of all, I agree with you, working with the Village, if we go down the path and don't go ahead and approve the conveyance for a nominal value or nominal amount, I think we should include the Village. And, you know, I think there may be some kind of partnership or revenue share, or whatever's going to happen I think makes sense. I also think that the stand-alone with respect to the maintenance is something that we have to seriously consider if we're going to retain ownership. And I agree with you, I just want to hear from DPW what their -- what the Department's opinion is with respect to your stand-alone, the dollar amount, the needs for the repairs, and, you know, that can move forward. But I would be inclined to support that, because if we're going to retain an asset that has value, then we need to maintain it to retain that value, so that that would make complete sense to me.

But I do think the motion to commit is not a bad idea, because it keeps it just on the agenda, it keeps it in front of us. It gives us an opportunity to revisit it when we're ready to revisit it. I don't see it -- you know, why defeat the bill if it can be in committee while we're working and discussing with DPW. I would assume this would go back into the DPW committee where we can talk about that. So I think the motion to commit makes the most sense, to tell you the truth.

LEG. SCHNEIDERMAN:

Again, my concern is that would color the debate on the stand-alone resolution later, that somebody might argue that, well, it's in committee, let's see what the committee does. And going back next year and then trying to find an offset would be very difficult. So, if I knew that the stand-alone were to pass, then how we dispose of it doesn't matter as much. But without having that stand-alone dealt with, I'd rather just have an up or down vote.

P.O. LINDSAY:

I've got two questions, first for you, Legislator Schneiderman. There's a beach next to this that's

part of the property?

LEG. SCHNEIDERMAN:

Yeah, there's two properties. There's a beach alongside, I guess, just to -- what is it?

COMMISSIONER ANDERSON:

To the north or west.

LEG. SCHNEIDERMAN:

To the left as you're looking at the Wharf.

P.O. LINDSAY:

Okay. The question is, if we turn that over to the Village, will County residents still have access to that beach?

LEG. SCHNEIDERMAN:

They always have, and I can't imagine that the Village could make it a private beach.

P.O. LINDSAY:

Did we get any kind can of accepting resolution from the Village?

COMMISSIONER ANDERSON:

No. As far as I know, there was no -- it just -- to be honest with you, we were looking on the tax maps and we found that it was County property. There's no record of it being transferred over.

LEG. SCHNEIDERMAN:

We could put that in any kind of conveyance, a requirement it remain open to County resident.

COMMISSIONER ANDERSON:

Correct.

P.O. LINDSAY:

Okay. And, Mr. Anderson, the \$400,000 in the stand-alone, is that absolutely needed at this time if we're going to keep the facility?

COMMISSIONER ANDERSON:

Again, we anticipate the work needing to be done within two to three years. So the Village would have to either do the work within the two to three years or we will.

P.O. LINDSAY:

Okay. But the resolution that Legislator Schneiderman refers to is for next year.

COMMISSIONER ANDERSON:

I would -- it doesn't have to be done next year, no. I think it can could be pushed back.

P.O. LINDSAY:

Okay, okay.

LEG. SCHNEIDERMAN:

Gil, wasn't it originally scheduled for last year in terms of the Capital Budget? There was 600,000.

COMMISSIONER ANDERSON:

That was -- again that was the maintenance, the anticipated maintenance project, and that's why we

looked at the looked at the overall facility and then determined that it could be scaled back. And when we were talking about this legislation in previous committee meetings, we identified that, yes, in fact, the Village could take their revenue and pay for the painting work with the revenue that they -- you know, they are able to gain and then -- but it didn't have to be done within two to three years, or before then.

P.O. LINDSAY:

Okay. Let's try and dispose of this one way or another. And just my own opinion on the whole thing is, if we're going to keep it with the intention of having this piece of property pay for itself, somebody has to embrace this and come up with a plan. I mean, we're great for saying, no, we're not going to turn it over, we're going to make money off of it, but if somebody doesn't move that ball to the next square, it's never going to happen. And if we're going to keep it, we have to maintain it, it's as simple as that. I would -- I would be in favor of keeping it if I was assured that we were going to do something with the property. If we're not going to be assured that we're going to do something, I would rather just shed it as a liability.

COMMISSIONER ANDERSON:

If I may, just one other thing -- one thing for thought. The lease agreement itself has expired, so it has to be renewed, or -- and we didn't pursue renewing it, only in anticipation of turning the whole dock over to them, so.

P.O. LINDSAY:

But we could -- we could renew it for a short period of time, right?

COMMISSIONER ANDERSON:

Right.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Or keep it as a month to month.

P.O. LINDSAY:

Okay. We have a motion to recommit and we have a motion to approve, right?

MR. LAUBE:

That is correct.

P.O. LINDSAY:

All right. Recommit goes first. I'm going to call a roll on a recommit.

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

LEG. MONTANO:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes -- no.

LEG. STERN:

No.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Pass.

MR. LAUBE:

Pardon?

LEG. HORSLEY:

Pass.

MR. LAUBE:

Pass?

LEG. HORSLEY:

Pass.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

(Absent).

P.O. LINDSAY:

No matter what I do, it fails. I mean. No to recommit.

LEG. HORSLEY:

No.

P.O. LINDSAY:

Oh, I forgot that you passed.

MR. LAUBE:

Seven. (Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

All right. The recommit fails, right?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

Motion to approve.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. ANKER:

No.

LEG. MURATORE:

No.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Absent).

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seven. (Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. Before we go to the agenda, I'm going to go to the Capital Budget. But before I go to the Capital Budget, I'm going to accept a motion to take **1324** out by Legislator Eddington, and I'll second that, **to appoint a member of the Equestrian Task Force, Elaine M. Wagner**, who has been with us all day, and I appreciate your vigilance. I would have taken you out of record sooner if I had known. So we have a motion to take it out of order and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Absent: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. And come on forward. Come on forward. And we have -- do I have a motion to approve, Legislator Eddington?

LEG. EDDINGTON:

Yes, a motion to approve.

P.O. LINDSAY:

And I'll second it. And we have Ms. Wagner in front of us. Does anybody have any questions of Ms. Wagner? I have a question. Have you ever ridden a horse?

MS. WAGNER:

Yes.

P.O. LINDSAY:

Yes, okay.

LEG. EDDINGTON:

Share with --

P.O. LINDSAY:

Tell us how you qualify.

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

LEG. EDDINGTON:

Elaine, share with the group. She is a teacher at Patchogue-Medford and a coach of the Equestrian Team, so give a little background.

MS. WAGONER:

Can you hear me now? Okay. I started the Equestrian Team about seven years ago. They are a Boy Scout Troop and we ride at local stables. They have two teams, there's an English Team and a Western Team.

We are actually having our own show next weekend and -- I don't know. I kind of established it all, we do fund-raising, they bought their own jackets. It's a really nice little group of girls. We had some boys, we can't get them back (laughter). I teach math at Patchogue-Medford and I've been trying to get some other schools involved. Any other questions?

P.O. LINDSAY:

Thank you very much for volunteering your time.

LEG. EDDINGTON:

I just would like to add that she's been a member a long time, we wanted to get her as a voting member. And unfortunately what I'm hearing is that Patchogue-Medford is laying off teachers and a wonderful teacher like this is on the list; so, sorry to hear about that.

P.O. LINDSAY:

Yes?

LEG. ANKER:

Again, thank you for volunteering your time. My daughter has been involved in equestrian riding for 15, 16 years, she's now 19. And my district, there's a lot of horse people in there and a lot of people don't know how many people are involved in the equestrian horse realm of things. So, again, we were involved in pony club which is similar to, you know, Girl Scouts/Boy Scouts, and she learned so much in there. So thank you so much for volunteering your time.

MS. WAGONER:

You're welcome. I just want to say that two of my girls graduated and now they ride for St. Joe's.

P.O. LINDSAY:

Okay. Thank you very much. We have a motion and a second.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislator D'Amaro - Absent:

D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Okay. All right, turn your attention to the Capital Budget which is this thick packet, and I'm going to turn it over to Ms. Vizzini who is going to give us an explanation of the work of the Working Group.

MS. VIZZINI:

Thank you, Mr. Presiding Officer. In your folders you have the Omnibus. In addition to my sending it to you electronically on Wednesday, each of you have the index which we will use in the vote. Each of the line items in the Omnibus is summarized for you on this index.

My overall comments are that the County Executive's proposed Capital Program was \$218 million less than our adopted Capital Plan, and \$436 million less than what departments requested. Based on that and based upon the Budget Review Office's review of the proposed program, the Working Group diligently reflected upon our recommendations and included \$102 million in necessary project, of which 33.6 million is actually State aid. All these projects pertain to preservation of infrastructure, traffic safety and public safety requirements. There's also funding for energy conservation projects which we anticipate will reflect operating budget savings. There's money for rehabilitation of parking lots, fires, security and emergency systems in County buildings, weather-proofing of County buildings. There are also three projects for the Community College that currently are approved for 50% State aid, they are restored as was in the current adopted program. And we also included a new project for a parking -- metered parking improvements at the Selden Campus. The --

P.O. LINDSAY:

Can I just ask you about that? That isn't on the State aid list yet, right?

MS. VIZZINI:

Not yet, but we include it in the Capital Program to demonstrate sponsor support.

P.O. LINDSAY:

Did you -- in that 36 million of State aid, did you include that as an aided project?

MS. VIZZINI:

Yes, we did.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

The college submits the Omnibus to the State to reflect the sponsor's support for the Capital Projects. The fiscal impact associated with the Omnibus is on page 1.70; there is an increase in bonds over what the County Executive had proposed. Unless mitigated by other expenditure reductions, in our methodology we basically assumed that this increase in bonds will cost, over the life of the bonds, \$10.87 annually for the average taxpayer, or \$228 over the life of the bonds.

P.O. LINDSAY:

How much -- we pay off bonds every year. How much bonds -- you know, did we pay off bonds in '11, do you have that number?

MR. LIPP:

We actually were lowering our debt service to some extent, we're defeasing a little more than we have in prior years. Unfortunately, though, because of the tobacco revenue, it will start popping up

again.

P.O. LINDSAY:

Okay. But the short answer is we paid off more bonds than we're adding this year.

MR. LIPP:

This year.

P.O. LINDSAY:

Okay. That was my question.

All right, does anybody have any questions of the committee's work? Legislator Barraga.

LEG. BARRAGA:

Gail, how does this Capital Budget in total dollars compare to last year's?

MS. VIZZINI:

Well, the proposed was \$218 million less. We have added 102 million to the proposed, so we are still --

LEG. BARRAGA:

One sixteen less than last year.

MS. VIZZINI:

Right, correct.

LEG. BARRAGA:

Even with the add-backs.

MS. VIZZINI:

That's correct.

LEG. BARRAGA:

Okay. Thank you.

LEG. MONTANO:

It's even less.

LEG. KENNEDY:

Mr. Chair, I have a question, too.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. And Gail, just indulge me again, because I get a little confused when we get into the Capital Budget area sometimes. The actions that we have before us today, we are -- we are formalizing and accepting a plan for how we will go forward with making Capital expenditures for the next calendar year; is that correct?

P.O. LINDSAY:

No.

MS. VIZZINI:

Well --

LEG. KENNEDY:

Well, I'm sorry, the Capital plan -- I'm sorry, the Capital Budget and then the Capital plan. The Capital Budget will be for 2012, correct?

MS. VIZZINI:

This is a five-year plan. You are adopting a schedule. Each and every one of these projects that are scheduled in 2012 will come before you -- another bite at the apple, so to speak --

LEG. KENNEDY:

Okay.

MS. VIZZINI:

-- for the necessary appropriating authorization. When and only when the money is needed will the County actually bond for that particular infrastructure, building, recharge basin, whatever the work that is needed. More than likely the debt service that would be associated, if all of these bonds move forward in 2012, would not kick in until some time in late 2013, 2014 or thereafter, depending on when the projects move forward.

LEG. KENNEDY:

Okay. So it's an important planning tool and it's acknowledgement of the whole gamut of measures that we need to do for our tasks, our missions and the status of our fiscal house out there. We heard this morning about the -- some of the problems associated with the Board of Elections and the infrastructure that's needed there, a very important add-on. But by and large, the Working Group is taking a look at the whole range for all our different entities and brought forward what looks like the priorities that we're going to have to address for next year.

MS. VIZZINI:

(Nodded head yes).

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, I just want to go over some things. Based on your statement, you don't anticipate us taking on any additional debt as a result of this plan in 2012?

MS. VIZZINI:

No. Typically when you authorize the resolution, there's a protocol that kicks in.

LEG. ROMAINE:

Right, I'm aware. I just wanted that for the record. Okay.

MS. VIZZINI:

So, yes.

LEG. ROMAINE:

Yes, so we're not taking on any additional debt in 2012.

MS. VIZZINI:

Related to the Capital Projects in 2012.

LEG. ROMAINE:

Compared to Mr. Levy's 2011 Capital proposal, this represents a reduction of \$116 million; is that correct?

MS. VIZZINI:

This is \$116 million less than our current Adopted Capital Program. The County Executive proposed a draconian Capital Program, \$218 million.

LEG. ROMAINE:

No, in 2011 I'm talking about, compared to 2011.

MS. VIZZINI:

Yeah.

LEG. ROMAINE:

Okay.

MS. VIZZINI:

In 2012 it's at least \$30 million less, overall it's \$116 million less.

LEG. ROMAINE:

One hundred sixteen million dollars less than our Adopted Capital Program.

MS. VIZZINI:

Correct.

LEG. ROMAINE:

Third question. By voting for this plan, we vote not to spend one penny; is that correct?

LEG. HORSLEY:

What does that mean?

MS. VIZZINI:

I prefer to reiterate what I said earlier; each and every one of these projects will come before you again for consideration for --

LEG. ROMAINE:

Right. But a vote for the plan is not a vote for the spending, because every single Capital Program has to be appropriated. Anything in the Capital Program, you can vote for a plan but you -- there's two things that could happen that could prevent that plan from moving forward. One, the Legislature could deny the appropriation and vote to -- fail to appropriate; or two, the County Executive could hold back. For example, the DPW Commissioner, at the beginning of this year, could submit 2012 items in the Capital Program and the Executive can choose which ones to forward to the Legislature and which ones not to forward. So either by Executive decision or by the Legislature not voting for the appropriation, things don't have to move forward.

So we're voting for a plan. We're not voting to spend a penny today because every spending decision is an individual vote when we vote on the appropriations; is that a correct summary of what we're doing?

MS. VIZZINI:

Those are all plausible scenarios. You are voting for a five-year Capital Program.

LEG. ROMAINE:

It's a planning document, not an appropriating document; is that correct?

MS. VIZZINI:

It is most definitely a planning document.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

I just want to confirm that Legislator Romaine is making a very important point. And, you know, in the past there have been appropriating resolutions under the Capital Program that I voted against.

LEG. ROMAINE:

Me, too.

LEG. D'AMARO:

So, you know, is this a plan? Yes. Is this a road map? Yes, it is. It makes every attempt to pull back on debt and spending, which I think it does fairly and equitably, it strikes the right balance. But with all of that said, going forward we will visit every single appropriating resolution and weigh it out at that time and make a decision, and part of that calculation will be the state of the County's debt and the state of the County's finances at that time. So, Legislator Romaine, I commend you and I agree with you.

