

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**TENTH DAY**

*June 21, 2011*

**Verbatim Transcript**

**MEETING HELD AT THE EVANS K. GRIFFING BUILDING  
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM  
300 CENTER DRIVE, RIVERHEAD, NEW YORK**

**Verbatim Minutes Taken By:**

Alison Mahoney & Lucia Braaten - Court Reporters

**Verbatim Transcript Prepared By:**

Alison Mahoney & Lucia Braaten/Kim Castiglione - Legislative Secretary

*(\*The meeting was called to order at 9:31 A.M. \*)*

*(The following testimony was taken by Alison Mahoney &  
Transcribed by Kim Castiglione, Legislative Secretary)*

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

Mr. Clerk, please call the roll.

*(Roll called by Tim Laube, Clerk of the Legislature)*

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. ANKER:**

Here.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

(Not Present)

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not present)

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

(Not present)

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**  
(Not present)

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

**P.O. LINDSAY:**  
(Not present)

**MR. LAUBE:**  
Twelve (ACTUAL VOTE: Thirteen).

**D.P.O. VILORIA-FISHER:**  
Thank you, Mr. Clerk. There will be a Presentation of Colors by the Mattituck-Southold-Greenport Navy Junior Reserve Officer Training Corps recently named the most outstanding unit in the Northeast United States for the fifth successive year.

***Applause and Standing Ovation***

**D.P.O. VILORIA-FISHER:**  
The salute to the flag will be led by Legislator Jay Schneiderman.

***Salutation***

The invocation will be given by Father Edward Sheridan from Church of Saint Rosalie's Roman Catholic Church in Hampton Bays, a guest of Legislator Jay Schneiderman.

**LEG. SCHNEIDERMAN:**  
Good morning. I would like to introduce Father Sheridan. Father Sheridan is the Pastor at St. Rosalie's parish in Hampton Bays. It's the largest parish on the East End with 3200 year round families, plus quite a number of seasonal congregants as well. Before joining the seminary, Father Sheridan spent 25 years as an account executive with IBM, then heard the calling that sent him to seminary. He achieved two Master's Degrees, one in theology and one in divinity. He is very active with youth. Let's see, in 2008 he with Pope Benedict attended the, in Austria, the World Youth Day Conference, and this year he is attending World Youth Day in Madrid with a lot of young people from the Hampton Bay's area. I've asked Father Sheridan to offer a blessing for this legislative session today, so here is Father Sheridan.

**FATHER SHERIDAN:**  
Good morning, everyone. However we pray, let us just be quiet and ask that we might be in the presence of the creator. Lord, let the light of your divine wisdom direct the deliberations of this County Legislature. Let it shine forth in all the proceedings and laws framed for our rule in government here in Suffolk County. May they seek to preserve peace, promote national happiness, local happiness and continue to bring us the blessings of liberty and equality which we hold so dear in these United States.

We likewise commend to your unbounded mercy not only the citizens of this County, but of our whole state. We ask for the welfare of all those in our State and in our nation that we may be blessed in the knowledge and sanctified in the observance of your holy law. May we be preserved in union and in that peace which the world cannot give and after enjoying the blessings of this life, be admitted to those which are eternal. We pray to you who our Lord and God forever and ever. Amen.

***(Amen said in unison)***

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

Thank you, Father. If you can remain standing for a moment of silence. First for the four victims of a robbery at Haven Drugs in Medford on Sunday. And I understand that this is Legislator Eddington's neighbor, just around the corner from you. Jennifer Mejia, 18, of Medford, a pharmacist assistant who was to graduate Thursday from Bellport High School in Brookhaven and planned to attend Suffolk County Community College; pharmacist Raymond Ferguson, 45, of Centereach; and customers Bryon Sheffied, 71, of Medford, and Jamie Taccetta, 33, of Farmingville. Also, let us remember all those men and women who put themselves in harm's way every day to protect our country.

*(Moment of Silence Observed)*

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

Legislator Romaine will present a proclamation to the Mattituck-Southold-Greenport Navy Junior Reserve Officer Training Corps, recently named, as we said before, the most outstanding unit in the Northeast United States for the fifth consecutive year.

**LEG. ROMAINE:**

Madam Presiding Officer, colleagues. Not only has the Mattituck-Southold-Greenport Navy Junior Reserve Officer Training Corps been named the most outstanding unit in the Northeast for the fifth consecutive year, they have been named the top NJROTC Unit in the United States, an award that recognizes the unit's overall excellence in the area of school and community leadership, annual inspection results of which I've attended a number of them and been extremely impressed by what I've seen, grill competitions and other achievements.

I want to notify also that this corps has achieved this under the leadership of Major Grigonis, who has been an excellent instructor, leader and someone that has molded this corps into the success that it has received. Three of the cadets were notified that they took first, second and third place as the top area cadets. Cadet Battalion Executive Officer Kim Krupski. Kim, where are you? Congratulations. Cadet Commander Billy Goggins. Billy?

**AUDIENCE MEMBER:**

He's at Holy Cross.

**LEG. ROMAINE:**

He's at Holy Cross. And Cadet Lieutenant Commander Kevin Reyer. Congratulations. And thank you for bringing on our nation's colors to us today so we could do a proper salute to the flag. I have issued a proclamation on behalf of my colleagues commending you on this achievement, and I have Certificates of Merit for the Major. Cadet Reyer, I will give you this for Billy, and Cadet Krupski, and the proclamations.

*Applause*

**LEG. ROMAINE:**

Thank you again, and I'll meet you outside in about three minutes. Congratulations.

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

Congratulations. And now Legislator Romaine will remain there because he will be presenting a proclamation to the Bishop McGann-Mercy High School Monarchs, 2011 varsity baseball team who captured the Long Island Class C Baseball Championship Title.

*Applause*

**LEG. ROMAINE:**

Mercy is a school that I know well. Both of my sons attended Mercy many, many years ago and it is a school that's close to my heart. We're here for a couple of things today for what is now called Bishop McGann-Mercy and we'll start with the baseball team, the Monarchs. They have earned first place in Section Two League A Championship, then they moved on to secure Section Two Suffolk County Class C Championship for the second consecutive year, and finally, the Mercy Monarchs finished the season with an amazing victory when they captured the Long Island Class C Baseball Championship. Guys, congratulations. I have certificates for all of you --

*Applause*

-- which I'm going to give to your coach to hand out, and I have a proclamation from myself and my colleagues honoring your achievements. Thank you again.

*Applause*

**LEG. ROMAINE:**

By the way, is the Athletic Director here? And you are getting a certificate for your leadership in this role, and of course the principal, who I know very well. Thanks, guys.

*Applause*

I'll see you guys outside.

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

And Mercy High School -- Bishop McGann-Mercy High School did very well this year because Legislator Romaine will present a proclamation to the high school's 4 X 400 -- is that what --

**LEG. ROMAINE:**

4 X 400 meter relay team.

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

Okay.

**LEG. ROMAINE:**

So if we could get that team up here briefly. Ladies.

*Applause*

This proclamation is given to the Bishop McGann-Mercy 4 X 400 meter relay team. The 2011 team finished their season with an amazing victory when they captured the 2011 State Championship. This from a small high school up the road here in Riverhead. We are all so proud of your accomplishments. I have certificates for all of you. And again, I have a proclamation commending you for this outstanding achievement on behalf of your high school and on behalf of Suffolk County. Thank you again. We will see you outside.

*Applause*

Thank you so much. Thank you again.

*Applause*

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

Congratulations and thank you, Legislator Romaine. Legislator Horsley will present a proclamation to the outgoing Poet Laureate, Tammy Nuzzo-Morgan.

**LEG. HORSLEY:**

Hi, Tammy. How are you? Congratulations. Jay, you want to come on up? Jay is your Legislator. Good morning, everybody, and this is a distinct pleasure to honor Tammy Nuzzo-Morgan, who is our Poet Laureate. She is concluding her term, and I just wanted to commemorate it with the note that she did a wonderful job. She was out there producing programs for the entire County. She brought the level of poetry to a new level, and that's what the Poet Laureate is expected to do and you certainly reached all those expectations that we had for you.

When -- Tammy, I don't know if you knew, she's been published often, she is an adjunct professor, she is getting her MBA and published routinely in many, many books and the like, but more than that she brought the poetry of Suffolk County to the people and that's -- she's brought light to us during sad times and during those good moments she emphasized what was appropriate.

So on behalf of the 1.5 million folks of Suffolk County we are here to say congratulations on your term in office and we wish you continued success in the future. I didn't forget, but I would also like to invite Jay Schneiderman, Ms. Morgan's Legislator.

**LEG. SCHNEIDERMAN:**

I'm standing here just to join Legislator Horsley in thanking you. You live in my district and we in all the County, particularly in hard times, could use a poet and thank you for your inspirational words. Thank you for serving as a Poet Laureate.

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

And Tammy, I'm going to chime in as well because I'm the author of the legislation that instituted the Poet Laureate Program, and you've certainly done us proud during your tenure. I also enjoy reading your poetry. It's very beautiful, it's accessible and it's very personal. I enjoy it very much. Thank you for your work.

**LEG. HORSLEY:**

That is kind of a segue because Tammy is going to read one of her poems.

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

Oh, wonderful.

**LEG. HORSLEY:**

So with that, come on up to the mike.

**MS. NUZZO-MORGAN:**

Thank you for allowing me to serve. It was just absolutely wonderful. I'll read *Spoons*. "I remember when you spoon fed me ice cream as we lay in bed on that rainy afternoon and the way your fingers tasted and your neck had a hint of sweat, and I closed my eyes and you drove away the dark, and I called your name in low soft moan. I remember when you spooned sugar into your morning tea on that sunny Tuesday and I watched you drink it as if you were a foreign film I could not understand and your smile said that my poetry made you hunger for more than a nine to five life. I remember when you spooned dirt into the flowerpot and filled it with mums for me and I was peeking out the window, seeing you bent down working away humming, and I decided then that I was not who I wanted to be without you in my days and nights, and I remember how after you left I packed away all the silverware, including those spoons, and I gave the box to the Salvation Army hoping for some salvation of my own, and as I drove away from our town I knew I would never see another sunset like you."