P.O. LINDSAY:

Anybody else? Legislator Horsley.

LEG. HORSLEY:

Yes, I wanted to commend the Working Group, the Working Capital Group, because they really did a yeoman's job in taking apart these future projections. And I concur with both Legislators D'Amaro and Romaine, that this is a planning document.

There are two things that strike me. One is the sense that the Capital Budget for the college to reinstate those projects because of the State aid, I think that is -- it is sensible, it is absolutely needed with the numbers of people that we have going and attending our college today. It's a commitment for the future and for the economic development of this County. So I wanted to applaud us for making those moves.

And secondly, involving the college, I want to just -- it might be as good a time as any to thank them for helping us over the last couple of weeks with our payroll matters, in assisting us to make payroll the last time out. And it just shows that we are acting as one team and this capital approach is working with them as well. So it goes both ways and I wanted to say that I appreciate the college's action as stated.

Gail, to you, a quick question on the outflow pipe. I understand what you're doing, but maybe you might want to explain what the action was involving the replacement of the outflow pipe and how we're planning forward.

MS. VIZZINI:

Surely, that's Capital Project 8108. Fifty-one -- \$50 million was included in 2014 to augment the 2011 appropriations that will come before you. We thought it would be prudent to have that in 2013 and that's the change that the Omnibus makes.

LEG. HORSLEY:

A very sensible addition. And sometimes, you know, just politically, you know, it may have been -- it may have sounded better to put it off to '14. But what in God's name, you know, were we playing Russian Roulette with our outfall pipe is beyond me. So I think we did the sensible thing for our planning process. Thank you.

P.O. LINDSAY:

Anybody else? Okay. I am going to make a motion to approve.

LEG. EDDINGTON:

Second.

MR. NOLAN:

In order, Budget Amendment No. 1.

P.O. LINDSAY:

Budget Amendment No. 1. I want to thank the Working Group that worked on this. I am -- was part of that Working Group. I want to thank Budget Review's efforts, and I want to say that I am very proud of this document. I think that we all have realized the fiscal condition of the County, and I think this is very much a frugal document in that actually our debt will be going down with this budget. I think it's a very sensible document.

If you go through the projects item by item, you'll see that many of them are roof replacements, water-proofing; if you don't maintain the roof, you're going to destroy the building. A lot of them are energy conservation programs, much needed road improvements in some very critical areas. I think this budget captures the maximum in aid, both on the energy conservation front and in the State aid part as it turns for education.

And the most important thing to me is it creates jobs, this budget.

We talk about our revenues being down, our sales tax being down and, you know, the reason why it hasn't bounced back as quickly as it has from other recessions, we have a lot of people out of work, folks, and we should be setting the example in putting people to work. And the best economic generators that we can perform is County construction projects that go directly to our local workforce, that puts people back to work, and education. And our Community College, which is the largest community college in this State, trains people for real jobs and they do a great job at it, and they're stretched to being exploded. There is -- you know, we're at 26,000 students, we don't have the infrastructure to support that and we have to move forward on a very sensible program of building that infrastructure to accommodate these students.

When the recession first hit and the enrollment just exploded, we thought it was maybe a one year phenomenon, but it's going on the third year of record enrollments. And I think it goes beyond just the recession. I think that the value of the Community College and the quality of the Community College is finally starting to be realized, and I think it's a permanent feature that we'll be dealing with, hopefully, because for our citizens it's the best bang for your education dollar. So for those reasons, I am a making a motion to approve. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Thanks Mr. Chairman. I may surprise a couple of my colleagues. I walked into the meeting today fully expecting to vote against this amendment, not on the grounds of all of its content because I agree with 90% of what the Budget Working Group has done here, but on the grounds that I'm sort of philosophically opposed to Omnibus amendments to begin with. However, as is often the case here, the debate and the discussion leads us to sometimes different conclusions. And in light of the fact that this Capital Program is, in fact, a plan, that's all it is is a plan, in light of the fact that it is -- represents a \$102 million reduction from last year's program, and in light of the fact that we have a second bite at the apple of every one of the projects that are listed in here, I will be supporting this resolution and look forward to voting.

P.O. LINDSAY:

Anybody else? Nope. Okay, roll call.

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

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Absent).

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. If you go to page four, *Budget Amendment No. 2 - Improvements to the Red House at Inlet Pond County Park (Romaine)*. It adds \$120,000 for construction in 2012 to replace siding, construct a handicapped entrance and two accessible bathrooms at the Red House Inlet County Park in Greenport.

LEG. ROMAINE:

Yes, this is an historic house that is used by the Audubon Society, we rent the upstairs. It has no handicapped entrance, so if you're handicapped you can't get in, and it has no handicapped bathrooms, yet this is a County Park. This is an attempt to make this County Park available to the handicapped for bathrooms needs and so they can get into the building, and to put some siding on the building which is literally falling apart. It's something that -- you know, I think I only put in two additions to this and I'm asking for 120,000 for this project. I don't think it's outside the realm of possibility.

Again, this is one of those parks that is not available to handicapped people but could be used by handicapped people because of the trail system and the boardwalk they have on the trail system. We do need handicapped bathrooms and we do need a handicapped entrance. So that's all I would argue. Thank you.

P.O. LINDSAY:

Second by Legislator Kennedy?

LEG. KENNEDY:

I'll second it, and on the second. You know, as Legislator Romaine has indicated, the addition of handicapped bathrooms, handicapped access by and large is a mandatory responsibility on our part. As we hold any of our facilities open, we must go ahead and make them open. And it is by and large a lot cheaper to go ahead and to do the improvements than to run the risk of litigation when we get sued. So I think it makes sense to bring this forward in this fashion, and I'm happy to second it.

LEG. ROMAINE:

If I may, Presiding Officer? Just one last question. This is not -- again, we're not appropriating any spending. This is just putting this in the plan. And at some point, God willing, in the future it will come before us for a vote, and those who don't want to support it can vote against it then. This is just to add it to the plan. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yes. When Legislator Romaine made his statements about the handicapped accessibility, the question that popped up into my mind is are we -- I guess I'll direct this to Counsel. If it's not handicapped accessible, are we not already in violation of the Rehabilitation Act or any other act?

LEG. D'AMARO:

No.

LEG. MONTANO:

Or is this exempt because of age?

MR. NOLAN:

Yeah, I don't know if it's subject to that requirement that it be --

LEG. ROMAINE:

It's a park. It's a County park.

LEG. MONTANO:

I thought all buildings were.

P.O. LINDSAY:

I don't know about historic structures.

LEG. MONTANO:

Oh, okay. That's what I'm asking, yeah.

MR. NOLAN:

I don't know.

P.O. LINDSAY:

A question that I have, and maybe Legislator Romaine knows this, we have an allocation from the hotel/motel fund to maintain and restore historic structures. I guess it isn't enough to do this?

LEG. ROMAINE:

I've been working with the parks Commissioner for this structure for some time, and apparently there isn't the budget to move forward. Again, this is 120,000 to put in the plan, not to spend, and it simply says, you know, make the entrance to this building handicapped accessible and put in a handicapped bathroom so the handicapped that use this park -- and it's a big park at the end by Greenport on the East End off Sound Avenue, so that they can at least have a place to relieve themselves. It's just adding it to the plan. At the time that it comes up for appropriation, that's the time to have the debate about its functionality.

P.O. LINDSAY:

Okay. Any other comments? Okay. We have a motion and a second.
All right with everybody, I'll take a voice vote? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Budget Amendment No. 3 - 1766, Building for Wildlife Rescue & Education, Marine Science Center (Romaine), it adds \$25,000 for planning in 2012 and 150 for construction in '13 for the installation of infrastructure required to make the building suitable for offices and classrooms.

LEG. ROMAINE:

Again, I'll make the motion and I'll give a very brief explanation. This was a project that we were going to build a Wildlife Rescue and Education Marine Center out at our Marine Center at Cedar Beach in Southold. We built the building and then we stole the money for the interior renovations and the HVAC for other purposes. So now we have a building that we spent a lot of money to build that's a shell, that can only be used for storage because the money was reappropriated for the HVAC system and the classrooms and it sat that way for the last two or three years, and this simply would finish the project that we originally committed to.

Again, adding it to the planning document. At the time that it finally gets appropriated, we can have the debate if it's valid or not. Obviously we thought it was valid years ago when we authorized this building, but something else must have come up to direct that money away from the interior renovations and the HVAC system, because we left the building a shell and it's been standing as a shell for I think now three years. Which they now use a very expensive building to be used for storage, but that's all it's good for now, and cold storage at that.

P.O. LINDSAY:

Okay. We have a motion. Do I have a second?

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. MONTANO:

On the question?

P.O. LINDSAY:

On the issue, Legislator Montano.

LEG. MONTANO:

Yes. Was this considered by the committee during the budget review process?

LEG. SCHNEIDERMAN:

Yes.

LEG. MONTANO:

It was?

LEG. ROMAINE:

Yes, it was. And I believe the Presiding Officer thought at the time, it was the last few minutes of our discussion, let's put it in. And then we said, "You know what? Just leave it out and we'll take a separate vote on that;" if I'm not mistaken, Presiding Officer.

P.O. LINDSAY:

To tell you the truth, Legislator Romaine, I don't recall. It was just -- but I'm sure if you recall it, your memory is better than mine.

LEG. ROMAINE:

It's of interest, so -- then I'll turn to Gail Vizzini.

P.O. LINDSAY:

Ms. Vizzini, do you want to comment at all on this, or not a comment? We don't need you to comment if you don't want to comment.

*(*Laughter*)*

MS. VIZZINI:

Okay, then, Mr. Presiding Officer.

LEG. D'AMARO:

Bill?

MS. VIZZINI:

I don't specifically recall.

P.O. LINDSAY:

Okay. Legislator D'Amaro, you recall?

LEG. D'AMARO:

I do recall, and that's exactly what happened.

LEG. ROMAINE:

Thank you.

LEG. D'AMARO:

That was one of our longer debates, whether or not to put this into the Omnibus bill and keep it separate.

LEG. ROMAINE:

Yeah, we put it in and then we left it out.

LEG. D'AMARO:

But I just wanted to ask, through the Chair, if the sponsor knows, was this something that was requested by the department? What department has jurisdiction over this?

LEG. ROMAINE:

Cornell Cooperative Extension. It definitely was requested.

LEG. D'AMARO:

It was requested.

LEG. ROMAINE:

Oh, absolutely.

LEG. D'AMARO:

Okay. Thank you.

LEG. ROMAINE:

They -- you know, this was a building that was supposed to be used for marine science purposes.

LEG. D'AMARO:

Right.

LEG. ROMAINE:

And we built the building and whatever money was left to do the interior renovations and the HVAC we appropriated for some other purpose and the building has sat there as a shell for the last three years. They would love to finish the building.

LEG. D'AMARO:

Was the purpose for appropriating or redirecting that funding because there was some impediment to going forward with this project; do you recall?

LEG. ROMAINE:

No, we just needed the money elsewhere, offset. It hadn't been spent so they grabbed it.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah, Ed, my recollection is that we put some monies into the -- I don't know what they call it, the kitchen or the place where they eat?

LEG. ROMAINE:

No, no, that's the other one. That's up on the sound, this is on the bay.

LEG. HORSLEY:

This is a different one? Because I remember the picture of the building.

LEG. ROMAINE:

Right, this is the Marine Center. This is the Marine Center at Cedar Beach in Southold, not the camp.

LEG. HORSLEY:

It's not the camp.

LEG. ROMAINE:

Not Peconic Dunes Camp, that's on the sound. This is on the bay, Peconic Bay.

LEG. HORSLEY:

Okay. All right.

LEG. ROMAINE:

You should visit, it's a great place to visit, really.

P.O. LINDSAY:

Okay. We have a motion and a second. Any more discussion? Another voice vote; all in favor? Opposed?

LEG. MONTANO:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Sixteen (Opposed: Legislator Montano - Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Okay, *Budget Amendment No. 4, Safety improvements to County Road 16, Smithtown Boulevard at Gilbert Avenue, Shepherd Lane, Town of Smithtown, it adds \$200,000 in '14 and 1.8 million in subsequent years for construction of safety improvements recommended by County Project 3301 (Kennedy)*. Legislator Kennedy, you want to make a motion?

LEG. KENNEDY:

Yes, I'll make a motion to approve, Mr. Chair.

LEG. NOWICK:

I'll second it.

P.O. LINDSAY:

Second by Legislator Nowick. Would Legislator Kennedy or Nowick, would you like to make a case why we should add this?

LEG. KENNEDY:

Absolutely, Mr. Chair. This is a particularly -- it's a dangerous stretch of roadway right in Nesconset, as you enter Nesconset. And some of you will recall that it was an area where a teen-ager was struck by a motorist on a bicycle rendered brain injured and continues to reside in an assisted living facility. It was also the site of a fatality where a motorist was broad-sided. There has been a traffic study that has been underway and the department is coming close to concluding that study. It's actually a five-legged intersection on a radius. So it is something the department is actually acknowledging that there's issues with, both with line of site and with safe operation through the area, and it needs to be addressed, Mr. Chair.

P.O. LINDSAY:

If the study is incomplete, is this funding premature?

LEG. KENNEDY:

I have every reason to believe, Mr. Chair, that the traffic study results will actually be available for us by early fall. I think the tentative material is in the department already and is being reviewed with recommendations.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

So actually, we may be looking to have some conversation to move it up to 2013.

P.O. LINDSAY:

Okay. Okay, we have a motion and a second. Any other comments on this project? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Budget Amendment No. 5, 5406, Pedestrian Enhancement Traffic Signal Improvement Program (Cilmi), it adds \$50,000 for construction in '12, '13 and '14 for audible traffic signals.

LEG. CILMI:

Motion.

P.O. LINDSAY:

Motion to approve.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. MONTANO:

Question.

P.O. LINDSAY:

Go ahead, Legislator Cilmi.

LEG. CILMI:

Yeah, through the Chair. This is a resolution that basically sets aside \$50,000 a year for our Department of Public Works to retrofit traffic signals throughout Suffolk County with audible signals for folks who are blind and who cannot cross the road safely without these audible signals. And it's difficult to cross the road safely when you're blind with audible signals, but certainly without them it's impossible.

Presently the department has had a policy that when somebody calls the department and says

they're blind and they can't see and they're requesting that a signal be placed at a certain location, the department will respond at their earliest convenience and replace that signal, but it's my point of view that we need to be a bit more proactive. And certainly if somebody is on the corner of Smith and Pine and needs an audible signal at Smith and Pine, that doesn't mean that that person should be confined to Smith and Pine in their travels throughout Suffolk County.

So while \$50,000 a year is not going to fix all of the signals -- in fact, it will just make a dent -- it will at least give the department the ability to go ahead and see what sort of pitfalls and challenges present themselves as we start making these conversions. But this County should be accessible to all individuals, not just those with site, and I ask my colleagues to support this resolution. Thank you.

P.O. LINDSAY:

Is there a second to the motion?

LEG. KENNEDY:

Yes, I second it.

P.O. LINDSAY:

I'm sorry, you're right. Legislator Montano and then Gregory.

LEG. MONTANO:

Quick question. In this Capital Project the locations are not identified as of yet.

LEG. CILMI:

There's correct.

LEG. MONTANO:

Okay. So they're identified or they're selected on an as-need or requested basis?

LEG. CILMI:

Yeah, we would have discussion with our Public Works Department, and right now they're being done on a requested basis. This sets aside the money so that we could start to look at those intersections which may be particularly busy from a pedestrian point of view and retrofit those sections on an as-needed basis.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. So this adds \$50,000 to the three-year program? What's the --

LEG. CILMI:

Annually.

LEG. GREGORY:

Annually. What's the -- I'm not familiar with the Capital Project. What's the budgeted amount or appropriated -- budgeted amount for this project?

LEG. CILMI:

It's budgeting \$50,000 annually for '12, '13 and '15.

P.O. LINDSAY:

There is no separate line now.

LEG. GREGORY:

No, but it adds.

LEG. CILMI:

It adds to the Capital Program that we're approving today.

LEG. GREGORY:

Oh, okay.

LEG. D'AMARO:

That's the whole budget.

LEG. GREGORY:

Gotcha, gotcha. Okay.

LEG. CILMI:

So we're starting with zero, we're putting in \$50,000 annually for the next three years.

LEG. GREGORY:

Gotcha. So do you have an idea what the cost is per these audible --

LEG. CILMI:

No, that was one of the challenges. It can have a significant range, it depends on exactly what needs to be done at each intersection.

So it depends on the complexity of the intersection that we're retrofitting; that's according to the Commissioner.

LEG. GREGORY:

Do you have any idea how many traffic signals we have?

LEG. CILMI:

Last time we looked at this, there was approximately 400 traffic signals in Suffolk that are on Suffolk County roads that were impacted by pedestrian traffic in some way. So quite a few is the short answer to your question.

LEG. GREGORY:

All right. Thank you.

P.O. LINDSAY:

Any other questions? Okay. We have a motion and a second.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Budget Amendment No. 6, 5379, Improvements to Long Wharf in Sag Harbor (Schneiderman), adds \$400,000 in construction in 2012 for painting and maintenance of the Long Wharf Bulkhead in Sag Harbor.

LEG. HORSLEY:

This never goes away.

LEG. SCHNEIDERMAN:

I'll make the motion. The only question, I think we've already had the discussion, is the year. I put this down for 2012. If I need to amend it on the floor in light of Commissioner Anderson's testimony, he's coming here now, to make it 2013; George, is that something we can do?

MR. NOLAN:

We can amend this on the floor, yes.

LEG. SCHNEIDERMAN:

My understanding is painting it sooner is better than later. But Commissioner, if you could comment on when you could feasibly get it painted.

COMMISSIONER ANDERSON:

The likelihood that we would be able to do it this year, even bid the document out and award it, is --

LEG. SCHNEIDERMAN:

Well, 2012 is next year.

COMMISSIONER ANDERSON:

Oh, that's right, yeah. 2'13, 2014 would be better.

LEG. SCHNEIDERMAN:

Can we go to 2013?

COMMISSIONER ANDERSON:

Yeah.

LEG. SCHNEIDERMAN:

All right. So I would then ask that we amend it from 2012 to 2013.

P.O. LINDSAY:

I think that's very appropriate, because by then we can decide whether we're going to sell it or put parking meters or booths or however we're going to make money off it, or get rid of it.

LEG. SCHNEIDERMAN:

Yeah. I mean, the concern is if by putting it off it might end up being more expensive. But you're saying, Commissioner, that that's an okay timeframe?

COMMISSIONER ANDERSON:

Yes, I am.

LEG. SCHNEIDERMAN:

Okay.

MR. NOLAN:

So the motion is to approve Budget Amendment 6 as amended to reflect that the money will go to 2013; that's your motion, to approve it as amended?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Okay. So you make a motion. Is there a second?

LEG. D'AMARO:

I'll second the motion.

P.O. LINDSAY:

Who seconded it?

LEG. D'AMARO:

D'Amaro.

P.O. LINDSAY:

Okay, Legislator D'Amaro seconds it. Any other discussion?
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Legislator Viloría-Fisher).

P.O. LINDSAY:

And the last one is *Budget Amendment No. 7, 1459, Improvements to Board of Elections (Presiding Officer Lindsay)*, adds \$3.3 million for construction in 2013 for improvements to the Board of Elections facility in Yaphank.

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy. I'll second it. Is there any discussion? We had kind of a discussion from the Commissioners this morning about why it's needed. Does anybody have any other dialogue on it; no? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay. Thank you very much, folks.

At this point, I am going to ask Mr. Kopp to come forward and he is going to recite for us the Executive positions on several of the bills before us.

MR. KOPP:

My remarks say good morning, but I think I'll adjust that to good evening. I'm here to call attention to two resolutions that will come before you in the hours ahead of us, IR 1406 and IR 1472.

IR 1406 seeks to authorize the transfer of up to \$18 million of unexpended appropriations in the

John J. Foley Skilled Nursing Facility's 632 Fund to fund Foley's operations for the remainder of the calendar year. This proposed law would approve an unprecedented waiver of the Charter Section barring mandated to discretionary transfers.

When the 2011 Operating Budget was enacted, the \$18 million appropriation was created and it still exists; however, with that \$18 million, \$18 million in revenue was included. That \$18 million in revenue has not been realized since it was based on the proceeds of the sale of the various assets of the Foley facility, including the facility, itself, its license, equipment and other items. And as we all know, the facility has not been sold so the \$18 million in revenue to support the \$18 million appropriation does not exist.

Should the appropriations be transferred lacking the matching revenues, while continuing full operations for the remainder of the year, Suffolk County will still be faced with an operating shortfall. We would recommend the Legislature take a hard look at this measure and its implications in light particularly of the many fiscal challenges that we are confronting in this difficult economic time.

And IR 1472 would cancel the consulting contract involved in the closure of the Foley Facility. In the 2011 Operating Budget, the closure of the facility was approved and it is the responsibility of the County Executive to administer that budget, including the closure of the facility. The consultant retained to assist in this process would have the contract terminated, thus impacting the Executive's ability to administer the budget and his ability to seek the revenues and/or cost avoidances that would result in the facility's closure and/or sale. The termination of this contract would go against the basic premise of separation of powers between the two branches and we recommend that IR 1472 not be passed.

As we've expressed previously, the Administration is ready to work side by side with this Legislature to find solutions to the unprecedented challenges we face relating to Foley and the loss of approximately \$24 million in State funding relating to the health centers, EMS and the Medical Examiner. Thanks.

P.O. LINDSAY:

That was a nice statement. I --

*(*Laughter*)*

MR. KOPP:

Praise from you is our probation indeed. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Thank you. Thank you.

LEG. ROMAINE:

You will wind up getting him demoted. Come on.

P.O. LINDSAY:

Okay. I'm going to discuss 1406 when we get to it. Why don't we get through some resos without extensive conversations or whatever.

Budget & Finance, Information Technology:

1289-11- Adopting Local Law No. -2011, A Charter Law to ensure transparency in the County budget process (Cilmi).

LEG. COOPER:

Motion to table.

LEG. CILMI:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cilmi. Motion to table by Legislator Cooper. Do I have seconds?

LEG. D'AMARO:

I'll second the motion to approve.

P.O. LINDSAY:

To approve? Do I have a second to the tabling?

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory to the tabling. Any discussions?

LEG. BROWNING:

Can we get an explanation?

P.O. LINDSAY:

Sure. Do you want to --

LEG. CILMI:

If I may?

P.O. LINDSAY:

Go ahead.

LEG. CILMI:

Yes. Basically what this bill does is it takes the Omnibus Operating Budget process and gives it to the Budget & Finance, Information Technology Committee, so that that process is held in public at a meeting of that committee rather than in -- behind closed doors where the public, the media, the public, other Legislators and the variety of agencies that it affects, the variety of constituencies that it affects don't have an opportunity to participate in the process and don't have an opportunity to listen to the process while it's happening. So what happens is the County Executive proposes his budget, it's out there for six weeks or so. We go and create this Omnibus Budget Amendment, which is significant, and the folks who are affected by that amendment don't get to see it real literally until, you know, a day maybe before we have to vote on it.

My position is this, is that particularly in such unprecedented fiscal times, we're facing so many challenges, budgetary challenges, the impact of our budget process is going to be felt like shock waves throughout Suffolk County. To undertake that process behind closed doors is just wrong. It should be done in public. Every Legislator here would, therefore, have an opportunity to participate

publicly and officially in that process. It wouldn't preclude any Legislator from offering standalone resolutions, as we can now, and it would simply provide some critical, critical transparency to the process in these unprecedented, challenging times.

LEG. BROWNING:

Question, Bill?

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I have to say, I don't like that expression "behind closed doors", because this is done in a bipartisan fashion, it is done with Republicans, Democrats, Working Families and Independents all sitting in the same room. Yes, there's only nine Legislators, but each and every one of us, if you are not on that Working Group -- you know, my question; have you been on the Operating Budget Working Group yet?

LEG. CILMI:

I have not. My problem is not with excluding Legislators, because certainly we can all send Aides and whatnot to listen in on the process, despite the fact that we may not be on that group. But it's really the public that I'm more concerned with.

LEG. BROWNING:

Well, okay. And yes, I sent my Aide because I'm not on that Working Group. If there is an issue that I need to go and speak on, the Presiding Officer and the Working Group has always been very generous to let us, each and every one of us have an opportunity to come in and state our case. The County Executive's budget process is not open, it's behind closed doors. So should we not be putting in a resolution that his budget process should be open to the public and the entire process, just like what you're proposing?

LEG. CILMI:

Through the Chair, if I may? The -- the County Executive's budget process may not be open in its initial stages. However, when the County Executive proposes a budget, it's a proposed budget, and we, therefore, have to either accept that budget or amend that budget. And we have six weeks to do so and the public has six weeks to digest what's in that budget, where they don't have any time at all to digest what's in our Omnibus Budget Amendment given the current process.

LEG. BROWNING:

And we can amend the County Executive's budget, and we do have an open process because we do have meetings where the public can come and speak and give their opinion. If they're not in the budget, many of our contract agencies come to speak about concerns; if they're not in the budget, if they haven't got -- you know, if there's not enough money appropriated for them, so there is a process. And I think the fact that it's a bipartisan effort, I don't want it to appear that there's something inappropriate being done during that process. And I have concerns about if we do it the way you're proposing, how much longer it could take, and we could wind up not having a budget on time.

LEG. CILMI:

It may take longer. I would not allege any inappropriateness in the process. And we just cheerfully disagree on how this process should work; I believe it should be out in the open for all to see and the current process just doesn't lend itself to that.

While we do have an opportunity, or the public, rather, has an opportunity to comment on the budget itself during the six weeks that we have to look at the budget, the public does not have any opportunity to comment on any proposed changes to the budget that come out at 5 PM on a Monday night, we have Election Day on Tuesday and then we vote on it on Wednesday morning. So again, we just -- we just cheerfully disagree and that will be that.

LEG. BROWNING:

Well, I think I'll support a tabling motion at this time. And I would recommend -- I'm assuming that you'll be on the Operating Budget Working Group, and maybe after you sit on it, you may have a difference of opinion.

P.O. LINDSAY:

Legislator Gregory, did you want to comment?

LEG. GREGORY:

Thank you, Mr. Chair. Legislator Browning hit on some of the points that I wanted to make. I think this bill, although well intentioned, would throw our current budget process into havoc, where our meetings, would take weeks and weeks and dozens, if not hundreds of people would come before the committee to testify and advocate for their particular agency or cause or issue, which is not a problem. But given the restricted time constraints that we have, I do think that confidentiality of the process that we have now is important.

Although being the Chair of the Budget, Finance & Information Technology Committee, for selfish reasons, would tell me to agree with your proposal because it would empower the committee, but I think for practical purposes it's not the right way to go. It actually limits the involvement, I believe, of the members of this body because the Working Group, as it stands now, is up to nine members. There's only five members on the Budget, Information Technology Committee that have an actual vote in the process, so we would be limiting the ability of this -- of members of this body by almost 40 to 50%. So I think in that regard, it's a -- you know, that's a big restriction.

But I do hear what you're saying. I think, you know, there has to be something done to increase the transparency for those groups that may be affected, but I don't think this is the way to go. So I will be supporting the tabling motion.

P.O. LINDSAY:

Legislator D'Amaro and then Cooper. Oh, and Nowick, I forgot Legislator Nowick. I'm sorry, Legislator Nowick.

LEG. NOWICK:

That's okay.

P.O. LINDSAY:

Excuse the interruption. Go ahead, Legislator.

LEG. NOWICK:

I agree with a lot of what Legislator Gregory said. Having sat on that Operating Budget Committee for maybe ten years now, and knowing what a bipartisan process it is, Legislator Browning, you're correct. I just have a question.

Legislator Cilmi, how do you envision that working in the Budget & Finance? Would they -- once the County Executive budget, proposed budget came down to the Legislature, would the Budget & Finance Committee then meet every day? Of course you couldn't use the auditorium every day, but let's assume -- I can't help thinking that the process would, of course -- well, when we do these

Working Groups, we sometimes meet every day. Now, if you open it up like that, I'm going to say it's going to take at least probably four times as long, and I was just curious, how would you envision that? Would the Budget & Finance Committee meet every day for six weeks, every other day? Because -- you would have to have the public allowed to come in. How that would happen?

LEG. CILMI:

I think the Budget & Finance Committee would meet as often as the Budget & Finance Committee needed to meet in order to get this done. And if that takes meeting every day, then so be it. If that takes meeting every day for six weeks, then so be it. I mean, how often do you meet now? How often have you met in the Operating Budget Working Group now?

LEG. NOWICK:

Well, usually the last few weeks we could be in there every day. But my question is that -- I just wondered --

LEG. CILMI:

The last process, how many times did you meet in 2010?

LEG. NOWICK:

Oh, geez, I don't know, 20 times? I don't know for sure. And they go -- and the meeting would go, if I'm correct -- and Presiding Officer Lindsay, correct me if I'm wrong -- sometimes they would go from 9:30 in the morning until five o'clock in the afternoon. They were long meetings. We send out for lunch; sometimes the Presiding Officer springs, sometimes he doesn't.

*(*Laughter*)*

LEG. CILMI:

Well, you know, that only serves to highlight the importance of this process.

LEG. NOWICK:

You know, I understand the importance. I just wanted to know how it would work, that was my only question; it's just like a housekeeping question.

LEG. CILMI:

It would work just like it does in the Working Group now, except it would be in public.

LEG. NOWICK:

Okay. So it possibly, then, it would have to be many days in a row.

LEG. CILMI:

It may have to be many days in a row, yes.

LEG. NOWICK:

Good luck with that committee.

LEG. GREGORY:

If I may, Mr. Chair? I think with the public -- the transparency, quote/unquote, aspect of it, we would have to provide public notice, which I believe there's a 48 or a 72-hour requirement. It would just be too much, it would be really incredible to meet, especially as much as we do. And many times we make a decision to meet the next day because of the way the process is going which

wouldn't benefit the public notice aspect of it.