*Applause*

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

Thank you, Tammy.

**LEG. HORSLEY:**

Thank you. Ladies and gentlemen, our Poet Laureate.

*Applause*

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

Thank you, Legislators. Legislator Cilmi will present a proclamation to Senior Probation Officer Gilberto Maldonado for coordinating an investigation that resulted in the arrest of 20 individuals that were part of a heroin trafficking operation.

*Applause*

**LEG. CILMI:**

Thank you very much, Madam Chair. It's -- I'm going to be uncharacteristically vague about some of the details so as not to compromise ongoing operations. But suffice to say that Officer Maldonado has been a member veteran of our Probation Department for 17 years, and since 2004 he's been assigned to the East End Drug Task Force. A little more than a year ago he participated in the apprehension on investigation of 20, as you said, criminals; 20 killers if I might be so bold. They are selling drugs. This is not a statement based on what they're being charged with, but rather a statement based on their activities, 20 killers who are selling drugs, heroin throughout Suffolk County.

In addition to apprehending these 20 individuals, his participation resulted in the seizure of more than 4,000 bags of heroin as well as other drugs and drug packaging paraphernalia. This sort of underscores the importance of cooperation between our public safety agencies in Suffolk County. And I would just say that in light of this week's tragic killings, at no time has that cooperation been more important.

So, Officer Madonaldo, congratulations from myself and from my colleagues on the Legislature, and on behalf of the 1.5 million residents of Suffolk County, thank you, be safe and we look forward to your continued service to our County. God bless.

*Applause*

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

Legislator Schneiderman will present a proclamation to Chris Carney for his outstanding efforts and achievements with the Soldier Rides.

**LEG. SCHNEIDERMAN:**

Thank you, Legislator Fisher. I'm sure we all at times ask ourselves how we can make a difference as individuals, and I would like to bring up Chris Carney, an individual who made a tremendous difference. Chris, it is good to see you this morning. Chris is a remarkable young man who worked tirelessly to support our troops and their families.

Seven years ago, Chris, a physical trainer from Amagansett, and a few of his friends visited the Walter Reed Medical Center in Washington, D.C. They were so moved by the experience that they met with John Malia, founder of the Wounded Warrior Project, to see how they could help. Malia suggested a bicycle ride across the country to raise money and awareness for injured soldiers; Solider Ride was born. Chris Carney organized the first Soldier Ride in 2004 which raised over a

million dollars for services and assistance to injured veterans.

Today the Wounded Warrior Project sponsors Soldier Rides throughout the nation, raising money to help injured soldiers emotionally and physically. Many of these individuals have joined in on the rides using adapted cycling equipment. Millions of dollars have been raised through these rides for our wounded soldiers.

The Wounded Warrior Project is right by the soldier's side to provide comfort and a sense of identity almost from the moment they are wounded right through the time they transition back to civilian life. Awakening from a traumatic injury can be extremely shocking and disorientating. Soldiers are literally lifted unconscious from a battle in which they are wounded, often to wake up in another country, wearing only a hospital gown with little or no knowledge of how they got there, stripped of all personal belongings beyond their dog tags.

At this point the Wounded Warrior Project steps in to provide these soldiers with specially prepared backpacks containing necessities such as shaving kits, underwear, socks and other personal items to begin fostering a sense of regained identity. The backpacks also contain a CD player and some other articles to help provide diversion from what can be hours, days and more of waiting, giving these injured servicemen something to hold on to as they come to understand what happened to them. Many of the soldiers receiving backpacks say it helps make them feel human again.

Chris Carney, for his efforts, was honored this past May by President Barack Obama at a ceremony for the Wounded Warrior Project Soldier Ride in Washington, D.C. This year's Soldier Ride of the Hamptons will return on July 23, 2011. There is also one on the North Fork that Chris will tell you about in a moment. I would like to thank Chris Carney and everybody from the Wounded Warrior Project for making a difference for so many American heroes. Thank you, Chris.

### *Applause*

I would like to give Chris an opportunity and to say a word, too, and promote the two upcoming events. Chris?

#### **MR. CARNEY:**

First of all, thank you for recognizing the Wounded Warrior Project here today. We are having a ride on the North Fork which is going to have some disabled veterans participating. One of the great things about Soldier Rides, it allows the guys to help the incoming wounded. A lot of the guys feel like they're not, men and women, feel like they're no longer able to -- like they are taken out of the game and they are no longer able to help their fellow service members. What Soldier Ride does is it allows them to participate. We make sure that some of the newly wounded are participating with those further along the road of recovery. It means nothing for me to look at a young 18 year old guy who's lost both of his legs and say you're going to be all right, but when we have someone who's already ridden across the country or someone who's further down the road, who's got a job, who's being successful, who has a family, it means a lot, so we try and put those two together.

One of the things -- the Wounded Warrior Project started off with the backpack program and it was amazing what these soldiers didn't have as Jay just mentioned. But over the years, thanks to the efforts of the community, and Soldier Ride did start here on the East End of Long Island, we recently passed Wounded Warrior Insurance Bill, which will forever change the way our country treats its wounded when they come home. Service members are now able to have insurance just like the regular population does, and to me it was inconceivable that a soldier couldn't get insurance.

The other thing that's just recently passed is the caregiver bill which was just signed into law. I don't know if you guys are aware of this or not, but this allows caregivers, long-term care givers, whether it's a spouse, a mother, a sibling, who have to leave work to be full-time caregivers to be

compensated by the government. What this means is that it's actually going to save our government money in the long run because it means less people have to spend their life in a VA hospital. They are now able to stay at home and their caregivers will be able to be there with them. I want to thank you for your continued support.

**LEG. SCHNEIDERMAN:**

Mention the two races coming up.

**MR. CARNEY:**

Yeah, on the North Fork this Saturday we're having a ride. It's in Greenport at nine o'clock. Any support at all would be great, whether it's to stand on the side of the road and wave a flag, high-five the guys as they go by, or hop on a bike and ride yourself. There are going to be two rides. One is going to be 30 and one is going to be 60. They're a very casual pace and there's lots of stops, so don't be intimidated by the milage. And again, even if you are not hopping on a bike, if it's just to stand on the side of the road, say your thanks and give your support to these soldiers who are coming up from Walter Reed to participate. For many of them it's going to be the first athletic thing they've done since losing a limb, so for them to see the people who they've lost a limb for say thank you is a big thing.

July 23rd we're in East Hampton and that's the big one, East Hampton and Sag Harbor. Both of our rides out here are named after service members who have given the ultimate sacrifice. The North Fork ride is in honor of Joseph Thyner from Shelter Island and Greenport, and the South Fork ride is in honor of Jordan Haerter, a young marine who gave his life saving 50 of his fellow services members. So thank you again very much.

*Applause*

**LEG. SCHNEIDERMAN:**

Chris, on behalf of myself and my colleagues at the County Legislature, I would like to present a proclamation thanking you.

*Applause*

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

Thank you, Legislator Schneiderman. And you may as well stay there and I'll introduce what you're going to be presenting now. 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 first and second place for 2011. Legislator Schneiderman will present a proclamation to the second place winner, Quinn Urban. Legislator D'Amaro's office had the first place winner Keara Shea, who was also presented with a proclamation at the June 7th meeting in Hauppauge. Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Thank you. Quinn, if you and your family, your brother, your father and mother, want to step forward. This is that time of year where everybody is jumping in the pool, particularly on hot days like today. Sometimes, you know, we might forget that pool related injuries is such a large killer of children, so many. I think it's the third largest in New York State, you know, in terms of accidental death and injury related death of children. And so through, actually Legislator Cooper's efforts, through a bill a few years ago we created this contest to help raise awareness and hopefully prevent these types of unfortunate and preventable deaths from occurring. And Quinn came in second. I got his poster right here if you can see that.

*Applause*

And I have a proclamation for Quinn. Quinn is from, I believe, the East Moriches School. And Quinn, you are joined by -- who do you have with you?

**MR. URBAN:**

My brother.

**LEG. SCHNEIDERMAN:**

His brother. What's your brother's name?

**MR. URBAN:**

Michael.

**LEG. SCHNEIDERMAN:**

Michael. And your Mom and your Dad, right? Well, Quinn, I want to thank you for participating and congratulate you for coming in second. I have a proclamation for you, so you can save that, and that talks about how you helped the County raise awareness to prevent kids from getting hurt in swimming pools. Thank you.

*Applause*

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

Thank you, Legislator Schneiderman. Last, but not least, I'll be presenting a proclamation to Julia Hu, who's a fifth grader at William Sidney Mount Elementary School. Julia created the winning 2011 New York State Sun Wise poster to educate the public about sun safety and how to prevent skin cancer. If Julia and her family could join me at the podium.

I'm so proud of the work that Julia has done. You know, here in Suffolk County we have been working very, very hard to raise awareness regarding skin cancer and being sun smart. It's been a very important part of our legislation here, and to have someone from my district at the elementary school where my kids started school, win the New York State contest is just such a thrill for me. And, you know, Colette Coyne, who is the founder and force behind the Colette Coyne Melanoma Awareness, an active group that makes people aware of being sun smart, came here also to honor you today.

So you've made a difference, we're very, very proud of you. I have a proclamation here that I'm not going to read all of, but I do want to share that on behalf of the 1.5 million people in Suffolk County and the Suffolk County Legislature, I want to congratulate you. We're proud of you and wish you all the best. And I'm happy that you're sun smart and you're not going to be out there burning yourself, right, so that you get sick later on. And it also makes your skin wrinkle, you know? Nobody wants to have wrinkly skin at the age of 30. So congratulations. Thank you so much.