LEG. CILMI:

Through the Chair, I'm sure with our Counsel's prowess, he could figure out how to make that announcement so that we have open-ended committee meetings.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Okay, thank you. I've sat on the Working Group and change in a substantial procedure like this is never easy. But when I first came to the Legislature and I was invited on to the Working Group, I think I experienced something similar to what prompted Legislator Cilmi to put the bill in. I had a sense of discomfort with the fact that we were deciding on substantial spending of taxpayer money in a room downstairs with no public input, which was then bundled into a bill. And when I came up here where there was public input, it was an all-or-nothing vote, and I have -- I just cannot get comfortable with that. We've had other bills trying to break up the Omnibus process. This is -- this is an opportunity for us in government to make this process open. It's not our money, it's taxpayer money. I think they have a right to be privy to the discussions about their taxpayer funds and that's why I'm cosponsoring the bill.

You know, as far as Legislator Nowick's concern about procedure, you know, that can be worked out. We have a Budget Committee, we can set meetings, we do this all the time. I don't think that should be an impediment to considering changing fundamentally the way we discuss how we're going to come up with our spending priorities; I think that discussion needs to be held in public.

I've sponsored similar legislation to this before Legislator Cilmi joined this body. I think it's absolutely the right way to go.

And I think if we did pass this and went through the process, I think everyone would pretty much be pleasantly surprised because it would foster a real debate in front of the public, in front of the press, quite frankly. We would be taking positions publicly, we would be listening to some public input.

I'm sure it can be worked into the process. And I think that's the direction that we should be moving, as a body, as a County, as a Legislature. I don't see any harm in that at all, I think it can only enhance and improve the final product.

So I'm cosponsoring this bill and I urge you to support it.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

On paper it sounds good to have an open process, as Legislator D'Amaro just mentioned. But in actual practice, I don't see any way that we could make this work.

Legislator Cilmi, you've never served on the Working Group. Perhaps if you had -- just try to picture, we're going line item by line item looking at every organization, trying our best in a bipartisan fashion to scrutinize and come to decisions as to whether we should increase funding, decrease funding, maintain funding, and it's completely fluid. And we'll go back and revisit decisions, and maybe we first thought we would cut an agency 20%, but then later on we'll change our mind and it's 10% or we'll increase funding. Now we're doing this all in front of the public.

And there are, let's say, 20 organizations that believe that they're going to be impacted based on

the budget that was presented to us by the County Executive; they come by, they sit through this process, they watch us debate. But as we're beginning to make amendments and we're talking among ourselves, now it's obvious that, well, maybe there are 30 other organizations that we've just decided to cut funding, so the next day maybe those 30 organizations want to come by. The following day we make some other revisions that may increase or decrease funding and some of the organizations that didn't think they needed to come back because it was already addressed, now they feel they've got to come back again because we just cut their funding. The following day it's the reverse, organizations that thought they had a problem, well, now they don't and they didn't have to come after all, or organizations that thought they were safe, now based on the decision we just made a half hour ago, well, maybe they should be here but there's no way that they knew that. How would they know that we just had a debate and decided five minutes earlier that we're now going to cut their funding.

There are hundreds and hundreds and hundreds of organizations that could be impacted by this. There's no way practically to advise them, unless they're listening in as we're having these debates and you expect them to drop everything that they're doing and drive out here on a moment's notice. I see this as full of land mines. It's well intentioned, I'll give you that, but practically, practically I don't see any way this could be fairly implemented. It may benefit some organizations, but it's going to hurt other organizations and I don't see it as accomplishing the goal that you set forth.

P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

Just very briefly, we've had a long discussion. You know, I've served in the Legislature now finishing my eighth year. And just having served as Chairman of the Budget & Finance Committee and also serving on the Operating Committee, I have to agree that the conversations and the dialogue that takes place when we do the Operating Working Group, the frankness, the non-political approach that is -- that comes out are items that should remain. There are times when things need to be discussed in a non-political nature.

To bring this -- you know, obviously the finished product has to be done and discussed in a public fashion, but how we get there, how we negotiate, how we look at these things without interruption, the work that goes on, really, in my opinion, needs to be done in the fashion that it's been done. And I think every year for the last seven years that we've done a budget, we've done, you know, an excellent job, whoever serves on that committee. I would not want to change that process now. I'm going to support the tabling.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I'll be supporting Legislator Cilmi's bill, but I'm trying to think about the best way to implement a program like this. I was on the Working Group at one time, and as Kate Browning indicated, these are all elected officials, it's bipartisan, they're trying to do the very best job they can. The problem I had with it, and I still have the same problem today, is the lack of input on the part of the general public as we go through the process.

The State Legislature, and I could tell you how they operate. The Budget & Finance Committee in this case, the Ways & Means in the Assembly and Senate Finance, they -- once the Governor introduces his budget, they schedule actual hearings, it's a joint Assembly/Senate hearing, where people who have a vested interest in the Governor's budget come down and actually testify before

the committee, and not just the members of the committee are present, everyone is invited. Any Legislator who wants to come down and sit with the committee, they can do so; if they have any questions of anyone who testifies, they go through the Chair and get permission to ask the questions, or if they don't get permission, the Chair will ask the questions of those who are testifying.

What happens is that during the course of the day, all of these groups now come in, because now they've seen the Governor's budget, as they have seen or would see the County Executive's budget, and they would testify giving us input in terms of what they feel is appropriate or inappropriate in their particular field. And when these hearings are scheduled, they're sort of scheduled by topic; you know, one hearing will deal with health care, another hearing will deal with education. You're familiar with that. Sometimes you'll see Mayor Bloomberg go up and he testifies before the fiscal committees; well, that's the day in which City Mayors and Council persons show up in Albany to testify in terms of what is right with the Governor's budget and what is wrong. That's the kind of process I think we should have here.

Now, in fairness to all of you, in the end you don't make decisions right here, but at least you have the input from all of these groups so that when you go someplace else and now you're discussing what you want to leave in, what you want to add, you can do so knowing that the information that you have is fresh.

As far as the length of time, the way they operate up there, if you start at ten o'clock in the morning, everybody gets -- it used to be ten minutes. You stay until the last person testifies; if that's six o'clock at night, fine, if it's one o'clock in the morning, so be it. But it's all done according to a time schedule, keeping in mind that the budget is supposed to be passed by April 1st. The same scenario can be done down here. You can still in the end sit downstairs and make decisions, but at least you'll have the saving grace of knowing that you've gotten all of this input from those people who are affected by the County Executive's budget, either positively or negatively, so the information is fresh, as opposed to sitting down there week after week thinking, "Well, maybe we ought to do this, maybe we ought to do that," and there's no input coming from the general public. So it's something that, believe me, is doable.

The floor on this process right now is that all of the -- the general public basically is excluded. You know, we're sitting down here, we're trying to do the best we can, and I appreciate that. But I think we should open it up and have Budget & Finance and invite everybody to attend, have budget hearings by topic. You have eleven committees, maybe you have -- on Tuesday and Wednesday we're going to deal with these two or three subjects, and people coming down or interested in those areas based on the County Executive's budget, they get to testify, that information is accurate, it's current, and eventually you go downstairs and do what you have to do as far as making those decisions.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I've served on a number of the working committees myself, and prior to that I would generally be one of the Legislators that would be outside in the hall and would jump in on a particular issue that was of importance in my Legislative District. But I will support Legislator Cilmi's resolution because I think what it does is it represents a desire to try to effectuate some additional input from the public and what goes on with the budget process.

But there's one other issue, I guess, that we're not talking about that I -- occurred when I first came in, I think back in 2004. The minimum number of Legislators required to put forward an Omnibus I believe is only five Legislators; is that correct, Counsel?

MR. NOLAN:

Under our present rules you need five, a minimum of five to put forth an Omnibus. But I just want to be clear that if this law passes, an Omnibus could only come out of the Budget & Finance Committee.

LEG. KENNEDY:

And we would lose that option then?

P.O. LINDSAY:

Yes.

MR. NOLAN:

Correct. Another group of five Legislators or six Legislators could not -- the law states that Omnibus' can only be prepared by the Budget Committee.

LEG. KENNEDY:

Hmm. Okay, I was unaware of that. My point was going to be that while generally in the budget process we eventually -- the majority of us come together to put forward what the modifications are. There are various areas of expertise and clinical philosophy that a number of us bring forward and sometimes those matters might coalesce around a different view of where the budget process might go, but I'll talk to the sponsor about some of those other issues. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Legislator Kennedy, just, you know, since this is kind of a work in process, you know, the nuts and bolts if this were to be approved, you know, you could expand the Budget Committee and any Legislator, of course, could go to the committee meeting and participate, as we do now with any other committees. So I don't think you're necessarily precluded if the Budget Committee is replacing the working group.

All you're really doing is taking a group of Legislators and moving them up to the horseshoe and inviting the public to come in and give us some up-to-date information, as Legislator Barraga states. You know, even I think -- I believe even the Congress of the United States does their appropriations through subcommittees, appropriation subcommittees that are all in a public forum and there are rules as to who testifies and when and how and for how long and all of that, which we would have to think through and see how the process works.

But, you know, again, I think to make all of the nuts and bolts procedural issues an obstacle to passing this bill which would start the process and open the process and I think take a process that's been in place for several years but has to be thought through a little bit more, I don't think those procedural issues should be an impediment to embracing the concept of pulling those discussions back into the public forum. I mean, after all, this is probably the most -- I would say it is the most important vote that we take every year. You know, a \$2.6 billion budget, a lot of priorities being set.

You know, Legislator Cooper made a great point about, you know, would we be going back and forth, back and forth. I'd be willing to bet that all of those not-for-profit or contract agencies would welcome this bill, and I would be willing to bet that they'd sit here for the duration as well because their interests are being affected. I think they would welcome that, as a matter of fact, rather than showing up on budget voting day where they've had one opportunity during our hearings, our public

hearings before that, to give us five minutes of testimony but not knowing what our thoughts are and what our discussions are, okay? And they just show up just like me, they're watching an all-or-nothing vote. They're just watching, you know, "Hey, how do I get treated in this bill and how are people going to vote on it when they have to consider all the other budget line items that are in this bill I'm being affected by." I think it's just exclusionary to the people that matter most. So I just wanted an opportunity to respond so to a few of the comments I appreciate your time.

P.O. LINDSAY:

Okay. I've been very quiet through this process, but I'm not going to be anymore. Ms. Vizzini, when we get the budget from the County Executive, in all of our work that goes on for weeks and weeks, how much of that budget do we affect?

MS. VIZZINI:

Probably less than 2%.

P.O. LINDSAY:

Less than 2%. You talk about \$2.6 billion, you make it sound like we spend \$2.6 billion here. We talk about nickels and dimes. The process that the County Executive sends to us is totally secretive, it's released on the 15th. I think the discussion at best for some of my colleagues is naive. Was with some of my colleagues is naive. The process -- and I've been on this Working Group probably longer than anybody here. I've been here when I was in the minority, I'm here when I was in the majority and I think the process works pretty damn well. We do have public hearing based on committees. Everybody and anybody can come here and we sit and listen to what their needs are; the public is not excluded from this process. To give this process to the Budget Committee would make them the most powerful committee in this Legislature.

When we put together the Working Group, I go to great pains that all parties from all sides of the aisles, and we do have four parties here, as well as different committee interests are represented, that we have Public Works, that we have public safety, that we have all of the health needs, that all the different constituency groups are at that table. The give and take that takes place in that room behind closed doors cannot take place publicly. We usually try and set goals: "You know, it's a tough year, we want to try and hold our spending to this line. Okay, let's approve this temporarily. No, at the end of the day we went over that, we've got to go back, reconsider it. Pull this out. No, I need help over here. This not-for-profit serves a very important issue, they should be restored. Well, if we restore them, we have to pull this one out." I don't see how that process can take place publicly.

I'm all for any kind of system that we could reveal our work at an earlier date than at the eleventh hour. I made an offer to the Executive last year; you send your budget to us a week earlier and we'll make sure that our budget is made public a week earlier. Usually we're right up to the deadline before we reveal the work that we've done. It's a very, very intensive process, although we only affect 2% of the spending.

And as far as comparing the State and Federal Governments to the process that takes place here, I wouldn't give up our process for all the money in the world. If you think the State is a model system of the way they prepare budgets, or the Federal Government for that matter, I just totally disagree with you, that's all.

And with that, I'm just going to shut up and let's vote, unless somebody else wants to say something. We have a motion to table, am I right, and a motion to approve?

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

Okay, tabling goes first. Roll call.

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

LEG. COOPER:

Yes to table.

LEG. GREGORY:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:
(Absent).

P.O. LINDSAY:
Yes to table.

MS. ORTIZ:
Eleven.

P.O. LINDSAY:
Okay, *1354-11 - Amending the 2011 Operating Budget And Mitigating the effects of expenditure reductions at Huntington Hospital (Dolan Family Health Center) and Stony Brook University Hospital (Elsie Owens North Brookhaven Family Health Center) Resulting From Article 6 State Aid cuts (D'Amaro).*

LEG. D'AMARO:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator D'Amaro. Do I have a second?

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. Is there any discussion on the subject?

LEG. KENNEDY:
Take the money.

P.O. LINDSAY:
Yeah, I'm going to just make a statement. I was initially opposed to this resolution because it takes the remaining pay-go money that we have in the budget and allocates it to the health centers which helps them to survive for maybe, what, Gail, another 30 days?

LEG. D'AMARO:
Yeah.

MS. VIZZINI:
Correct.

P.O. LINDSAY:
And I really thought that if we were going to make some adjustments, as painful as they are, they should be made early. But in light of the negotiations with the State that they're dragging on and we don't know, we haven't been told no and we haven't been told yes, I think it's important that -- that 30 days could be very, very important to us as far as keeping this vital health network alive in the hopes that somebody will pull a rabbit out of the hat at the last minute.

LEG. HORSLEY:
Have we heard anything, Bill?

P.O. LINDSAY:

Haven't heard anything.

LEG. BROWNING:
Bill?

P.O. LINDSAY:
Legislator Browning.

LEG. BROWNING:
Just to add the fact that we have to get permission from the State to close, from the State Health Department, we have to get an approval from them to close and we have not yet received an approval. So basically with that, we have no choice.

P.O. LINDSAY:
I will just point out to my colleagues that the situation we're in, if we don't get any relief from the State, we're -- this system is in dramatic, dramatic trouble, and the closure of part of the system probably can't be avoided. Because if we spread the deficit across the whole network and deducted an equal amount of money from every one of the health centers, many of the costs of the health centers are fixed costs, you can't reduce them, they're rent and insurance and stuff like that. So it can only come out of supplies and the label line. So you cut it so much that the system would probably collapse. It's a very, very frightening situation for public health in this County.

So with that, there's a motion to approve. If we could do it by voice vote; all in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen (Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:
1406-11 - Adopting Local Law No. -2011, A Charter Law to waive a certain Charter provisions and provide adequate funding for the John J. Foley Skilled Nursing Facility (Presiding Officer Lindsay).

LEG. KENNEDY:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Kennedy.

LEG. BROWNING:
Second.

P.O. LINDSAY:
Is there a second? I'll second it. And I just want to comment on Mr. Kopp's comments before. I know there was some talk about piecing together some funding mechanism to keep this facility alive for the rest of the year. And even this -- if this is approved, I would certainly welcome any dialogue on that subject. The fact of the matter is, folks, being that the sale fell through, and that was a very painful, painful debate for all of us, whether we voted for it or against it or whatever, we do have the facility. To let the facility close now, whatever value it has in public/private partnership or ultimately another sale or whatever we do with it, would only diminish if we let it close. We have to keep it as an active asset, and this is the only way that I could think of doing it.

LEG. KENNEDY:
On the motion, Mr. Chair?

P.O. LINDSAY:

Yes, Legislator Kennedy.

LEG. KENNEDY:

Yeah, the other thing that I would like to put forward, and I believe -- and I'm trying to double check with my office now -- that I shared with all my colleagues the correspondence that came from CMS in the City regarding the IGT funding which their office indicated that approximately 10 million of IGT funding was going to be made available by I believe July 1st. Is that -- through the Chair, can I ask BRO?

MS. VIZZINI:

If I could just clarify something about this resolution and answer your question. In your yellow packets there is a Late Starter. Legislator Browning has the actual budget amending resolution that provides \$10.9 million in appropriations to continue funding the Skilled Nursing Facility for the remainder of 2011. There is sufficient revenue to offset those appropriations from the additional Medicaid, Adults in Institutions and Medicare monies. We included the Medicaid, reimbursing. We actually didn't have to include the additional IGT. And I did get an update from Mr. Naughton that we were going to be receiving 2009 and '10, I believe, but that they were backlogged and we were not going to be receiving '11. So at any rate, we really did not have to use the IGT monies to balance the 10.9 million; we actually had more revenue than we needed.

But I wanted to distinguish that budget amending resolution, which will be going through the committee cycle and be before you, from this Charter Law which would be a one-time waiver to use, if necessary, the mandated appropriations. The budget amending resolution did not have to resort to using the mandated appropriations, we were using the discretionary appropriations.

LEG. KENNEDY:

Okay. Through the Chair, then, then that begs the next question. If we didn't take action on this today, what, if anything, would happen with the mandated funding? Is it there or is it just a place holder, Gail?

MS. VIZZINI:

Well, the appropriations are there. As you know, when the County Executive constructed the 2011 Budget, he constructed it in such a way that anticipating proceeds from the closure, I presume that would have been the sale of the closed asset. That's how the budget was constructed, regardless of what was happening.

LEG. KENNEDY:

Yes.

MS. VIZZINI:

There are two large appropriations, one happens to be discretionary, it was a transfer to the General Fund; the other is mandated, which was the intent to escrow \$16 million to pay off --

LEG. KENNEDY:

The sinking fund.

MS. VIZZINI:

-- the sinking fund. In terms of the need to approve this, this is more of a belt and suspenders approach. Quite frankly, we are unclear as to what the County Executive's reaction is going to be to the resolution to continue the funding. So if --

LEG. KENNEDY:

Which is why I was under the impression that we were speaking about IGT funding, since my understanding is that IGT funding can only go to the operations of the nursing home.

MS. VIZZINI:

And when it comes in it will go to the nursing home; I mean, that's what will happen in reality. But for the purposes of having an adopted resolution that is either a pocket-approved or signed by the County Executive so that the Budget Office and the Treasurer and the Comptroller can make the transfers.

LEG. KENNEDY:

Okay.

MS. VIZZINI:

We weren't sure which way we were going to go. So we have this as a belts and suspenders, it waives the Charter. If need be we can go to the mandated pile of appropriations, but we chose to go to the discretionary, and that's what's in the budget amending resolution.

LEG. KENNEDY:

Does this resolution help clarify us from the bookkeeping side of the process? I'm still -- I think I understand generally where it's going, but I just want to make certain that we're not passing something that in the end may not --

MS. VIZZINI:

Well, if you pass this and we don't use it, its done because it's a one-time offer.

LEG. KENNEDY:

Okay.

MS. VIZZINI:

It's a one-time deal.

LEG. KENNEDY:

Okay. It is limited only to this act.

MS. VIZZINI:

Yes, that's how it was constructed.

LEG. KENNEDY:

Okay. Thank you. I'll yield, Mr. Chair.

P.O. LINDSAY:

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

LEG. ROMAINE:

Recuse.

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Fifteen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1462-11 - Amending the 2011 Operating Budget and appropriating funds in connection with bonding a settlement for a Medical Malpractice case (County Executive).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

Yeah. This resolution states that the settlement was approved in the Ways & Means Committee, which it was. Just by explanation, our process in Ways & Means is to go into Executive Session, discuss the case in Executive Session, outside the public, and then either agree or not agree and then come out of Executive Session and simply put on the record the name of the case and the fact that we approved a settlement. But there's nowhere in this resolution the name or the case, and quite frankly I don't remember -- I remember the settlement but I don't remember the facts. So my question really is to the County Attorney's Office in terms of is there any particular reason why the name of the case, which is a public record, is not included in the resolution? And you know, is it appropriate to give a recollection of what the facts were here? Because while I -- I don't remember when we approved it.

P.O. LINDSAY:

Ms. Lolis, would you like to answer that?

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

MS. LOLIS:

Thank you. It's just been a general practice with these resolutions for as long as I've seen them that they've never put them in -- the case in the bonding resolution. As far as the facts of the underlying case, I'll be more than happy to discuss it, but I would need to discuss that in Executive Session.

LEG. MONTANO:

All right. I'm not going to bother to go into Executive Session. We already did that. I think we had this discussion in Executive Session, though, with respect to the name of the case. And one of the issues that I think is important is that because these cases are public in nature, the name of the case really should be -- should be indicated in the resolution. If you don't want to put it in the resolution that's up to you; it's your resolution. Do you have an aversion to giving the name of the

case that this settlement refers to?

MS. LOLIS:

I do not.

LEG. MONTANO:

Okay. I don't have the letter here that we signed off on; so just refresh my recollection or maybe someone from the Committee -- does anyone remember the case? John, do you remember? I'm asking a lot. We do this a lot.

LEG. NOWICK:

We do so many.

LEG. MONTANO:

I know. That's why I think -- I think it's a good policy to have the name of the case.

LEG. KENNEDY:

What is the amount we're talking about here; how much is this for?

LEG. MONTANO:

220,000. All right. Why don't you just tell us which case it was. And you say you can't discuss the facts with us unless you go into Executive Session?

MS. LOLIS:

That is correct. Just like with Ways and Means, we discuss it in Executive Session. The name of the case is the Schroeder case. It's Schroeder.

LEG. MONTANO:

Schroeder? This is Ways and Means.

LEG. NOWICK:

If I may?

LEG. MONTANO:

All right. Did somebody want to say something?

P.O. LINDSAY:

Legislator Nowick has something.

LEG. NOWICK:

I just wanted to know is it absolutely imperative that we do pass this today? Because we're meeting in two weeks again and maybe --

P.O. LINDSAY:

Why would you want --

LEG. NOWICK:

Well, it seems like you want to know what it's about but you don't want to go into Executive Session.

LEG. MONTANO:

Well, no. What my -- my issue here is not disclosing on the record the name of the case because

this is a public -- and, you know, if no one cares about the facts, then I'm not going to bother rehashing it at this point.

LEG. NOWICK:

All right. So you have an answer.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Okay. Yes, Legislator D'Amaro.

LEG. D'AMARO:

Was this settlement recommended unanimously out of Ways and Means?

LEG. MONTANO:

I believe so.

LEG. D'AMARO:

Okay.

LEG. MONTANO:

I think all of our settlements had been recommended unanimously.

LEG. D'AMARO:

Right. I know, Legislator Montano, you don't literally mean you don't care about the facts. But what we do is we rely on the Ways and Means' Committee judgement.

LEG. MONTANO:

Right. No, I understand -- I agree with you there. My issue had to do with the disclosure. We do put on the record at the Ways and Means Committee the name of the case. We don't discuss the facts. And I just find it odd that we would now appropriate it as a body and not -- you know, not have the name of the case. And, you know, I won't argue with Counsel whether or not we need to be in Executive Session for purposes of discussing the case when we're approving the settlement. We'll leave that for another time.

P.O. LINDSAY:

Okay. All set? We have a motion, Mr. Clerk?

MR. LAUBE:

Yes, we do.

P.O. LINDSAY:

And a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Recused: Legislator Stern - Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

On the accompanying bond **1462A, (Bond Resolution of the County of Suffolk, New York,**

authorizing the issuance of \$220,000 bonds to finance the cost of the payment of a settlement in a malpractice liability case). Same motion, same second, roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Recuse.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:
(Absent)

P.O. LINDSAY:
Yes.

MR. LAUBE:
Sixteen (Recused: Legislator Stern - Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:
Just a comment as a follow-up to the debate, and we have another one here. If we ever dig ourselves out of this hole that we're in, we really should set aside a fund every year to pay these settlements in cash rather than bond them. I mean, it's really kind of shortsighted. Yes, Legislator Romaine.

LEG. ROMAINE:
I could not agree with you more. It's the reason I abstained at the committee level on these settlements. I believe in the operating budget we should put the money aside so we don't always have to bond out settlements. There should be a large enough line in an Operating Budget. Bonding should only be after we've expended that line, then we bond. But there should be, you know, several millions of dollars -- because we know what we spend on average every year. And that we keep on bonding that as opposed to putting it in the Operating, I will be hopeful that this Executive will put that in when he submits his last Operating Budget, will put it in. And if he doesn't, I would hope my colleagues would put at least a line in so we're not bonding every single settlement. Thank you.

P.O. LINDSAY:
Okay. **1463, Amending the 2011 Operating Budget and appropriating funds in connection with bonding for settlements for General Liability Cases against the County (County Executive)** I have a motion? Motion by Legislator Gregory. Second? Do I have a second?

LEG. MONTANO:
I'll second it.

P.O. LINDSAY:
Second by Legislator Montano.

LEG. MONTANO:
Right, but I have a question again.

P.O. LINDSAY:
All right, go ahead, ask the question.

LEG. MONTANO:
This bonding resolution -- oh, this resolution in the bond, I guess, are lumped together. So we have three cases here: One for 250,000, the other one for 275 and a third one for 285?

MS. LOLIS:
That is correct.

LEG. MONTANO:
What are the names of those cases? Can you give me the captions on the three of them?

MS. LOLIS:

Gohel. Versus the County of Suffolk.

LEG. MONTANO:

Et al? Or just the County of Suffolk? What's the first name again?

MS. LOLIS:

Gohel. G-o-h-e-l, Gohel.

LEG. MONTANO:

All right. That'll be fine for now. The second one?

MS. LOLIS:

{Masting} versus the County of Suffolk. And the third one is Goldenberg versus the County of Suffolk.

LEG. MONTANO:

All right. I'll settle for that now.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay, on the accompanying bond **1463A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$275,000 bonds to finance the cost of the payment of a settlement in an auto liability case)**. Same motion, same second. Roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. GREGORY:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Absent)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay, accompanying bond **1463B (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the cost of the payment of a settlement in a bus liability case)**. Same motion, same second, roll call.

LEG. ROMAINE:

Question.

P.O. LINDSAY:

Question from Legislator Romaine.

LEG. ROMAINE:

Quick question on the bonds. Could Budget Review Office enlighten us on the length and duration of the bonds and what's involved in that?

MR. LIPP:

There are a couple of issues with the settlements. Number one, just like any other Capital Project or borrowing we do, the life for everything 17 to 20 years has nothing to do with the period of probable usefulness; this case being five years. All the bonds get rolled into one grouping. That being said, you should be aware with the settlements that Budget Review Office has recommended looking into in both the Operating Budget and the Capital Reviews that we pay about -- approximately four million a year in terms of insurance. Over 30 years, we've gotten back like \$1.6 million. The point being that we should take a closer look at our risk tolerance. And we perhaps depending on what that tolerance is spend a lot more cash for the settlements than having to do the borrowing.

LEG. ANKER:

Can I ask a question?

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

You know, having been on the Ways and Means and going through some of the legislation that we're approving now, is there an increase in being sued compared to maybe two, three, four, five years ago?

MR. LIPP:

We've averaged about three million a year over the last several years in settlements. We're over four million coming into today. And we'll be over five million with these two total for the year.

LEG. ANKER:

So does that mean that our risk is increasing as compared to the previous years?

MR. LIPP:

It means that the amount of our settlements is increasing. As an example, depending upon what our risk tolerance is, if we would have taken that -- if we're willing to take the risk, we could have taken the \$4 million and applied that to what amounts now to be five million. And then we would have the option of either increasing the budget, which is difficult at this time, or reducing the total amount of borrowing this year; that example to date to one million.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Obviously it seems like each year we're paying more and more in the settlements. If we took what we were paying in settlements and applied it to insurance, to insure against this risk, would that be a better -- on a cost benefit analysis a better use of that funding to a certain point?

MR. LIPP:

The point I'm trying to make is that or Budget Review has been making, is that we have been insuring about four million a year. And we've gotten little to nothing back for that. So we might want to revisit our risk tolerance and spend that money towards greater cash for settlements themselves as opposed to borrowing.

LEG. ROMAINE:

So, in other words, insure less, put the money aside and instead pay settlements?

MR. LIPP:

Right. And an analysis might say do not go from four million to zero. It might be like a mix and match and have more extreme, you know, risk reduction --

P.O. LINDSAY:

We have an overlapping policy that anything more than \$3 million settlement the insurance company picks up.

LEG. ROMAINE:

Maybe we should, Presiding Officer, with your permission ask Budget Review to examine that policy to determine what's the best expenditure and what's the mix and match of insurance, risk tolerance and pay outs so that we have the right balance and we're minimizing our expenditures. If that's something that you would concur with?

P.O. LINDSAY:

I agree.

LEG. ROMAINE:

So maybe -- you know, I don't know your schedule, Budget Review. And obviously this is not a tomorrow thing. But down the road I think that would be very instructive if something could be in place by, say, October 1st when we're considering the 2012 Operating Budget. That would be very helpful to minimize our expenditures on this liability.

P.O. LINDSAY:

Okay. We have a motion and a second. We need a roll call on 1463B.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. GREGORY:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Absent)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay **1463C (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$285,000 bonds to finance the cost of the payment of a settlement in a civil rights liability case).**

Same motion, same second, roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. GREGORY:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Absent)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay. **1297, Approving the change of project location for Downtown Revitalization Round V for the Lindenhurst Chamber of Commerce and amending the contract with the Village of Lindenhurst to reflect same (County Executive).**

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1378, To appoint Maria Figalora as a member of the Suffolk County Citizens Advisory Board for the Arts. (Barraga) Tom?

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1427, Authorizing film promotion funding for 2011. (County Executive)

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley, second by Legislator Stern. All in favor? Opposed? Abstentions?

LEG. CILMI:

Abstain.

MR. LAUBE:

Sixteen (Abstention: Legislator Cilmi - Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1467, Amending Suffolk County Code, Chapter 636 to revise the fee schedule for Francis S. Gabreski Airport (County Executive)

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. Legislator Romaine.

LEG. ROMAINE:

Yes. I tried to open the Financial Impact Statement or the backup documentation to the schedule B's on this resolution. And it did not come up. I have some questions. Maybe if there's -- oh, I see Carolyn here. How are you, Carolyn? Do you have the schedule of fees? Because it's not coming up on my computer, nor did it come up on Legislator Schneiderman's computer.