*Applause*

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

Colette Coyne just reminded me to also thank BOCES and our own Suffolk County Health Department, who have been doing such a great job in increasing awareness and education regarding sun wise -- being sun wise. Thank you. Which is, by the way, a Federal program.

Okay, we will now go to our public portion and we have a number of public officials who would like to address us, the first being Supervisor Sean Walter, I thought I saw you, from the Town of Riverhead. Thank you for being here.

**SUPERVISOR WALTER:**

Good morning and thank you for coming. I know we're going to see you folks later in the Dark Horse, but I want to let you know that there's another new restaurant open on Main Street, the

Riverhead Project, and I know you guys shop and eat at the restaurants downtown and we really appreciate it.

I'm here to speak on two issues, Madam Chairwoman. The first is on Jay Schneiderman's bill, IR 2258 -- excuse me. Yes, 2258-10. This has to do with equal -- sharing equally from year to year the sales tax revenue for the police force. The Town of Riverhead, as you know, operates its own police force. We have a 42 million dollar budget and more than 50% of our annual budget goes to police protection. It becomes very difficult year to year to manage that budget. We all know the increased costs associated with the Police Department and we know what it takes to run an effective Police Department, which we think we've done.

I believe Legislator Schneiderman's and Legislator Romaine's bill gives us a sense of certainty as to what tax revenues or sales tax revenues we're going to receive. I'm not certain, but I've heard rumors that the East End supplies something like 20% of the sales tax revenues for the entire County of Suffolk. I'm not sure if that's accurate or not.

What we're asking for is that this bill be considered and we understand that this will give us no less than one quarter of the 1% sales tax revenue for public safety allocated by population. We think that's a good thing. We think it's a good thing that every year we will know what we are to receive and we hope that you will look at that favorably.

And so my second point, because I know I only have three minutes, is to talk about an open space purchase which is Resolution 1229, authorizing planning steps for the acquisition of lands under the Suffolk County Drinking Water Program. This is the Zoumas parcel in Wading River. We all -- I know the County Legislature has spent millions and millions of dollars preserving the East End and that's all been for our collective benefit. Many of your residents, it's just wonderful when I go up Island as we call it, or up west and I see your residents and your constituents tell me how wonderful their trip was to Riverhead, how wonderful it was to go to Southold, how wonderful the farms were and everything else -- they do once in a while complain a bit about traffic, but that's something to be expected.

Well, as you come the gateway to the East End is Wading River. Everybody seems to come off William Floyd Parkway up into Wading River. The Zoumas parcel is sort of a key parcel to preserve. We have a lot of development pressure in Wading River. The Zoumas parcel is 17.8 acres. It's on the south side of 25A and it's 1400 feet east of Wading River Road. The interesting part about this, it's in the Pine Barrens compatible growth zone and it is adjacent to a preserve property that has a conservation easement on it, and that property has a 30 acre pond known as a duck pond, which is a kettle hole and it's popular for Yellow Perch and Pickerel. And this is immediately adjacent to -- it's called the Schiff Scout Camp, which is a remarkable camp.

This Zoumas purchase would provide further protection for that park, and if we were to -- if we were not to purchase this property the downside is the zoning allows a commercial development. You're going to have a commercial development immediately adjacent to this wonderful acquisition that we have, a preserved property that we have. So I know there's going to be a number of people including, I believe, Mr. Amper, that's going to speak in favor of this purchase. I could speak for a long time on this. I know you are going to hear a lot about this. I hope you consider this favorably and I thank you for your time.

*Applause*

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

Thank you, Supervisor. Our next speaker is Councilman James Wooten. And Jodi Giglio will be the next speaker, just so you are ready.

**COUNCILMAN WOOTEN:**

Thank you very much. I will not take the three minutes. But if he overran, I will use his. I actually have the same crib notes so I'm certainly not going to repeat everything he just said. Basically the purchase of the Zoumas property in Wading River is very important to Riverhead. Suffolk County has been most generous with helping us preserve hundreds and hundreds of acreages on the East End to keep our heritage, and agricultural background. But due to its location and proximity to the core, it actually shares boundaries with the core, its proximity to the Duck Pond that Supervisor Walter alluded to, and the Schiff Scout Camp, the Town of Riverhead definitely supports this preservation. Thank you.

*Applause*

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

Thank you, Councilman. Councilwoman Jodi Giglio.

**COUNCILWOMAN GIGLIO:**

Good morning and thank you for the opportunity to speak here today. I am also in support of the acquisition of this parcel in Wading River. The Town of Riverhead adopted a comprehensive land use plan in 2004, and they didn't study the impacts of the traffic for the commercial development that was proposed along this corridor. The residents in the community of Wading River have petitions that are signed by thousands of people asking to please preserve this parcel. The developer has one litigation in court and the court has basically said give him site plan approval. That site plan approval is under review right now through our Planning Board. As a matter of fact, they have a meeting at 11 a.m. this morning because they have satisfied all of their submissions. So to move this along quickly so that we can negotiate with the developer while we have a willing seller and get this acquisition done sooner than later, would be greatly appreciated.

I know that the resolution today is to start the planning steps, and I'm confident that our Legislator, Ed Romaine, will shepherd it through the process. And anything that you can do to help to negotiate with the developer and to get this process underway starting with the appraisals would be greatly appreciated. Thank you.

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

Thank you, Councilwoman Giglio.

*Applause*

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

Our next speaker is Marney White.

**MS WHITE:**

Good morning and thanks for the opportunity to speak. My name is Marney White and I am seeking to bring my new shop to downtown Riverhead. It's very exciting to see the growth and improvement in that district, and I look very much forward to opening my wedding cake boutique there. I do specialize in high end wedding cake boutiques -- I mean wedding cakes, and in particular I am specialist in gum paste flower art. What that means is I take a lump of white sugar dough and sculpt it petal by petal into a realistic looking flower. So it's kind of fun to do and I look forward to interfacing with the culinary school and helping create jobs in Riverhead. I brought some samples for the Legislature today. Thank you very much. Yes, sir.

**LEG. ROMAINE:**

Not a quick question but a comment. If you want to go to the her web website its Marney, M-A-R-N-E-Y, cakes.com and I think she's going to share some of her goodies with us. I want to welcome her to the Town of Riverhead. May your business flourish. She won the Bride's Choice

Award in 2010 for the best bakery goods.

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

Okay. Thank you for that commercial message.

*Laughter*

**LEG. ROMAINE:**

We are getting cupcakes out of it.

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

I would like to welcome Supervisor Anna Throne-Holst, please, from the Town of Southampton.

**SUPERVISOR THRONE-HOLST:**

Good morning. First question, how do the rest of us get a taste of that cake? We have to come to Riverhead, all right. Good morning, everyone. I would like to address all of you on two issues today.

The first is the acquisition of a 400 plus acre property in the Hamlet of East Quogue. It is a piece of property that is of enormous significance to the entire region. It abuts a number of other acres that have been already preserved by both the County and the town. It sits over the aquifer, it has core Pine Barrens region in it and it is probably one of the biggest pieces that remains for all of us to consider.

You heard from our colleagues in Riverhead. This is a great time to be buying open space and what remains of it. Property values are probably as low as we will see them in our lifetime and it is an opportunity to buy what will not be there if we do not commit to that today. The Town of Southampton is a willing partner in this purchase. It is large and will probably come with a not entirely insignificant price tag in relation to its size, but in relation to its significance, and what it otherwise would be priced at is very worth considering. And so we hope that you consider the regional significance of this parcel, and again, we look forward to partnering with you on that.

I also know that you have before you the discussion on the revenue sharing and I will only say a couple of things on that, and that is that I'm assuming that you all would be as mindful of receiving your fair share of that as we are in our neck of the woods. And it's a question of justice and it's a question of doing the right thing amongst all of us. So I hope that you will keep that in mind as you consider that bill and the whole question of equitable revenue sharing there. Thank you all.

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

Thank you, Supervisor.

*Applause*

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

Our next speaker is Mayor Rickenbach from East Hampton.

**MAYOR RICKENBACH:**

Good morning, Madam Chair, members of the Legislature. I likewise am here to speak on the discussion that will be had on the equitable distribution of the public safety moneys. First off, I would like to recognize our East End Legislators Jay Schneiderman and Ed Romaine, and likewise Legislator Cooper, who is within the Police District, but I believe represents a village that may be close or a part of within the County Police District. It's an ongoing record and the Supervisor and others have alluded that we would just ask that you as collective body look equitably as it relates to the distribution of the public safety moneys.

In the Village of East Hampton we have a little over an \$18 million budget. Of that, more than three million is for police expenses, operation of our own Police Department. Likewise, you have some Police Departments that are located within the Police District, the Village of Amityville, Huntington Bay, Lloyd Harbor to name a few. There may be one or two others. But, again, we would just ask that you have a good interface with regards to the discussion on this item and hope that you would look at it favorably. Thank you for the time to appear on the first day of summer, the longest day of the year, so enjoy. Thank you.

**LEG. ROMAINE:**

Hopefully it's not the longest day here.

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

Thank you very much. Our next speaker is Councilwoman Bridget Fleming from the Town of Southampton.

**COUNCILWOMAN FLEMING:**

Good morning, Legislator Viloría-Fisher and members of the Legislature. Thank you for allowing me to speak. I also am speaking in support of IR 2258, the equitable distribution of sales tax revenue for public safety purposes. The current authorization to allocate a portion of sales tax revenue for public safety purposes simply is not adequate or effective for those of us outside the Suffolk County Police District. The current formula simply does not fairly distribute the revenue received. Passage of the proposed legislation at this point would be particularly timely.

We in the Town of Southampton maintain an excellent police force, and as a matter of fact, we recently appointed a new Police Chief who is dedicated to community policing and problem oriented police work, and there's a real need for it. Not long ago, maybe even just a week ago, not a stone's throw from this building, I was at a community meeting where a young woman was telling me about the difficulty of raising her ten year old son on a block where there's open drug dealing and occasional gunshots. The kind of policing that is necessary in our town takes resources and it takes resources specifically allocated for police purposes. In addition, the same ballooning seasonal population that provides revenue to the County requires additional police work in order to have adequate public safety.

So the proposed law would simply ensure that we get out of the revenues what we put into them. It's only a matter of fairness. I want to thank Legislators Schneiderman and Romaine and Legislator Cooper for recognizing how important it is to make this right. It is a question of making it right. It's absolutely essential to those of us on the East End, and I would urge that each of you support the bill and make this formula right. Thank you so much.

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

Thank you, Councilwoman. Our next speaker is Jeff Behrens.

**MR. BEHRENS:**

Good morning. My name is Jeff Behrens. I'm here representing Suffolk County Crime Victims Center, a division of Parents for Megan's Law. I would like to read into the record a statement of support for IR 1266 from our Executive Director, Laura Ahearn, who apologizes for not being able to attend today's meeting.

The Crime Victims Center provides comprehensive support services to all victims of violent crime, including survivors of homicide, victims of assault, robbery, sex crimes, gang violence, hate crime, motor vehicle offenses, domestic violence, stalking, and kidnapping. The agency has served over 7,000 victims of violent crime and their family members. The agency also collaborates closely with the Suffolk County Police Department and the FBI in our shared mission of ensuring that all victims of violent crime provide support services they desperately need and are entitled to.

The Crime Victims Center recognizes the fact that there are many law abiding citizens who choose to use prepaid cell phones and that this proposed legislation may result in some minor inconvenience. We also acknowledge the fact that anonymous and unregulated prepaid cell phones are a major revenue source for the carriers. However, minor inconvenience and corporate profits are no reason to impede law enforcement's ability to be able to investigate criminal and terroristic activities that can potentially negatively impact on every person residing in this country.

It is well-known among law enforcement professionals that prepaid cell phones are the communication method of choice for foreign and domestic terrorists, drug dealers and other criminal enterprises. They offer virtual anonymity to cash purchases and an investigative dead end to law enforcement. It makes no sense to allow terrorists and criminals to continue to exploit prepaid cell phones to operate undetected by police. In a statement released recently by U.S. Senator Charles Schumer, he cites the use of prepaid cell phones by 9/11 hijackers, mob figures, gang leaders and drug dealers and even hedge fund managers to facilitate terrorist and criminal activities.

We at the Crime Victims Center are aware that laws are necessary on a State and national level to remove prepaid cell phones from the arsenals of terrorists and criminals, but each journey must begin with the courage and foresight to take the first step. We believe this is that step. Thank you for the opportunity to provide support for IR 1266.

*Applause*

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

Thank you, sir. Diane Sadowy. Our next speaker will be Sylvia Baruch.

**MS. SADOWY:**

Thank you. My name is Diane Sadowy. My husband and I live in Wading River. I myself was born and raised in Aquebogue on a potato farm. That potato farm is still -- not potatoes, I think it's grass growing there, but it's open, and I certainly loved growing up in the country. As an adult I lived in New York City, a very different environment. Five years ago my husband and I were very fortunate to be able to move back to Wading River, the country, not suburbia, not the city, but the country. So I'm here to ask you to please support the purchase of the Zoumas property in Wading River to help preserve not only the country atmosphere, but also the environment. Thank you.

*Applause*

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

Thank you. Sylvia Baruch.

**MS. BARUCH:**

Thank you. I'm Sylvia Baruch and I am the Chair of a group called Neighbors in Support of Immigrants. I'm here to speak against Resolution 1266, which would require registration of prepaid cell phones purchased in Suffolk County. Members of the Legislature have already heard in writing and in person from civil liberties groups, from social service groups, from business groups and from immigrant advocacy groups against this law, so I am adding our voice to those people who have already addressed you.

Our group started two years ago with seven people. We were people concerned with the fact that the immigrant community needed advocates that were publicly able to come to their defense when it was necessary. We're now over 120 people. We're grassroots, we're all volunteer. Our goal is advocacy, education and to make this a more welcoming community for all. We have written to our Legislator, Jay Schneiderman, urging him to vote against this resolution and I will share that letter with each of you through the County Clerk.

As you know, the person who spoke two people ago said that this was a minor -- might be a minor inconvenience for some people. It's more than a minor convenience. It's a change in a way of life.

*(Presiding Officer Lindsay entered the meeting)*

As you know, 15 percent of U.S. citizens, especially the poorest, and I think it's 25% of African American poor people, do not have the wherewithal to pay for regular phone service. In this economic climate the number of people who are affected are proportionately greater. Immigrants now make up a very substantial portion of our population. The recent census showed that Latinos made up 20% of the population in Southampton and 16% in Suffolk. Is that three minutes?

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

It means three minutes, yeah. Just finish your thought.

**MS. BARUCH:**

Okay. Thank you. I would like to add that these people will be left without a legal way to communicate with family, friends, employers and others. I myself work with an immigrant family as a volunteer. That family uses prepaid cell phones to be in touch with schools and with doctors.

Legislation similar to this was introduced by Congressmen Schumer, Senator Schumer, in May of 2010. I don't know where it went, but I would urge the Legislature if you feel strongly about this issue, that Congress is the proper way to approach this, because right now the criminals, or whoever else might take advantage of prepaid cell phones in Suffolk County, will simply go to Nassau, buy the phones and charge extra to the immigrants and the poor people in this County, who will not be able to afford it. So thank you for your time.

**P.O. LINDSAY:**

Thank you. Don Dobby, Chief of Police from Amityville.

**CHIEF DOBBY:**

Good morning, men and women of the Legislature. My name is Chief Don Dobby. I'm the Chief of Police in Amityville Village Police Department. I'm here today on behalf of Peter Imbert, our Mayor, and our Board of Trustees in support of IR 2258, again, which is the sales tax equity that the Village of Amityville would get their fair share of public safety moneys from the sales tax of Suffolk County.

As you know, the Village of Amityville is a gateway to Suffolk County on the south shore. Although we're only 2.5 square miles, we're extremely busy, as our representative, DuWayne Gregory, can attest. Last summer we had over ten shootings within two or three blocks of the Village of Amityville. We had two in the last month. The Village of Amityville has a public -- we're a public service answering point. We answer over 3,000 calls in a month, which is a lot for 2.5 square miles. We have 500 physical arrests, over 100 DWI's in a year, and on an average we handle about 600 cases and 6,000 blotters.

So a lot's going on, we're not a sleepy little town, and we need the funding for support of the police services. We have a wonderful 27 person Police Department that works very hard in holding the tide. And we thank you for any interest you can give this matter. Thank you.

**P.O. LINDSAY:**

Thank you, Chief. Okay, Mike Foley.

**MR. FOLEY:**

Good morning. I come here to support the Resolution 1229, authorizing the planning steps for acquisition of land under the Suffolk County Drinking Water Protection Program in regards to the Zoumas property. I want to thank Legislator Romaine for once again championing the cause of

trying to preserve what's left on the north shore and the east end of Long Island.

Once strip malls take over, they're there; any open space is gone.

I'm a little bit east of Wading River, in Reeves Park, where we have been fighting to stop strip mall infestation since 2004. The fight continues. It's just a little bit west of here right now, and all you have to do is take a look at the western Suffolk County Legislator's neighborhoods to know that once it's established open space is gone. We have vineyards, we have horse farms, we have bison ranches, we have open space, and the only way to continue that is to take these pieces of land as they come available and put them back into open space.

So I hope that this will be a unanimous consent of the legislative body. I live someplace else during the winter, a place a little bit warmer than here. I read Riverhead Local -- I try to on a daily basis. I saw a curt comment by one of the Legislators in this room directed towards Ed Romaine, when Ed was once again championing open space on the north shore. One of you said, "Anything else, Ed? Is there anything else you want us to buy?" I say this. If there's land left to buy on the north shore, buy it while it's still there. Thank you very much.

### *Applause*

**P.O. LINDSAY:**

Richard Amper.

**MR. AMPER:**

Thank you. Welcome to summer. I want to speak on three bits of business. We'll do it quickly. First I would like to support Supervisor Anna Throne-Holst and Councilwoman Bridget Fleming, who spoke to you about that very, very big parcel that's in front of you for planning steps. I want to talk to you about that briefly because when it comes to open space preservation size does count. We have a long history of this Legislature going out and seeking those big parcels of land where we're not dealing with fragmentation, where you folks have preserved Long Island's premier ecosystem, the Pine Barrens. This particular assemblage of 400 plus acres is one of the best opportunities to recharge our aquifer that we have left.

You have undoubtedly seen the draft conclusions of the Department of Health Services. They're expressing concern about declining water quality. There is nothing this Legislature can do, and the report says that, than acquire these big pieces. Yes, they're expensive, but it gives us a chance to complete the preservation program before it's too late. The public supports these acquisitions even in a recession because the prices are low and you are never going to get a better partnership than the Town of Southampton in terms of absolute dollars. There is nobody else under the Community Preservation Fund that will ever have those resources. So of a bargain, the leverage that this Legislature is getting in terms of your contribution to the assemblage of land that you've been able to do over the last 30 years, would be extraordinary if we were able to do this.

I do want to talk about that in connection with another parcel. I want to join in supporting Supervisor Walter and Councilpersons Giglio and Wooten on a smaller parcel. The smaller parcel, well, make up your mind. Is it is a big parcel we want or a small parcel. Small parcels that are strategic are key, and this one is because of its adjacency to the very sensitive parcel that the other speakers talk to. It's in a special groundwater protection area, an important recharge area. And I would say to everybody on this Legislature please, your constituents view the East End as their playground, and every Suffolk County resident appreciates the effort that you are making to protect their drinking water. So this is not something that just applies to a district or whether it is a disproportionate investment of money in something. This is very, very important to everybody in this County and it should be a priority. Let's get our preservation program back on track.