MS. FAHEY:

Yes, I have it. If you want to make copies.

LEG. ROMAINE:

Yes. We didn't get any of the backup documentation.

LEG. SCHNEIDERMAN:

If I may, are the fees only for the --

LEG. ROMAINE:

Hangar.

LEG. SCHNEIDERMAN:

-- private airplanes that are in the hangar we just purchased? Or is this other fees at the airport as well?

MS. FAHEY:

No. It updates all the existing fees and then creates fees for those private hangars.

LEG. SCHNEIDERMAN:

So it does change all the fees. Yeah, I would like to see it.

P.O. LINDSAY:

We don't have the schedule?

MS. FAHEY:

They don't have it.

LEG. ROMAINE:

We don't have the fee schedule. There is no backup documentation.

The Financial Impact Statement page won't open. So obviously we have -- you know, it just raises a little concern that we'd like to see this.

P.O. LINDSAY:

Do you have it, Carolyn?

MS. FAHEY:

Yeah. Actually it was just taken from me to have copies made.

P.O. LINDSAY:

Oh, okay. We'll skip over.

MS. FAHEY:

It was filed. And actually the Clerk's Office called last week and again we sent it a second time.

P.O. LINDSAY:

We'll skip over it. **1324** we did already. **1423, Making a SEQRA determination in connection with the review of DGEIS comments and preparation of a FGEIS on the proposed declaration as surplus and subsequent sale of 255± acres of County-owned land in Yaphank for mixed-use development purposes (PO Lindsay)** I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

LEG. BROWNING:

Opposed.

LEG. ROMAINE:

Opposed.

LEG. EDDINGTON:

Opposed.

LEG. ANKER:

Opposed.

MR. LAUBE:

Thirteen (Opposed: Legislators Browning, Romaine, Eddington & Anker - Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1428, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the John P. Kujawski & Sons, Inc. Property Town of Riverhead (SCTM No. 0600-022.00-02.00-013.014 p/o) (County Executive).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Any questions on the motion? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

LEG. ROMAINE:

Will the Clerk list me as a co-sponsor?

MR. LAUBE:

Will do.

P.O. LINDSAY:

1439, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(D)] for the Peconic Land Trust, as contract vendee - Zebrowski - Noyac Greenbelt/Great Swamp - Town of Southampton (SCTM No. 0900-025.00-01.00-006.000) (County Executive)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. MONTANO:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Montano - Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

1457, Reappointing member of the Council on Environmental Quality -Eva Growney (Schneiderman)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Okay. **1162, Adopting Local Law No. -2011, A Local Law to ban the sale and use of coal tar sealers in Suffolk County. (Lindsay)** I'll make a motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. And I just want to make a comment that as much as I've explained and Counsel's explained to the man that this has nothing to do with creosol, it has nothing to do with marine industry, they keep insisting that it does. And if we do pass this bill today, I will offer an amendment that will clearly say it doesn't affect the marinas. All right? Any questions? We have a motion and a second. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just a comment. And I appreciate your willingness to do that. Creosol, which is a chemical that's commonly used in the marine industry for pilings, is made from a coal derivative, a coal tar derivative. So I think that's what the concern is. It's not a sealant, it's not a pavement sealant. Your bill clearly says surfaces, but I don't blame the marine industry for some concern here because of the creosol issue being a coal tar product. So I would support you. And I'm going to support this bill, but I would also support that amendment to clarify that issue.

P.O. LINDSAY:

Okay. Anybody else? Okay? All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Opposed.

LEG. MURATORE:

Opposed.

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. NOWICK:

Opposed.

LEG. SCHNEIDERMAN:

Roll call.

P.O. LINDSAY:

Why is there roll call? How many votes do you have?

MR. LAUBE:

Eleven (Opposed: Legislators Romaine, Muratore, Cilmi, Barraga, Kennedy & Nowick - Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Yeah, so it passed.

1455, To appoint member to the Food Policy Council of Suffolk County - Randi Shubin Dressner (Viloria-Fisher)

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, second by who? Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloria-Fisher).

P.O. LINDSAY:

1456, To appoint member to the Food Policy Council of Suffolk County - Gwen O'Shea (Viloria-Fisher) Same motion, same second, same vote; okay?

LEG. GREGORY:

Abstained.

P.O. LINDSAY:

Abstain, okay. So it can't be the same vote.

MR. LAUBE:

Sixteen (Abstention: Legislator Gregory - Absent: D.P.O. Viloria-Fisher).

P.O. LINDSAY:

1461, Renaming the Office of Handicapped Services the "Office For People With Disabilities" (Stern).

LEG. STERN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloria-Fisher).

P.O. LINDSAY:

1472, Cancelling a certain consultant contract (Kennedy).

LEG. KENNEDY:

Motion to approve, Mr. Chair.

P.O. LINDSAY:

Motion to approve 1472. Is there a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick.

LEG. KENNEDY:

This is the contract that Mr. Kopp spoke so eloquently about before.

P.O. LINDSAY:

He did speak eloquently.

LEG. KENNEDY:

Notwithstanding funding the facility throughout the end of the year. So it's a good thing.

P.O. LINDSAY:

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

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (Opposed: Legislators Cilmi & Barraga - Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1442, Authorizing use of Blydenburgh County Park by Husky House for its Dog Walkathon Fundraiser (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1452, Authorizing use of Southaven County Park for the Craig Elberth Cross Country 5K Run (Browning)

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?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1266, Adopting Local Law No. -2011, A Local Law to register prepaid cell phones purchased in Suffolk County (Browning)

LEG. BROWNING:

I will make a motion to table. But if you would indulge, I did pass out some information to everyone on the prepaid cell phone issue. There were many people who came to speak on the domestic violence issue. That's the only reason I'm tabling it at this time. I have met with them already. They're -- I think the people that I met with from the Domestic Violence Organization have not been here and have not opposed my bill.

You have a letter from the retreat who strongly supports my bill. I know that some of you are a little uncomfortable with the issue with the Domestic Violence Organization. I certainly have no intent to do anything to harm them. We can make this work to their benefit. And not to forget that sometimes those victims are being stalked by people who are using prepaid cell phones. I'm a little annoyed that there was people here calling it an immigrant bill -- an anti-immigrant bill, which it is absolutely not. This is a public safety bill. That's what this started with and that's what it will end with. It's about public safety, public safety only.

If you look in the packet of information, you'll see articles where prepaid phones are continually being used for crime. Other countries have introduced laws to register prepaid cell phones. I have a Legislator in Nassau County who's filed a bill. I have a Legislator and Assemblyman in Albany who have introduced a bill. Senator Schumer, and I forget the name of the Republic Congressman or Senator in Texas who has introduced the federal law. And I'm not going to stop until I see it become a federal law.

As I said before, this is children in our communities. Each and every one of us know somebody who has died from a heroin overdose. And that's what this is about. And every day that we do not pass this bill, another child dies. And I will tell you that this will take nine months. We need to allow IT the time to set up a data system. They said it would take about nine months to get the data system set up. And, therefore, it will allow us to continue to work with the Domestic Violence Organizations so that we can make them comfortable with what needs to be done for them.

But like I said, as long as this is not in effect, we are continuing to lose a child everyday; not one child, many children everyday to heroin overdoses. And drug dealers are walking away and getting away with it because the police cannot get them. So at this time I am tabling it. I will want to see an up or down vote at the next meeting.

P.O. LINDSAY:

Okay, we have a motion to table, second by Legislator Montano. All in favor? Opposed? Abstentions?

LEG. EDDINGTON:

Opposed.

LEG. MURATORE:

Opposed.

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Fourteen (Opposed: Legislators Eddington, Muratore & Romaine - Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

1315, Adopting Local Law No. -2011, A Local Law to limit the restraint of pets outdoors (Romaine).

LEG. ROMAINE:

Yes, Mr. Chairman, I'm going to make a motion to table. We want to clarify this bill. We're looking to go after the most egregious offenders. We're not looking to go after Mom and Pop's and neighbors. We want to clarify the bill and strengthen it and make sure that it's effective in being enforced. So I'm going to be working on a revision on this. So I appreciate it my colleagues voting it to the floor. I'm going to table it and hopefully you'll be as happy with the new revised version that I'll bring forward in the next week or so.

P.O. LINDSAY:

Okay, we have a motion to table. Do I have a second? I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

1429, Approving the re-appointment of David Carrigan as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

1430, Approving the re-appointment of Christopher Del Vecchio, as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive). How about same motion, same second, same vote; how's that?

LEG. BROWNING:

Yeah. Do I have time to co-sponsor, please?

P.O. LINDSAY:

Did you give the roll call?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1431, Approving the re-appointment of Jay Egan, as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1432, Approving the re-appointment of Philip Peter Garypie, Jr., as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive)
Motion by who? By Legislator Schneiderman, second by Legislator Eddington. All in favor?
Opposed? Abstentions.

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1433, Approving the appointment of Bryan Prosek, as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).

LEG. CILMI:

Motion.

P.O. LINDSAY:

Motion by Legislator Cilmi. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1434, Approving the re-appointment of Richard Sorrentino, as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).

LEG. STERN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1435, Approving the re-appointment of Frank Thornhill, as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1436, Approving the re-appointment of Richard Vella, as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1444, Accepting and appropriating Federal pass-through funding in the amount of \$189,045 from the New York City Police Department in conjunction with the Federally Sponsored Securing The Cities program with 85.02% support (County Executive). Motion by Legislator Eddington.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (CORRECT VOTE: Sixteen. Absent: D.P.O. Viloría-Fisher - Abstention: Legislator Montano).

P.O. LINDSAY:

1300, Amending the 2011 Capital Budget and Program and appropriating funds in connection with renovation to the Old 4th Precinct for general office space or other County use (CP 1641) (County Executive).

LEG. KENNEDY:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Kennedy. Do I have a second? Second by Legislator Nowick. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1300A, (Amending the 2011 Capital Budget and Program and appropriating funds in connection with renovation to the Old 4th Precinct for general office space or other county use) (CP 1641). Same motion, same second, roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Absent)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1337, Updating the Leadership in Energy and Environment Design (LEED) Program (Viloría-Fisher) Do I have a motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1445, Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 1 Port Jefferson and the Bridgeport & Port Jefferson Steamboat Company (BR-1628) (County Executive).

LEG. COOPER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1446, Appropriating funds in connection with the County share for participation in the installation of a closed loop signal system on Various County Roads (CP 3309) (County Executive).

LEG. KENNEDY:

I make a motion to table, Mr. Chair.

LEG. CILMI:

Second.

P.O. LINDSAY:

Motion to table. Second by Legislator Muratore. I'm going to make a motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. KENNEDY:

On the motion to table, Mr. Chair. Can I just ask BRO again to talk about what the County share is on this?

MS. VIZZINI:

It's 20% county share. This would appropriate \$250,000 in County share serial bonds and a million dollars in short term borrowing in anticipation of 80% federal funds.

LEG. KENNEDY:

So we're first instancing these funds, Gail, but the lion's share's going to come back to us through federal money?

MS. VIZZINI:

Correct.

LEG. KENNEDY:

Okay. Then based on that, I withdraw the motion to table, Mr. Chair.

P.O. LINDSAY:

There's a motion to approve and a second. All in favor? Opposed? Abstentions? Did you call the vote?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay. The accompanying bond resolution **1446A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,250,000 bonds to finance the cost of the installation of a closed loop signal system on various County Roads) (CP 3309.313)** Same motion, same second. Roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Absent)

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1447, Amending the 2011 Capital Program and Budget and appropriating funds in connection with the County share for participation in the 2011 pavement maintenance on various Federal Aid highways within Suffolk County (strengthening and improving CR 85, Montauk Highway from the vicinity of the Oakdale LIRR bridge to the vicinity of West Avenue), Town of Islip (CP 5014) (County Executive) I'll make a motion.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

On the accompanying bond resolution **1447A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$4,125,000 bonds to finance the cost of strengthening and improving CR 85, Montauk Highway, Town of Islip) (CP 5014.352)** Same motion, same second. Roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

P.O. LINDSAY:

Yes.

LEG. MURATORE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Absent)

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1448, Amending Resolution No. 316-2007 in connection with the reconstruction of CR 16, Portion Road, from the vicinity of Ronkonkoma Avenue to CR 97, Nicolls Road, Town of Brookhaven (CP 5511.211) (County Executive).

LEG. MURATORE:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Muratore.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. Could I ask Budget Review, isn't this project done? And I just rode down there yesterday. I mean this is --

MS. VIZZINI:

Well, this is a continuing --

P.O. LINDSAY:

Commissioner Anderson is here.

MS. VIZZINI:

This is Ronkonkoma Avenue.

P.O. LINDSAY:

Commissioner Anderson is here. Go ahead, Commissioner.

COMMISSIONER ANDERSON:

This just corrects the total project funding because we received Marchiselli funding. So basically we got 80% from the feds, 15% from the State and the County funds 5%. So it just re-apportions it and corrects the --

P.O. LINDSAY:

This means we get money back.

COMMISSIONER ANDERSON:

Yes. We had to spend less, yep.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

1449, Amending Resolution No. 861-2008 in connection with the County share of reconstruction of CR 16, Portion/Horseblock Road, Town of Brookhaven (CP 5511.312) (County Executive) Same type, Mr. Anderson? Same deal here?

COMMISSIONER ANDERSON:

Yes. The previous resolution had to do with right-of-way acquisitions. This has to do with

construction costs.

P.O. LINDSAY:

Okay, thank you. Same motion, same second, same vote? Okay? Okay.

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1450, Amending Resolution No. 863-2008 in connection with the reconstruction of CR 80, Montauk Highway, Town of Brookhaven. (CP 5516.310) (County Executive)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. Sounds like the same type of deal, Mr. Anderson; correct? You don't have to come up.

COMMISSIONER ANDERSON:

Yes.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1451, Amend Resolution No. 704-2008 in connection with safety improvements at various intersections (CP 3301) (Kennedy)

LEG. KENNEDY:

I'm going to make a motion to approve, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Did you second it?

LEG. COOPER:

Yes.

P.O. LINDSAY:

Legislator Cooper seconded. All in favor? Opposed? Abstentions?

P.O. LINDSAY:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1469, Authorizing transfer of surplus Suffolk County Vehicles to the Suffolk County Department of Social Services (Lindsay). I'll make that motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. For the edification of some of my colleagues, I became aware that the van that we used to transport kids -- Child Protective Services has like 120,000 miles on it. We have two big Ford Sedans here that we just picked up some cars from the Labor Department so we really don't need them anymore. So I can't think of a better use for them than CPS. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1471, Amending the 2011 Capital Budget and Program and appropriating funds in connection with the demolition of the Old Plaza Theatre in East Patchogue (CP 6423) (County Executive)

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

We have to table it because we have no bond, Legislator Eddington.

LEG. EDDINGTON:

I'm shaking my head. It's only been 20 years.

P.O. LINDSAY:

I know. I'll make a motion to table so you don't have to. Okay?
Do we have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1085, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (New York State) (SCTM No. 0200-024.00-02.00-026.000) (County Executive).

LEG. MONTANO:

I'll make a motion to table. Because I believe we have no town resolution on this. Am I correct, Legislator Browning? There's no town resolution accepting this property under this resolution?