And finally, I do want to say with respect to IR 1544, which proposes to eliminate financial disclosure requirements for Farmland Committee members. You have imbued these people with a lot of power. We've heard a lot in this County about ethics these days. I would hope that we would make certain that ethical protections are provided for by this Legislature if no one else, and that those who are making decisions like this are required to disclose their interest. Thanks very much and again, happy summer.

*Applause*

**P.O. LINDSAY:**

Thank you, Mr. Amper. Dominique Mendez.

**MS. MENDEZ:**

Good morning. My name is Dominique Mendez and I'm speaking as the President of the Riverhead Neighborhood Preservation Coalition and as a resident of Wading River. I'm speaking today about the Zoumas parcel. It's an 18 acre parcel adjacent on two sides to wooded areas, as you have just heard, and this will do a lot to extend the green vistas in Wading River. This rural character that this helps preserve is not only important to the quality of life in the area, but also to the local economy, which depends on the country-like setting for -- to join the tourism business and all the other businesses supported by that business.

In addition, Wading River residents would greatly benefit from a hamlet park on the outskirts of the center of town.

As a resident and on behalf of the RNPC, I want to thank Legislator Romaine for introducing Resolution 1229 and urge you to vote yes to the planning steps for that. Thank you very much.

*Applause*

**P.O. LINDSAY:**

Thank you. Sid Bail.

**MR. BAIL:**

Good morning members of the Suffolk County Legislature. I'm here to speak about Legislator Romaine's Introductory Resolution 1229, and this is for the purchase of the Zoumas property. Not surprisingly, I'm not going to say anything new. The Wading River Civic Association strongly supports the acquisition and everyone from Supervisor Walter to Dominique Mendez has eloquently, I think, made the case. So I will just submit my letter and hope that you act affirmatively on this. Thank you.

*Applause*

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

Thanks for coming down, Sid.

**P.O. LINDSAY:**

Yeah. Thank you. George Bartunek.

**MR. BARTUNEK:**

I got five seconds. Hello. My name is George Bartunek. I'm Vice-President of the North Fork Environmental Council. I'm making this statement on behalf of the North Fork Environmental Council Board of Directors in support of Resolution 1229. Over the years government -- each level has played an important role in purchasing and preserving key properties of environmental, scenic, agricultural significance throughout Suffolk County, and we thank you for that.

It's that vision concern for what we're doing for current and future generations that make Suffolk County a special place to live, work and raise a family, and it's with that same vision concern that we at the NFEC believe the Zoumas property is such a key purchase opportunity. More to the point, a keystone purchase that should be made. The Zoumas property lies within the Pine Barrens compatible growth area, and at the apex of the western end of Route 25 and Sound Avenue corridor in Wading River. If this purchase and preservation were not to take place, this keystone would fall and the fallout would be unwanted, unnecessary commercial development from one end of the town to the other, making further encroachments into Riverhead's open space natural habitat and reducing the potential for groundwater recharge.

As part of the Pine Barrens compatible growth area, the preservation of this property has not only environmental importance, but also educational importance. This parcel would serve not only as a needed buffer to adjacent commercial areas to the west, but also as a recreational park and nature walk that would give residents and students and visitors a better understanding of the significance not only of the Pine Barrens ecosystem, but of planned parkland versus a paved parking lot.

We understand that funds for preservation are limited and property -- but however, property prices make this the right time to make important purchases such as this one. And while there will be other such considerations that come before the Legislature, this keystone purchase has widespread support and will be important in preserving the rural character of Wading River as well as western Riverhead. It's for all these reasons that the NFEC supports the efforts to purchase and preserve the Zoumas property in the future. Thank you very much.

**P.O. LINDSAY:**

Mr. Bartunek, you left 25 seconds on the clock in spite of taking five from you. Jennifer Hartnagel.

**MS. HARTNAGEL:**

Good morning, Presiding Officer and members of the Legislature. My name is Jen Hartnagel and I'm speaking on behalf of the Group for the East End. I'm here to lend our strong support for IR 1229, which authorizes the planning steps to acquire the Zoumas property as well.

I'm just echoing some of the same suggestions that my colleagues had spoken to previously. The parcel is adjacent to Pine Barrens core preservation area, and is itself within the compatible growth area. Preserving the property will provide much needed groundwater protection for the entire region. Maintaining a passive park or recreation use for this property would significantly preserve the quality of life and the rural character of Wading River. And again, please support the acquisition of this parcel. Thank you.

**P.O. LINDSAY:**

Thank you, Jennifer. We've got a run on Jennifers. Jennifer Critcher.

**MS. CRITCHER:**

Good morning, Honorable Legislators. My name is Jennifer Critcher and I'm the Finance Director of The Retreat. For over two decades The Retreat has been the only non-profit domestic violence agency serving eastern Long Island. I'm here today to express The Retreat's support of Resolution 1266, requiring retailers to collect and retain identifying information from a customer each time a prepaid cell phone is purchased. We believe that this legislation will protect the victims of violence by allowing law enforcement to track abusers who utilize these phones to menace victims of violence.

Currently law enforcement does not have the ability to track abusers who strategically use a cell phone to perpetuate violence, including verbal assault, threats of physical harm, harassment, or stalking. The Retreat firmly believes that the benefits to the health, welfare, and safety of the community, including the safety of the abused women we serve, far outweigh the administrative

costs and retailer inconveniences. This resolution will support safety, justice and reduced opportunity for violation.

I applaud Legislator Browning and our elected officials for bringing legislation to the table that supports law enforcement in helping to hold individuals accountable for stalking and harassing behaviors. I would urge all community leaders to support this legislation and the positive impact it will have on our women and children. Thank you for your time and consideration.

**P.O. LINDSAY:**

Thank you, Jennifer. Karl Hasselriis. I'm sorry, Mr. Hasselriis, if I mispronounced your name.

**MR. HASSELRIIS:**

Good morning. Thank you for letting me address you. Members of the Suffolk County Legislature, let me be clear about this. I'm here to discuss priorities. I'm proud to be a lifelong citizen of Suffolk County, originally from Sayville and now residing in St. James. I'm here because you are considering doing some things that will affect me personally and so many more people in a very direct and personal way. I'm here to support IR 1470, but I hope you can do even better and find a way to fully restore funding for the County health care centers.

I'm a long time survivor of HIV/AIDS, having lived more than half my nearly 60 years with HIV. I am also a musician, chef, artist and designer. I'm a gay man in a committed relationship for over 32 years. These things describe me, but are dominated by a more meaningful description. I am a survivor. I survive because of my support system. Loving family and friends, a supportive neighborhood, a very supportive church family, and just as important, a medical support system provided in part by Suffolk County, delivered to me through the Elsie Owens North Brookhaven Health Care Center in Coram. I'm here to ask you to find some way to save the Coram Health Center from being closed.

To quote a recent writer on the 30th anniversary of the CDC's defining AIDS, I have not died on schedule. When I was diagnosed in 1998 at the health care center in Amityville, life expectancy was a year and a half. That I'm now a long-term survivor, having lived over half my life with AIDS, is due in no small part to the excellent and long-term care I received at Coram, consistent care. How many of you have had the consistent care of one primary care physician for so long, 23 years; I have in Dr. Gwendolyn Stretch, the Medical Director of the Coram Health Center. It's a well-known fact that the survival of AIDS patients, like many other chronic illnesses, is directly related to the level of care provided by practitioners who are both well acquainted with and treat a large number of patients with disease, but also to the consistency of this care provided over many years living with this insidious and mysterious illness.

I have participated in dozens of research protocols through Stony Brook University, and in return for participating in drugs trials that have resulted in bringing new and effective drugs to HIV patients worldwide, I have been beaten up a bit by these trials too. If I had to bounce from one physician to another -- may I? I just got a little bit more. May I finish, please?

**P.O. LINDSAY:**

Keep going.

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

I'm sorry.

**MR. HASSELRIIS:**

Thank you. If I had had to bounce from one physician to another, especially while in the limbo of whether or not a trial medication was working or worse, setting otherwise normally bodily systems eschew, where might I be today? My proactive stance as a research subject and as a patient, along

with the consistency of care from one reliable source has enabled my survival and the survival of countless others as well.

I want to argue for the survival of another entity, the Elsie Owens North Brookhaven Health Care Center. I can't stress enough the importance of consistency of care, especially when treating a disease that for over three decades has been presenting sometimes mysterious symptoms which has necessitated so many new drugs and treatment strategies. I have continued to get and receive such care at Coram. Might you deliberate and reevaluate the need for provided crossing guards for high school --

**P.O. LINDSAY:**

Mr. Hasselriis, you have to wrap up. You are way over.

**MR. HASSELRIIS:**

Okay. I'm sorry. Please reflect this and consider your own health care experiences and take the time to see that the necessity of consistency of care is something that the Legislature has provided for many years to citizens of Suffolk County, and I hope you will continue in that tradition and be creative and find some ways. I know New York State is screwing things up, but I'm hoping that you guys can find a creative way to help this problem. Thank you very much for your time.

*Applause*

**P.O. LINDSAY:**

William Kearns.

**MR. KEARNS:**

Good morning. I come in support this morning of Mr. Schneiderman's proposal to purchase the property in East Quogue. I am part of a loosely formed group of residents of Spinney Road. We live adjacent to the property and we have pretty much unanimous consent that the property -- we feel the property should be preserved in its natural state. It can be argued that, from my perspective, it's not in my backyard to the ultimate degree, and there is some truth to that, but I also believe by having lived there for 20 years I have come to appreciate the extreme importance of the property relative to the aquifer, relative to the environment. The Pine Barrens are a forest that exist only two places on earth, in Cape Cod, Long Island as well as in South Jersey, actually three places. I think to develop them in this day and age is really not a prudent way to go.

I think you have relative to the deal here a very unique situation. You have a partner in Southampton Town, you have a willing seller, and you also have the ability to purchase the property relative to -- on terms paying over time, which I think is a very unique proposal. It mitigates the impact on the taxpayer and the funds needed to purchase the property.

The wake up call to me came this spring. I had worked on Weesuk Creek, which is one of the -- the largest creek. It's directly south of the property in discussion here. I had worked there for 20 years and I had seen the impact of storm water runoff into Tiana and Shinnecock Bay, just from storm water, from rainwater itself. It's a spring fed creek that feeds into both these bays. And I was naively of the impression that Shinnecock and Tiana were impervious to pollution, but yet a month or so back all shellfishing had been banned from both of these waterways, and I think that preserving this property and not allowing development as proposed on the property will have a tremendous impact on the County, the water quality and life as we know it on the East End. Thank you very much.

**P.O. LINDSAY:**

Thank you, Mr. Kearns. Geraldine Jack.

**MS. JACK:**

My name is Geraldine Jack. I'm here to speak on behalf of myself and my husband and my neighbors who were unable to attend this meeting. I am also a resident of East Quogue and I am part of the Spinney group. I am here to talk about supporting Resolution 1308-2011. The preservation of what I call The Hills, but which you also know as the East Quogue Partners LLC, as open space, as environmentally sound. Excuse me. Since the aquifers, our own source of water, it is essential that this source remain pristine. There are different animals that either maintain their habitat in that area or migrate through that area. Our flowers and flora there is unique. Maintaining this area intact will keep our ecosystem in balance. I think this is very important for all of us to take time and realize that if we do not keep our land safe and open we will have troubles down the road.

Passage of Resolution 1308-2011 would currently preserve the land benefits, and these benefits would also approve to future generations. We have to think about people that are coming in the future, people that will be here ages on down, that they will be able to drink good water. Passage of Resolution 1308-2011 is essential. I want to thank Jay Schneiderman and his committee. I want to thank all of you for your time that you have dedicated to this important piece of legislation. We appreciate your good judgment and thank you again. And I'm sorry for my voice.

**P.O. LINDSAY:**

Thank you, Ms. Jack. Shari Guss.

**MS. GUSS:**

Good morning. My name is Shari Guss. I have been working at the Elsie Owens Coram Health Center for more than 20 years as a registered nurse. I'm also a resident of Coram and a patient at the health center. I would like to speak about the possible closing of the Elsie Owens Health Center at Coram. The Elsie Owens Health Center at Coram, which I'll now just call the Coram Health Center, has been caring for the people of Coram and its surrounding community for more than 30 years. It was started as a grassroots movement to provide quality health care at a reasonable cost to an underserved population. Well, this need still does exist today. In fact, this health center is needed more than ever. Every day at the health center I see more people who are recently unemployed or underemployed who have no health insurance and are grateful just to have a place they can go to for their health care.

Recently, because our staff has been so reduced, nurses have to turn patients away every day, and also we have to refer patients to the emergency rooms. We always hear the same things, I can't go to the emergency room because I can't afford it, I have no insurance. So they often end up not being seen and delaying their health care until they are very ill. Our emergency rooms are already bursting at the seams, as you would know if any of you have ever been a patient at one of the ER's. And when they have simple problems like ear infections or strep throat, these are things that can be easily treated at the health center. In fact, I think the services and staff at the health center should be increased to take the burden off of the emergency rooms.

If Coram closes it will be a hardship for many of the patients who don't have cars. Many people walk or take buses to the health center. I have even seen people travel in their wheelchair or their electric wheelchairs to the center. Mothers needing to bring their sick children to the doctor and who are traveling with babies and toddlers in tow will have to take long bus trips in inclement weather to go to the south shore health centers. Why shouldn't the North Central Brookhaven region have their health center? Why should that community be the one that's targeted to have their health center closed?

If the Elsie Owens Coram Health Center closes many people who go there for treatment of STDs, HIV and tuberculosis, all important public health issues, will not find health care accessible. In a time when the government is talking more than ever about providing accessible health care to all, aren't we taking a giant step backwards if we close the health center in Coram? Thank you for your

time.

*Applause*

**P.O. LINDSAY:**

Thank you, Ms. Guss. Steve Engelhart? Is Steve Engelhart in the audience? He might have had to leave. Gerry Keegan?

**MR. KEEGAN:**

Presiding Officer Lindsay, members of the Legislature, Gerry Keegan with CTI, the wireless association, in opposition to IR 1266 as amended. Federal Law prohibits a wireless service provider and its reselling agent from disclosing subscriber information to Federal, State and local governmental entities without proper legal authorization. The records to be produced under IR 1266 exceed those that can be produced under Federal Law, specifically copies of government issued ID's, utility bills and other documents identified in the proposal to prove identity require a court order to be obtained by governmental entities.

Additionally, no provider or their reselling agent can deposit such information in any government administered database for law enforcement use. Wireless service providers are bound to adhere to Federal Law under severe penalties for non-compliance. Furthermore, in Section 332C of the Communications Act, Congress created national regulatory framework for the wireless industry by limiting the authority of state and local governments to regulate wireless services. IR 1266 creates a barrier to market entry for wireless service providers by singling out prepaid wireless devices for discriminatory treatment under the law. Accordingly, the proposal would have a legal hurdle to overcome if challenged under 332.

In closing, although IR 1266 may be well intentioned, the proposal violates Federal Law. For this reason and those presented in previous testimony, we respectfully urge a no vote on IR 1266. Thank you.

**P.O. LINDSAY:**

Thank you. Ron Nappi.

**MR. NAPPI:**

Good morning all. I'm here to offer my support and our support to Resolution 1308-2011.

**P.O. LINDSAY:**

Mr. Nappi, could you talk right into the mike? We're having a hard time hearing you, okay? Thank you very much.

**MR. COHEN:**

Resolution 1308-2011, dealing with the Spinney Hills land and the acquisition of that land by the Suffolk County Legislature, or the research on it, acquiring that land. I think you should be aware that this particular area of East Quogue and Suffolk County is extremely environmentally unique. One of the most interesting features of this land is the fact that it is a shallow glacial pool, which you may or may not realize is where over 10,000 years ago all the fresh water from the melting glaciers collected. This particular pool of water is extremely close to the surface, and as a result, the water flows through underground channels to the -- to the Shinnecock Bay and protects the level of salinity for the water in Shinnecock Bay. It also provides the drinking water for over 3,000 residential homes in East Quogue, and preserving that natural resource and that drinking water is extremely important, not only to the residents of East Quogue, but to all the residents of Suffolk County.

It is a location that is, as I said, unique and we hope that the Legislature will consider the future generations to come by acquiring this land and protecting the freshwater and drinking water for the citizens of East Quogue. I have a prepared statement that I will give to the Clerk.

**P.O. LINDSAY:**

Thank you, Mr. Nappi. I appreciate it. If you want to give your prepared statement to the Clerk we'll enter it into the record, okay? Let's see, Mary Finnin.

**MS. FINNIN:**

Good morning. My name is Mary Finnin. I'm a registered nurse. I just very quickly want to speak in support of Resolution 1557 to continue the funding of John J. Foley, and also to address the issue of Resolution 1470 for equitable funding for our health centers. We know that we're looking at cuts from Medicaid, from the State. We know the State hasn't moved on the moneys that we're trying to get back, but we do have to look at what is equitable to provide access to care for the people of Suffolk County.

At the current time, even the current cuts that have been instituted are driving the patients away. I've heard as much as a 40% drop in the patients coming in because they can't afford even the latest rate that has been put up. That may not be at every health center, but it is at some.

Also, that there's a problem with services provided by Suffolk Health Plan, and that may be one of the reasons that Stony Brook pulled out of Suffolk Health Plan, but it needs to be looked into because, you know, it's now owned by a private entity and that will undermine all of the services for all of our health centers.

At the present time, the centers are basically going to be set up to lose if we can't provide the access to care across the County for all of our centers. Coram is still looking at the threat of being closed. It's our only County Health Center on the north shore until you get out to Riverhead. So I'm asking that you look at financing the health centers to the extent that you can, and take the cuts where they need to be cut. If there were cuts from the State in the Medical Examiner's Office and other services, the cuts should go there and not be taken out on the health centers and the patients. And I know, Mr. Lindsay, you don't like me to say that.

But, you know, I think we've got a problem with access to care. One measles case and everyone gets nervous in Nassau County. We're looking at people now not going for care, and they're poor and they've got other problems to begin with. We're going to see some major health problems and epidemics and that's going to cost us a whole lot more. This is basic public health service that we need to maintain in Suffolk. Thank you very much.

*Applause*

**P.O. LINDSAY:**

Thank you, Mary. Steve Engelhart, last time. No Steve Engelhart. That concludes my cards. Is there anyone else in the audience that would like to address us? Please come forward and address yourself -- identify yourself.

**MR. HESSON:**

I just want to say actually my name is Ted Hesson from Long --

**P.O. LINDSAY:**

Hold on just one second. I need a motion to extend the public portion.

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Romaine; seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

I'm sorry, sir. Go ahead.

**MR. HESSON:**

And just for your information I did fill out a card and I know that some other people did as well so I don't know if --

**P.O. LINDSAY:**

Well, you'll have a chance to talk. Go ahead, talk.

**MR. HESSON:**

I just wanted to let you know. I'm Ted Hesson, the online editor of Long Island Wins, an organization that covers -- it's a communications campaign on immigration in Nassau and Suffolk Counties. I'm here to speak in opposition, again for the second time, to IR 1266, a bill that will limit access to prepaid cell phones to, as some people have said already, low income residents, undocumented immigrants, and domestic violence survivors in Suffolk County. One of the things I'd like to stress is that, and several Legislators here have acknowledged it, is that there is some big holes in this legislation. I think the purpose is good, fighting crime and fighting terrorism, but the fact that you can get a prepaid cell phone unregistered in Nassau County, New York City, or actually in almost every other country in the world. I mean, you could just go online and order 100 phones from Bangladesh and have them or go there in person if you really wanted to.