P.O. LINDSAY:

No. This one I think we do have the reso. This is one by the executive for \$5,000. The next one is for the dollar.

LEG. MONTANO:

Right.

P.O. LINDSAY:

But we don't have the 5,000. We have the dollar.

LEG. MONTANO:

Let me -- do we have a second first?

LEG. BROWNING:

What did you do?

LEG. MONTANO:

I'm going to make a motion to table.

LEG. BROWNING:

Sure. I'll table that.

LEG. MONTANO:

I know that. By way of explanation on the motion 1085 and 1205 were extensively discussed in the Ways and Means Committee. They are essentially the same bill. The only difference what we're doing here is it's proposed to transfer County-owned land to the newly Incorporated Village of Mastic Beach. The difference is that when we transfer, according to the Department of Real Estate, and I guess Pam Greene is not here, when we transfer a property to another municipality, other than for affordable housing purposes, we charge the back taxes. And that has been the policy that I think is consistent throughout our transfers.

1205 is the same resolution except that it transfers the County-owned property to the Village for a dollar. And that is contrary to the policy of Real Estate so it's a question of whether or not we want to pass that.

I'm going to make -- I made the motion to table 1085. Because the Village has passed a resolution accepting the property for a dollar. But they have not passed a resolution accepting the property and paying the back taxes. And I think now the back taxes are -- the last time we looked was 6,000. And by now it's probably about \$15,000 in back taxes because the second quarter is due. As I said, they came out of committee. There was extensive debate on this. That's the issue that we have before us so let's just vote.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah, I'll give you a brief history on this. This was a piece of property that was requested -- it had to be taken off the auction block couple of years ago. And the County Executive opposed it. We

eventually did have it taken off the auction. At that time the Village was going through a process having elections. And I requested that we take it off so that they could decide what they'd like to do with that property once it became a village.

A precedent was set. I sponsored a piece of legislation a couple of years ago with -- at that time Supervisor Foley and Councilman Keith Romaine to transfer some property to the Town of Brookhaven for a dollar. So, yes, it is something that has been done in the past with our Real Estate. And that was for the purpose of a parking lot.

This piece of property, the Village would like to put a historic home that was moved to Mastic. And the location that -- the home is right now, they're willing to move that home back -- the shopping center is going to move that home back into Mastic Beach. And this is the location that they want to put it.

The County Executive opposed transferring the property; however, when they became a Village, he met with them and he said that he would work with them and help them out any which way he could. And so -- however, he reneged on that, I guess, with requiring the \$6,000. They're a new Village. I think it's a nice gesture.

There is another piece of property that they're looking at. And it would cost them about \$75,000. And they know that they will have to pay for it. They do have limited resources at this time; because they're not collecting any taxes at this time. They're a new Village; next year is when maybe they'll see some revenue. But I think as a new Village, I would like to do this as a nice gesture for them, to put the historic home back where it belongs and let the votes go where they may. But I'm asking for your support that we transfer it for one dollar and the other additional properties they're aware that they will have to pay the monies that are owed on that property.

P.O. LINDSAY:

We have motion to table 1085. Do we have a second to that?

LEG. BROWNING:

Yeah, I seconded that.

P.O. LINDSAY:

We did have a second. Yes, Legislator D'Amaro?

LEG. D'AMARO:

I was going to second it if you didn't have it.

P.O. LINDSAY:

Okay. Okay. Is there any other discussion or any other motions? Okay, we have a motion to table, a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1205, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law New York State (SCTM No. 0209-024.00-02.00-026.000) (Browning)

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Browning.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. This is for a dollar. Okay. No discussion. We have a motion and a second to approve. All in favor? Opposed? Abstentions?

LEG. MONTANO:

Opposed.

LEG. NOWICK:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. CILMI:

Opposed.

LEG. MURATORE:

Opposed.

P.O. LINDSAY:

Hold them up, hold them up. One, two, three, four, five six. I think maybe I should take a roll call. Roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

(Absent)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven (Opposed: Legislators D'Amaro, Nowick, Kennedy, Cilmi, Montano & Muratore - Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay. **1243, Adopting Local Law No. -2011, A Local Law to prohibit certain language in County contracts (Romaine)** Legislator Romaine, do you have a motion?

LEG. ROMAINE:

Motion to approve and deny puffery.

LAUGHTER

MR. LAUBE:

Who was the second?

P.O. LINDSAY:

Who's going to second that?

LEG. COOPER:

I seconded it.

P.O. LINDSAY:

Second by Legislator Cooper. I can't wait to get home and tell my wife I'm denied puffery. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

IR 1256, Adopting Local Law No. -2011, A Local Law expanding legal representation of County employees (Lindsay) I'll make a motion.

Do I have a second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. And just a brief explanation. There was an issue on the legality of the County Attorney representing an elected official that was subpoenaed in a criminal case. And it really isn't quite clear in the statute. This would make it crystal clear. If you're an elected officer, you're not a target of an investigation and you're subpoenaed to testify, the County attorney would represent all of us.

LEG. MONTANO:

As long as you're not a target.

P.O. LINDSAY:

Okay. As long as you're not a target. So we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1316, creating a bipartisan commission to recommend a system of public campaign financing for County elections (Cooper).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper. I'll second. Second by Legislator D'Amaro. On the discussion, nobody? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

LEG. BARRAGA:

Opposed.

LEG. MONTANO:

I oppose.

LEG. CILMI:

Opposed.

LEG. MONTANO:

Wait, wait. This is the --

P.O. LINDSAY:

This is to create a commission to study public financing. What do we have, four? You got them? One, two three -- roll call, roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes, for the study.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

(Absent)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Nine (Opposed: Legislators Gregory, Horsley, Nowick, Barraga, Cilmi, Montano, Muratore & Romaine - Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay, it fails.

IR 1371, Adopting Local Law No. -2011, A Local Law to impose new limitations on the future employment of County officers and employees (Muratore).

LEG. MURATORE:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Muratore to approve, second by Legislator Cilmi. On the motion. Who --

LEG. EDDINGTON:

I'd like some clarification.

P.O. LINDSAY:

Okay.

LEG. EDDINGTON:

There was discussion here. And I think our latest Legislator thinks that she's sitting between two double dippers. And I wanted to get clarification of exactly what is the title of double dipper? Is this -- is this affecting somebody that has -- like for me, I'm a social worker and I retired and I then I got elected to office. Would that qualify as a double dipper?

P.O. LINDSAY:

I think a double dipper is when you have potato chips, you eat half of it and you stick it back in the dip.

LAUGHTER

LEG. EDDINGTON:

That's George. I know about George. We all know George.

LAUGHTER

LEG. ANKER:

I better clarify that, too. It's a different bill.

P.O. LINDSAY:

We're going to get an explanation of the bill. Okay. George, do you want to do that?

MR. NOLAN:

This bill would amend the Code of Ethics and basically sharpen the language regarding County officials and employees and the limitations on soliciting future employment. The language is if County officers and employees cannot solicit, negotiate for, accept employment with any person or business entity which is involved in a contractual relationship with the County while such officer or employee's directly concerned with or personally participating in the award, administration, oversight or performance of such contract on behalf of the County.

Right now in the code there is similar language but it is not as sharp. What we intend to do with this bill is just draw brighter lines for County employees telling them if you're involved in a contractual relationship with a vendor while you're working for the County, don't be working out a deal for future employment while you're working for the County.

P.O. LINDSAY:

All right. I was under the impression that was in the code now.

MR. NOLAN:

The current language states that County officers and employees will not engage, solicit, negotiate for a promise to accept private employment who render services for private interest when it will create -- might create an appearance of a conflict. So Legislator Muratore thought that language was too vague; didn't provide clear guidance so we came up with this language that's a little bit stronger and a little bit clearer.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

You know, for purposes of clarity on that, and I know we're trying to achieve more clarity with this bill, does that mean that, for example, a Legislator cannot engage in that type of conduct while sitting as a Legislator because in effect we have oversight over all County contracts?

MR. NOLAN:

The language is the County officer/employee has to be involved in the award, administration, oversight or performance of such contract. I don't -- I know my personal opinion, no, it would not apply to a County --

LEG. D'AMARO:

Even though we might vote on those contracts or have the oversight authority, you know.

MR. NOLAN:

I think if there was a situation where you had voted on it to award a contract to somebody --

LEG. D'AMARO:

Right.

MR. NOLAN:

-- I think that would be the case. But the reality is we vote on very few contracts; very few County contracts come before us for approval.

LEG. D'AMARO:

And what about the oversight? Oversight; not-day-to-day, but, you know, legislative oversight? Do you need to differentiate?

MR. NOLAN:

That is not the intention, I don't believe.

LEG. D'AMARO:

Right.

MR. NOLAN:

And drafting it, that was not the intention. It would be somebody who's directly involved in overseeing work being performed, you know.

LEG. D'AMARO:

Right. So that would apply more to, let's say, someone working within one of the various County departments, is administering or overseeing the implementation of a contract. And, of course, while you're still within the County employ, you cannot be negotiating anything for your own benefit.

MR. NOLAN:

Exactly. But if the County Legislature, let's say went out and hired a consultant as we sometimes do, certainly it would be inappropriate in that situation for a Legislator to talk to that consultant about employment after he leaves the County.

LEG. D'AMARO:

All right. George, I appreciate that. I think it's important to have it on the record just for future reference. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Real quick question. Is there a time duration? So, for example, let's say you're involved in negotiating, if we vote on a contract, a legislative contract, you leave the Legislature, how many years out do you have to be before this -- or is it forever?

MR. NOLAN:

It's not a forever. It's while the contract is active and while you're dealing with that contract and dealing with the vendor, during that time you should not be soliciting.

LEG. ROMAINE:

Right.

MR. NOLAN:

If you leave the County --

LEG. ROMAINE:

Right.

MR. NOLAN:

-- and then you negotiate a contract with a former vendor, there's no bar.

LEG. ROMAINE:

I'm not looking for private sector employment. But I just thought I'd ask the question for the record.

P.O. LINDSAY:

I'll just clarify something. A lot of these issues are issues that the special commission on ethics I created last year, as we speak, are going through these one by one. And, you know, we fully in consultation with the District Attorney expect to have a bill, an all-encompassing bill before you hopefully -- before the end of the year to vote on. And, you know, some of it, it's a little bit, you know, nebulous, but it can be clarified. And I'll give you an example. I won't bring up a personality. But it was a former elected official that, you know, went to work -- lost his position -- went to work for another municipality. And he is -- is he affected by coming back and lobbying before us? And was looking for clarification on that from our Ethics Commission and couldn't get it. So I think we have to clarify that in the statute. But I really thought this one was already covered in there. I didn't think it was unclear to tell you the truth.

LEG. MONTANO:

Question?

P.O. LINDSAY:

Yes, Legislator Montano.

LEG. MONTANO:

One of the issues that came up, I was under the impression that this was covered in the Public Officers Law. Do you know, George, if you had a chance to look at that?

MR. NOLAN:

Sorry, I did not.

LEG. MONTANO:

Okay. Because I believe it is covered. I mean we are covered by the Public Officers Law, are we not?

MR. NOLAN:

We are.

LEG. MONTANO:

We are, right? Okay.

P.O. LINDSAY:

But I think it's in Ethics now.

MR. NOLAN:

It's in our code.

P.O. LINDSAY:

It's in our code.

LEG. MONTANO:

I think it's in the State Public Officers Law.

P.O. LINDSAY:

No, it's in County, too. Because I just saw it the other day because we were just reviewing the portions of Ethics.

LEG. MONTANO:

So if it's in there now, then why are -- oh, we're just clarifying it; tinkering with it?

MR. NOLAN:

Clarifying it, yes.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1376, Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Smithtown, (SCTM No. 0800-169.00-01.00-009.001), pursuant to the Suffolk County Tax Act) (Kennedy)

LEG. KENNEDY:

Motion to approve, Mr. Chair.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1415, Sale of County-owned real estate pursuant to Local Law No. 13-1976 The Report Investment Corp. (SCTM No. 0100-070.00-01.00-004.002) (County Executive)

LEG. MONTANO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1416, sale of County-owned real estate pursuant to Local Law No. 13-1976 Frank Niemann and Suzanne Niemann, his wife (SCTM No. 0500-289.00-04.00-095.000) (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?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1422, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-959.00-03.00-017.000) (County Executive)

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

We're going to go back to Economic Development, page seven.

LEG. GREGORY:

Mr. Chair?

P.O. LINDSAY:

Yes.

LEG. GREGORY:

If I may, I'd like to make a motion to reconsider 1316.

LEG. COOPER:

I'll second that motion.

P.O. LINDSAY:

Okay. **1316 (Calling for a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 – Southwest) (Infiltration/Inflow Study/Sewer Rehabilitation) (CP 8181) (County Executive)** I have a motion to reconsider by Legislator Gregory. And you are on the prevailing side, Legislator Gregory?

LEG. GREGORY:

Yes.

P.O. LINDSAY:

And seconded by?

LEG. COOPER:

I'll second it.

P.O. LINDSAY:

Legislator Cooper? Were you on the prevailing side? You don't have to be. Okay, okay.

LEG. COOPER:

I just want to say if Legislator Vivian Viloría-Fisher had been here, it would have passed. But also if I had known it would be this close, I would have had a debate on this. I didn't want to put us through that. I don't want to do it now. But I would request your indulgence in reconsidering this vote and allowing me to table it so we can have this debate at the next meeting.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay, it's before us. And you're going to make a motion to table, Legislator Cooper?

LEG. COOPER:

Please.

P.O. LINDSAY:

And a second by Legislator Gregory. Is that what you want to do?

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

All right, Economic Development, page seven. **1467 (Amending Suffolk County Code, Chapter 636 to revise the fee schedule for Francis S. Gabreski Airport) (County Executive)** I believe you have the schedule in front of you. Do we have a -- late start. Do we have a motion to approve the schedule?

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy. I'll second it. Okay. Carolyn -- Legislator Romaine, go ahead.

LEG. ROMAINE:

A quick question for Carolyn, if I may. I'm looking at the bottom of the sheet where it says hangar rental rates per square foot. Okay. And this is the hangar that we bought that we lost about over half a million bucks on. And now we own it. We're going to rent out that portion that's used by the private sector; is that correct?

MS. FAHEY:

Correct.

LEG. ROMAINE:

Okay. What were they charging us for square foot for our helicopters for -- when they owned it and they rented it to us?

MS. FAHEY:

I don't have that rate with me, Legislator. I don't recall off the top of my head. I don't want to guess.

LEG. ROMAINE:

Okay. The reason I ask, obviously if they -- you know, the owners charged us a rate for our square footage, how does that compare to the rate now that we own it that we're going to charge the people that occupy the half? Is it comparable? Is it -- have we jacked up the rate? What is the deal on that?

MS. FAHEY:

I understand where your question's coming from. What you need to take into consideration is that that was a helicopter and there was no other hangar available for the hangars so it was the market rate that he was charging at the time; whatever we could get and whatever the County agreed to, they agreed to. What we're now leasing is for private small airplanes that can fit two or three in half it of. So we're going to be only renting --

LEG. ROMAINE:

This is the same planes that were always there?

MS. FAHEY:

Correct.

LEG. ROMAINE:

They just leased to the guy that owned it?