The fact that it is that ineffective makes you wonder, it would almost be like creating a registry for small zip-lock bags to fight selling drugs or box cutters to fight terrorism, because that's what terrorists use. I think when you all look at this bill you should look at what kind of civil liberties problems there are --

**P.O. LINDSAY:**

Excuse me. I just found the cards. If you are filling out the cards they had them back in the back. I got your cards here, okay. Go ahead, continue.

**MR. HESSON:**

Thank you. I just want to say that as you consider this bill you need to look at civil liberties problems in respect to how effective or actually how ineffective it will actually be. Thank you.

**P.O. LINDSAY:**

Thank you very much. Joanne Sanders.

**MS. SANDERS:**

Good morning. My name is Joanne Sanders. I'm Executive Director of the Suffolk County Coalition Against Domestic Violence. I'm here today to talk about the cell phone registry bill, because it seems that the domestic violence agencies have been unfortunately brought into it, even though this is not a domestic violence bill. However, I am here today representing my own agency, not on behalf of all domestic violence agencies.

The word out there is that all domestic violence agencies are against the cell phone registry bill, but this is not the case. Because it is not a domestic violence or immigration bill, the Coalition has not taken a formal position on it. However, I believe this bill will help in the prosecution of perpetrators

of domestic violence and dating violence as well as drug dealers. I want abusers to be held accountable, and as a grandmother of three, I want drug dealers run out of Suffolk County or in jail where they belong.

We have advocates placed in all seven Suffolk County Police Department precincts. We hear firsthand how perpetrators, using prepaid cell phones, cannot be charged with stalking or harassment when using these phones because there is no way of tracing the phones back to the perpetrators. We have discussed the cell phone registry with some of our clients and their concerns were primarily directed at who has access to the registry. They were satisfied to know only the police under certain circumstances and with a subpoena would have access. We will also be working with providers and DSS to secure free phones for those with limited income. Additionally, most of our clients have their own cell phone contracts and do not intend to purchase prepaid cell phones.

As someone working with victims and knowing the frustration of trying to stop their abusers from calling and harassing them and stalking them, and as a private citizen, I see this bill as an important tool for law enforcement and the criminal justice system. I thank you for this opportunity.

**P.O. LINDSAY:**

Joan Hughes.

**MS. HUGHES:**

Thank you. I represent the East Quogue Citizens Advisory --

**P.O. LINDSAY:**

Joan, you have to talk right into the mike. You can bend it down. There you go. Thank you.

**MS HUGHES:**

I represent the East Quogue Citizens Advisory Committee, which supports Resolution 1308 to preserve -- to start the process for preserving land known as The Hills. Other speakers have told you about the importance of this property to the continued health of the aquifer as well as the Weesuk Creek drainage basin which flows into Shinnecock Bay.

I would like to add that this property consists entirely of Pine Barrens. It also contains one of the two highest points in Suffolk County, the other being Bald Hill. There's a spectacular view if you walk to the top of it, of both the Atlantic Ocean and Peconic Bay. And we believe that in addition to its importance to the aquifer it would -- it is important for everyone to be able to enjoy this particular view.

At the present time there is a plan before the Southampton Town Planning Board to turn this -- to have 82 houses built on this property, 82 high end houses, which would take away that ability for all of us to enjoy this land. We hope that you will consider the significance of it, both to the aquifer and to the entire community and considerate it worth preserving. Thank you.

**P.O. LINDSAY:**

Thank you, Joan. Martha Maffei.

**MS. MAFFEI:**

Hello. My name is Martha Maffei. I am the Program Director of SEPA Mujer. I came here to speak in opposition of IR 1266 bill. Since IR 1266 bill was proposed, I have been talking with people through my community, clients that we serve, about this bill to get more information and listen what the people think about this bill. The community -- fear and frustration that their representatives don't understand how essential it is for them to have a prepaid cell phone. Victims of domestic violence don't understand how bills like IR 1266 jeopardize their safety more than they already are.

Last week I attend a forum about domestic violence at the church in Center Moriches. The speakers invited were advocates from all agencies and member of the church. I heard all of them tell people please advise survivors of domestic violence and victims of domestic violence to call the police if they are in danger. Call a shelter if they need a safety place. Call 911, call the hospital, call a friend, call a neighbor for help. So the word that they use during that whole forum was call, call, call. Means use your cell phone. My question is how they would call if they were not able to buy a prepaid cell phone, because they don't have ID's.

We are not here only to oppose a bill, we are here to bring the concerns of our community. Their worries, their fears, because from our position we see daily their problems and their situations. We already brought survivor testimonies in all the public hearings that we have in two -- in the two previous sessions. Now it's your responsibility to get the best decision. We cannot call minor inconvenience to domestic violence. We cannot call minor inconvenience when the last years domestic violence was declared public emergency.

I want to remind everybody that domestic violence is everyone's issue. I was looking at the internet at statistics from the Suffolk County Police Department. According to the Suffolk County Police Department, 34,000 incidents of domestic violence were reported to the Suffolk County Police Department. I just finish. Domestic violence is the single most common cause of injuries to women in the United States. Please have consideration to not pass this bill. Thank you.

### *Applause*

**P.O. LINDSAY:**

Thank you. Amol Sinha.

**MR. SINHA:**

Good morning. Thank you for letting me be here. My name is Amol Sinha. I'm with the New York Civil Liberties Union. You all should have received a letter on behalf of 31 organizations opposing IR 1266. They represent your constituents and they represent a wide variety of people that are in opposition to this bill. IR 1266, as amended, would allow for the unjust collected of personal information by law enforcement, upsetting well established Fourth Amendment principles. The Fourth Amendment protects Americans from unlawful searches and seizures by the government. Police may only search or seize materials and/or information if they have probable cause to proceed with their investigation. Under IR 1266 police will still have unfettered access to consumers personal information via the police database, leaving open the potential for a misappropriation and abuse of sensitive information, disturbing residents core Constitutional protections.

Now, I wanted to present you with a hypothetical situation. Say a Police Officer, during the course of an investigation, finds a cell phone. If he runs the serial number of the cell phone, if the serial number is still on the phone, if he runs it through the database, finds a match, great. We found the purchaser of that prepaid cell phone, who may or may not be the person who is conducting the crime. However, what if that number does not match up. What if there is no match. Then police will be left at a dead end. At that point we are nowhere. We don't know that the phone was even purchased in Suffolk County, but under this law police will be allowed to spend valuable time and resources going through every single paper record and every single retailer of cell phones. Sifting through paper records is an expense that we can't have the Police Department spending.

No respectable court or prosecutorial agency would issue a subpoena to collect all records of all retailers. There needs to be specific cause and specific harm and ongoing investigation. It's just impractical to vote for this bill, and I urge you to opposed it. Thank you.

**P.O. LINDSAY:**

Thank you. Lisa Tyson.

**MS. TYSON:**

Good morning. My name is Lisa Tyson, Director of the Long Island Progressive Coalition, and we're an organization dedicated toward social, economic and racial justice. Due to our mission in supporting human dignity we are against the cell phone bill. We feel strongly that this really impacts communities that the goal of the legislation was not to impact. We understand that we want to curb terrorism and heroin abuse and drug abuse, but unfortunately we know how crime is done, and the minute this law is done those criminals will go to Nassau and other places to purchase these cell phones.

And it's the people who need the cell phones the most. You know, we hire canvassers to work door to door. Those canvassers often have their cell phones turned off. I'm able to keep my cell phone service every month; not everyone is able to do that. And it's those prepaid cell phones which actually keep people's jobs, because then they're able to call their employer to say, "Oh, I'm going to be late" or something. They're able to go to health facilities. That is the position of the Long Island Progressive Coalition.

There was also a letter sent that everyone should have gotten a copy of. There are many organizations, and as more and more organizations hear about this bill, the opposition has been growing, but many of us just recently found out. So you have a copy of this, but I'm going to quickly -- my minute and forty seconds -- read the organizations that oppose this bill. It is the organizations opposing these bills, not the individuals alone on the letter. So New York Civil Liberties Union, Suffolk County Chapter; Long Island Immigrant Alliance; SEPA Mejur; Latino Justice, PRLDEF; Central American Refugee Center; Immigration Attorney from the Law Offices of Eric Horn; President -- I'm sorry. The Eastern Long Island ACP; 1199 SEIU; Neighbors in Support of Immigrants; The Long Island Progressive Coalition; Make the Road New York; Long Island Organizing Network; Long Island Wins; Long Island Jobs With Justice; The Workplace Project; Long Island Immigrant Solidarity; PACS Long Island; the Muslin Center of Bay Shore; National Association of Puerto Rican Hispanic Social Workers; 32BJ SEIU; Suffolk County Colation Against Domestic Violence; Nassau Association of Social Workers; Hola of Eastern Long Island; Long Island Teachers for Human Rights; Hispanic American Association; Long Island Civic Participation Project; Health and Welfare Council of Long Island; Law Office of the Public Advocacy Center; Empire Justice; New York Communities for Change, and New York Chapter of the American Immigrations Lawyers Association.

There's huge opposition to this. You must not vote this bill today. You must vote no. That is the only vote that you should be taking because these are people's civil liberties and we need people to have human dignity in this County, and if you vote for this, you are taking away human dignity. Thank you.

**P.O. LINDSAY:**

Thank you. Mary Meyer.

**MS. MEYER:**

Good morning, ladies and gentlemen and thank you for the opportunity to address you here today. My name is Mary Meyer. I am the Vice-President of the Suffolk County 9-12 Project. We are one of the largest Tea Party organizations not only in the State of New York, but particularly in Suffolk County. We have 1019 members and we're growing every day.