MS. FAHEY:

Correct.

LEG. ROMAINE:

Right, right. Are they paying -- are they going to pay the same rate they paid the private vendor? Is it more, is it less?

MS. FAHEY:

It's much more.

LEG. ROMAINE:

It's much more.

MS. FAHEY:

The prior owner was charging one vendor \$300. We're charging \$500 on a monthly basis. The square footage and the rates that we're charging those private planes is higher than what the prior owner was charging.

LEG. ROMAINE:

Why would we do that? I mean obviously we want to make money, but is that -- you know, it seems like the County purchased this hangar. These people have no other options and as --

MS. FAHEY:

No, they have other options. They can go to East Hampton. They can go to Calabro, they can go to Farmingdale. Our rates are market rates compatible to all those others. These new rates will be compatible to all those others.

LEG. ROMAINE:

Is it compatible to Calabro Airport, which is in Shirley? Do you know what they charge per square foot?

MS. FAHEY:

Yes. About \$8, for what we're --

LEG. ROMAINE:

We're charging six?

MS. FAHEY:

We're charging six.

LEG. ROMAINE:

Okay. Thank you very much. I appreciate the information.

MS. FAHEY:

You're welcome.

LEG. SCHNEIDERMAN:

Question.

P.O. LINDSAY:

Legislator Nowick; and then Schneiderman.

LEG. SCHNEIDERMAN:

Okay.

LEG. NOWICK:

Just quickly, and I was just curious why the multi-engine equal to under 12,500 gross weight, not that it matters, but went down.

Why did that go down? From 6650, did it go down to 6250?

MS. FAHEY:

Yes, it did go down. But the other -- the two lower ones -- yes, they did go down.

LEG. NOWICK:

Good. I thought maybe that was an error because that's the only one on the whole list.

MS. FAHEY:

That was -- yeah, that was -- no, that's just a nighttime rate. If you you look at that, you're looking at the nighttime rate.

LEG. NOWICK:

Yeah, well everything else went up.

MS. FAHEY:

Right.

LEG. NOWICK:

I just wondered why that one went down. It's not significant. I thought maybe it was an error, but if that's what it is, it is.

MS. FAHEY:

I'm sorry. I thought you answered your own question, it is what it is. There's just -- it just brought all of the fees into compatibility with East Hampton, Farmingdale and Calabro so that we were somewhat at the same market rate.

LEG. NOWICK:

Good answer.

P.O. LINDSAY:

Are we done? Legislator Schneiderman. Thanks Alex.

LAUGHTER

LEG. SCHNEIDERMAN:

Forgot me. Carolyn, some of the fees went up by very large percentages, like from \$25 to a hundred dollars. That's fourfold increase, 400 percent. Like the multi-engine over 4,500. Is there a reason why we're going up so much in that area? And, you know, really how were these rates arrived at in general? Was there a process?

MS. FAHEY:

Actually what we did was we took what Farmingdale was charging, Calabro was charging, East Hampton was charging; looked at the going rate, looked at the services that were available because, as you know, the services at Gabresky are a little bit higher end than what's available at Calabro, but not as high end as Farmindale. So we tried to kind of find our niche in the market that kept us at a market rate that the FAA would accept because you're aware the FAA wants to see the fees somewhat consistent in the region. So we found our niche between those three different airports.

LEG. SCHNEIDERMAN:

Now, I'm sure the residents around the airport would love to see less planes landing there. I'm not sure, though, the County's best interest is to see, you know, less money coming into the airport. Going up in the rates may make sense at the right time, but I know right now pilots are experiencing higher gas. Do you have any idea in terms of our revenues, are we seeing more landings or less landings? Can we look at, let's say, 2010, were there less compared to 2009? What are we seeing

at the airport? Is there a falloff in usage?

MS. FAHEY:

The landings have dropped about 15 -- I think 10 to fifteen percent this year.

LEG. SCHNEIDERMAN:

This year over last year in the recession?

MS. FAHEY:

I believe from '09 to '10, there was a drop-off of about the same; about the same.

LEG. SCHNEIDERMAN:

So we're looking at maybe a 30% drop in the last two years.

MS. FAHEY:

Not that high. Ten to fifteen; maybe 20% over two years.

LEG. SCHNEIDERMAN:

Twenty percent falloff. By raising the rates, are we going to make that -- exacerbate that falloff in revenues?

MS. FAHEY:

No, I don't think so. I think the economy's kind of -- from an airline, airport perspective, it's kind of leveled out. And the revenue generated from these is estimated about another hundred thousand a year. We don't expect to see -- plus we also have new hangars on the north side. We have a new FBO that opened up last year. And we have a lot of interest in leasing activity at the airport.

LEG. SCHNEIDERMAN:

Now, that money from the fees can only go toward the airport; they can't go to the General Fund? Is that correct?

MS. FAHEY:

Correct.

LEG. SCHNEIDERMAN:

Because of FAA assurances, grant assurances. So where are we as an airport? Are we self-sustaining yet or are we still having to supplement the airport?

MS. FAHEY:

I think we're close. I think once the industrial park -- the title is turned over to Rechler Equities, we will be in the black.

LEG. SCHNEIDERMAN:

And it's your best judgement that these fees are industry standards for municipal airports. And basically won't affect the airport's overall ability to sustain itself?

MS. FAHEY:

Correct.

P.O. LINDSAY:

Okay. We have a motion and a second. Am I correct, Mr. Clerk?

MR. LAUBE:

Yes, you are.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Romaine - Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay, that concludes the agenda.

In the manila envelope, we have **Procedural Motion No. 16**, allocating the CSI's monies for this round, **(Authorizing funding for Community Support Initiatives) (Phase IV)**. I'll make a motion. Do I have a second.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Procedural Resolution No. 17, To set a public hearing for the inclusion of new parcels into existing Agricultural Districts in the Towns of Brookhaven, East Hampton, and Southold.

I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Home Rule Message No. 5, Requesting the State of New York to authorize Suffolk County to discontinue use of certain land for park purposes and sell such property to the First Baptist Church of Bay Shore (Senate Bill S.4416-B and Assembly Bill A.07456-A).

Legislator Barraga, you want to make that motion?

LEG. BARRAGA:

Yes.

P.O. LINDSAY:

Motion by Legislator Barraga, seconded by Legislator Cilmi.
All in favor? Opposed? Abstentions?

LEG. CILMI:

Co-sponsor.

LEG. MONTANO:

Co-sponsor.

MR. LAUBE:

Seventeen (Absent: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Resolution No. 300 of 2011, Amending the 2011 Operating Budget and transfer funds to fund 102 for Public Safety Answering Points. Oh, this is a veto, right? These are vetoes. What do you want to do, Legislator Kennedy?

LEG. KENNEDY:

Mr. Chair, at the request of the administration, I have agreed that I will allow the County Executive's veto to stand. And you will see that in your red folder you have a CN for a --

P.O. LINDSAY:

No action.

LEG. KENNEDY:

No action. There you go.

P.O. LINDSAY:

Thank you. Okay. **Resolution 301, establishing a Suffolk County Public Nuisance web site veto** was vetoed. What is your pleasure, Legislator Browning?

LEG. BROWNING:

Override.

P.O. LINDSAY:

Make a motion to override. Do I have a second?

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Who is that? Legislator Cooper. Any discussion? Roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

No, to override.

LEG. NOWICK:

No, to override.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

(Absent)

P.O. LINDSAY:

Yes to override, but the override fails.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Resolution 353 of 2011, amending the 2011 operating budget and transferring funds from the John J. Foley Skilled Nursing Facility to the Legislature. This is the \$200,000 for a consultant.

LEG. BROWNING:

Motion to override.

P.O. LINDSAY:

A motion to override by Legislator Browning, second by Legislator Kennedy.

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion. Legislator D'Amaro.

LEG. D'AMARO:

Yes, I just noticed looking at the brief veto message that it seems to be indicating that there's been an agreement reached where the work would be done in-house. And I was just wondering if the sponsor had a response to that?

LEG. BROWNING:

I can respond and I will tell you I have agreed that, you know, if the County Executive's Department can do this without any additional resources, that's fine. It's my understanding that they will still need to hire a consultant. I spoke with Gail. Basically what I'm saying is let's put the money aside in the event that they cannot do it without any additional funding without hiring a consultant so the money will not be spent unless it's absolutely needed. I don't know, Gail, you want to jump in at all on this?

MS. VIZZINI:

Only that in the spirit of cooperation, we met with the County Attorney's Office, the Budget Office, County Executive's office and Budget Review. And although the County Executive is moving forward on his own RFP regarding the nursing home, they have agreed to put together this RFP for the private public partnership. As Legislator Browning said, you know, in the event that the cooperation continues, we're able to benefit from the work that's already been done towards the RFP, there should be no need for expenditure of these monies. The problem for both sides comes up when you have to evaluate the responses, which we have discussed before.

LEG. D'AMARO:

You may need consultant services then?

MS. VIZZINI:

Yes.

LEG. BROWNING:

Gail, maybe we can have somebody from the the County Executive's Office let us know, can they do all of this without a consultant?

MS. VIZZINI:

The money is currently in the nursing home fund. This resolution as you are aware transfers that to the Legislature so that we have absolute control over it.

P.O. LINDSAY:

We're not appropriating it, no. So they money will be there. There is an agreement between the Executive branch and the Legislature to do this jointly. And if we can do it without spending the money or hiring a consultant, we're all for that. Okay. So, you know, Legislator Browning has made a motion to override and a second by Legislator Kennedy. I guess roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. BROWNING:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

I'm going to vote no to override.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes, to override.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes, to override.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Recuse.

D.P.O. VILORIA-FISHER:

(Absent)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay. And then we have **1170B**, which is a correction on a bond, right? I'll make a motion for the purposes of discussion, second by Legislator Eddington. And, Counsel, I would ask you to explain this.

MR. NOLAN:

The underlying appropriating resolution was for \$800,000. A couple meetings back the bond resolution that we passed at that time had the wrong figure of \$600,000. This is really just correcting that and giving it the right figure.

P.O. LINDSAY:

Okay. Any questions? We have a motion and a second. And I need a roll call because it's a bond.

MR. LAUBE:

Can I get the motion and second again?

P.O. LINDSAY:

Yeah, I made the motion to override. And I believe -- to approve. And Legislator Eddington seconded it.

MR. LAUBE:

Thank you.

(ROLL CALL BY MR. LAUBE, CLERK)

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Absent)

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Red folder, CN's, first one up is **1529 Accepting and appropriating a grant amendment to the National Science Foundation Science, Technology, Engineering and Mathematics Scholarships, Program (S-STEM) 100% reimbursed by Federal funds at Suffolk County Community College (County Executive).**

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1533, Accepting and appropriating 100% Federal funds awarded by the United States Department of Justice, Drug Enforcement Administration to the Suffolk County District Attorney and authorizing the Suffolk County Executive to execute related agreements (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1564, Authorizing transfer of County-owned real property to the Town of Smithtown Pursuant to Section 72-h of New York General Municipal Law (Kennedy).

LEG. KENNEDY:

I make a motion to approve, Mr. Chair.

P.O. LINDSAY:

There's affordable housing in Smithtown?

LEG. KENNEDY:

No, not at all, Mr. Chair. As a matter of fact that will be the site of the 9/11 First Responders' Memorial at the corner of CR 67 and CR 16.

LEG. BROWNING:

I'll second it.

P.O. LINDSAY:

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

LEG. MONTANO:

Just a quick question. I didn't know that when you just said that. I thought it was Legislator Lindsay. But what is the reason that we're bypassing the committee? Because the explanation says we need a Certificate of Necessity because the County would like to expedite the transfer of this property to the Town of Smithtown. That's not sufficient. Why are we moving it forward without committee? I'm just curious?

LEG. KENNEDY:

Very simple, Legislator Montano. The calendar. In an effort to be able to effectuate the transfer back to the Town of Smithtown so that the Smithtown Town Board can hopefully get this on their agenda for Thursday, so that they can subsequently then convey to the 501 (C) (3) not-for-profit --

LEG. MONTANO:

That explains it.

LEG. KENNEDY:

-- who's electing to start construction so we can have the memorial in place in three months from now for 9/11 for tenth anniversary.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1567, Amending the 2011 Capital Budget and Program and appropriating funds in connection with the purchase and replacement of Heavy Duty and Specialty Equipment Countywide (CP 3421) (County Executive)

LEG. KENNEDY:

Motion to approve, Mr. Chair.

P.O. LINDSAY:

We didn't -- is this the same one we approved -- did we approve that earlier today?

LEG. KENNEDY:

No, no, not all, Mr. Chair. As a matter of fact, this is a corollary for the one that I just elected not to seek to override.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

And the accompanying bond resolution 1567A (**Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$285,000 bonds to finance the cost of the purchase and replacement of heavy duty and specialty equipment) (CP 3421.511)** Same motion, same second, roll call.

MR. LAUBE:

Who's the second on the last bill?

P.O. LINDSAY:

Who was the second, on the CN? Wait a minute. Who seconded Legislator Kennedy's 1567? Did you second that? The body equipment.

LEG. NOWICK:

I'll second it.

P.O. LINDSAY:

Second by Legislator Nowick.

LEG. KENNEDY:

Mr. Chair, before we do the vote on the bond, can I ask our Commissioner of Public Works to just step to the podium and confirm that the offset will not deter the project overrun on Pine Lawn Avenue?

COMMISSIONER ANDERSON:

Correct. The funding for this year, we're not ready for the funding. We will be ready next year. This is a federally funded project so there is no question about funding next year. So the project will proceed next year.

LEG. GREGORY:

So it removes, I think, 300,000 for this year for planning purposes?

COMMISSIONER ANDERSON:

Correct.

LEG. GREGORY:

For construction.

LEG. KENNEDY:

285. And it's not going to impact the pace of construction or the scope of the project.

COMMISSIONER ANDERSON:

Correct.

LEG. KENNEDY:

Or cause a delay in any way, shape or form?

COMMISSIONER ANDERSON:

Correct.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

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

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Pass.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Absent)

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay, yellow folder, waive the rules? Make a motion to waive the rules and lay on the table the following resolutions: 1548 to EPA; 1549 to EPA and set a public hearing for June 21st, 2:30 in Riverhead; 1550 to Budget and Finance; 1551 to Health and Human Services; 1552 to Ways and Means, 1553 to Public Safety; 1554 to Economic Development, Education and Energy, 1555 to Budget and Finance and set a public hearing for June 21st at 2:30 in Riverhead; 1556 to Ways and Means and set a public hearing for June 21st, 2:30 in Riverhead; 1557 to Budget and Finance; 1558 to Economic Development and Education and Energy; 1559 to Vets and Seniors; 1560 to Economic Development, Education and Energy; 1561 to Economic Development, Education and Energy; 1562 to Parks; 1563 to Labor, Housing and Consumer Affairs; 1565 to Health and Human Services; 1566 to Health and Human Services and set a public hearing for June 21st, 2:30 PM in Riverhead; 1568 to Budget and Finance. And that's it. Do I have a second to that motion? Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

I need a motion to adjourn. Motion by Legislator Muratore.
I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Absent: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

We stand adjourned.

THE MEETING CONCLUDED AT 7:52 PM

{ } DENOTES SPELLED PHONETICALLY