I'm here to speak to you today about the override vote on the vetoes of the Capital Budget. My understanding is that you are scheduled to vote to override approximately 73 million dollars in that budget for the following expenses: 30.8 million dollars for a new learning resource center at Suffolk Community College; 16.75 million dollars for a health and sports facility, again, at Suffolk Community College; 6.1 million to renovate the Sagtikos Building, again, at Suffolk Community College; and 3.2 million for a parking expansion at the Ammerman Campus, again, at Suffolk County Community College. Also, 17 million dollars to fund the John Foley Nursing Facility.

As history has proven, providing money for education does not guarantee success or improvement. In these difficult economic times, when we already have educational facilities that are looking to maintain what they already have, I think it's outrageous that you would even consider spending this kind of money, all on the backs of Suffolk County taxpayers. Who, quite frankly, are tapped out.

New York is bleeding young workers, people that are graduating from college that cannot find jobs; two income families, where one has lost their job and they're trying to maintain their home; and business owners who cannot afford the excessive taxation in this state and in Suffolk County as part of it. You will not have young people to attend these facilities if things continue in the direction that they're going, because the people that are footing the bill are not going to be able to continue to do it. Right now as we speak Greece is selling off all of its government owned banks, colleges, airports. As for the U.S. economy, that ship has already sailed. We are right behind them. So I implore upon you when you take this vote that you do not override these vetoes.

And as for the John J. Foley Nursing Home, my mother was a director of a nursing home for 25 years, my daughter is in nursing school. I have the greatest admiration for those who provide care for the elderly, but at the very least, if you are going to ask the taxpayers to fund the nursing home, then you need to find the 17 million in offsets somewhere and I urge to you vote against the override. Thank you.

**P.O. LINDSAY:**

Michael Spitzer. Michael Spitzer? No Michael Spitzer, okay. Michele Lynch.

**MS. LYNCH:**

After hearing that -- Michele Lynch, 1199 SEIU -- as a Suffolk County resident I am in support of the override of the bill. We need to put people to work and we need to have jobs.

So I'm here today in opposition to IR 1266. I feel that it's an ineffective law enforcement strategy, proposes an ineffective way to protect against crime and terrorism, instead of utilizing well developed standards such as reasonable suspicion or probable cause that facilitates effective law enforcement. This proposal creates a new scheme that will be burdensome for retailers and law enforcement alike, and there is no evidence that this new scheme will actually help law enforcement. Would be criminals can just as easily avoid identifying themselves by purchasing cell phones outside of Suffolk County.

Rather than actually deterring criminals and keeping track of terrorists, this legislation will serve to provide the police with an expensive, complicated database of innocent people. There has been no affirmation showing of evidence that suggests that a prepaid cell phone registry would actually provide law enforcement with more tools to combat crime or prevent or deter crime. There's only been rhetoric and speculation that more information in the hands of law enforcement is a good thing. However, criminals would easily evade this law, leaving the innocent people of Suffolk County to deal with the burdensome law that infringes on their core Constitutional rights. And there has been no showing that this law would provide for more efficient policing.

If retailers opt to maintain paper records rather than entering the information in a database, then we would have an enormous distribution of paper files all over the County.

Rather than actually combating crime and terror, IR 1266 has the consequences of invading privacy, while burdening retailers and having a chilling effect on prepaid cellphone purchases, many of whom already have been marginalized by society because of their social economic status, life-style or history with domestic violence. To that end, we strongly urge this Legislature to vote against IR 1266 and put an end to irrational, fear based laws that infringe upon the privacy and the Constitutional rights of Suffolk County residents. Thank you.

**P.O. LINDSAY:**

Thank you, Michele. Michael Spitzer? Last time. No Michael Spitzer. Okay. I'll try this again. Is there anyone else in the audience that would like to address us? Please come forward and identify yourself.

**MS. OGNO:**

My name is Linda Ogno. I have been a resident in Suffolk County for all my life. I just would like to say that I pay \$10,000 a year in my property taxes, and of that tax \$79 is my County tax, and I'm pretty sure that \$79 is not what's driving my children off of this Long Island. Thank you.

*Applause*

**P.O. LINDSAY:**

Thank you. Alex.

**MR. STRAUSS:**

Good morning. Alex Strauss, resident of Suffolk County. Number one, I think you should override all the vetoes, because this way we can get some of that money that we send Upstate and bring it back down here, because some of that -- most of that money is paid for by the State. That's number one.

Number two, I think we should keep the J.J. Foley Nursing Home open. We should fund it. As far as buying all this property we're buying, we keep buying it, taking it off the tax rolls, and all the people that don't want to pay any taxes, that's a good way of doing it. Take it all off the tax rolls. We should go around and get every piece of property that we have, and this way Suffolk County can have the biggest park in the world; there will just be nobody here to go to it.

*Laughter*

Because somebody has got to pay for the damn thing to be maintained. I don't get it, I really don't get it. We spend more money on buying stuff that we don't need. I think that's it. Thank you.

*Applause*

**P.O. LINDSAY:**

Is there anyone else? Seeing none, I'll accept a motion to close the public portion.

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fifteen (Not Present: Legislators Romaine, Kennedy and Nowick).

**P.O. LINDSAY:**

Now, Mr. Kopp, I apologize. We misplaced about a dozen cards. I thought you were next and --

**MR. KOPP:**

Some tough acts to follow this morning over here. Good morning, Presiding Officer Lindsay and members of the Legislature. I come before you to speak about a few measures you will consider during the course of your deliberations today. IR 2258 would redistribute sales tax revenues

earmarked for public safety from the Suffolk County Police Department to town and village police departments at a cost to Suffolk County of up to four million dollars.

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

**MR. KOPP:**

Some tough acts to follow over here. Good morning, Presiding Officer Lindsay and Members of the Legislature. I come before you to speak about a few measures you will consider during the course of your deliberations today. I.R. 2258 would redistribute sales tax revenues earmarked for public safety from the Suffolk County Police Department to town and village police departments at a cost to Suffolk County of up to 4 million dollars. And I'm certain that during the course of your discussions today the Budget Review Office will provide you with additional information along those lines.

Since 2005, the amount of revenue sharing provided for village and town police departments has increased by 113.3 %, an increase of 3.5 million dollars. In other words, the amount of funding provided to village and town police forces through Legislatively enacted budgets has more than doubled since 2005. To redirect public safety dollars away from the County Police Department through this measure will cause a loss of up to four million dollars and result in decreased services for County residents. The reduction in funding for our Police District would undoubtedly impact on the Department's overtime budget and special patrols, the very crime-fighting tools that are so necessary in some of our local communities whose representatives have been before this body and its committees seeking additional rate resources to combat local issues. Now is not the time to enact I.R. 2258.

I.R. 1557 is a budget amendment to fund operations at the Foley facility through the end of the year, but it fails to address the very real loss of the revenue that had been budgeted from the closure of the facility and the sale of its assets. This resolution utilizes nonrecurring revenues and does not recognize the lower than usual cost of operations this year, both of which will result in the County returning to annual operating deficits of six to eight million dollars in 2012. If the Legislature wishes to fund the facility while maintaining a balanced budget, the 17 million dollars in lost revenue needs to be addressed. Both the County Executive's Budget Office and the Legislature Budget Review Office have continually emphasized this point, that the General Fund will be short if we do not make sufficient cuts to replace this revenue.

Also today, the Legislature will be considering the County Executive's veto of nearly 127 million dollars, in addition to the 2012 to 2014 Capital Program. This year, once again, as he has throughout his tenure, the County Executive's proposed Capital Budget was less than the previous year's adopted Capital Budget. If the Legislature sustains the County Executive's vetoes, the 2012 Capital Budget would be the lowest since 2001, and the three-year Capital Program would be the lowest since 2000 to 2002. The addition of added capital debt service will present yet another challenge to our General Fund during these fiscally difficult times. We strongly recommend that you sustain the County Executive's fiscally responsible vetoes. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Kopp. Yes, go ahead, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Mr. Kopp, in relationship to my bill on revenue sharing, you had mentioned that the revenue sharing for the towns and villages doubled, basically went up by 100%. Are you aware -- this is the question -- of what the effect in the actual Suffolk County P.D., the amount of money going to the Police District, what percentage or fraction that went up? Because you said the towns and villages got twice as much --

**MR. KOPP:**

That's correct.

**LEG. SCHNEIDERMAN:**

Since 2005.

**MR. KOPP:**

Right.

**LEG. SCHNEIDERMAN:**

How much more did the Police District get? I could answer the question for you.

**MR. KOPP:**

Well, that would helpful.

**LEG. SCHNEIDERMAN:**

Four times, 400%. They've gone up four times. We doubled, they went up four times.

**MR. KOPP:**

Okay.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Someone once said there are lies, damn lies, and then there's statistics. So let's talk about, instead of statistics, principles.

Sales tax is collected from the ten towns from all of Suffolk County, from the nine villages that have their police departments, from the five eastern towns that have their own police department. It was a decision that this County made to start using sales tax to subsidize the Police District, but you cannot ask that subsidy from people who don't get those services. There are nine villages, four on the west end, five in the east end, and five towns that don't get those services. Therefore, when you have move to a County-wide tax, such as the sales tax, to subsidize the Police District, that subsidy has to be shared with those entities that don't benefit from that. That money cannot go. I mean, legally you probably could take it all for the Police District, but, boy, would that be a mistake, because you would be -- you would be taxing people without providing services, and that's not the basis of the way we should be doing business as a government.

So I'm going to talk about the principle of fairness. Now, about a quarter of the sales tax is raised from the east end alone, but the east end isn't asking for that quarter back, they're asking that it be distributed based on a population basis. And based on that, Legislator Schneiderman, and I'm a cosponsor, put forward this with Legislator Cooper, that it be shared fairly based on population.

Now, if you disagree, if the Executive, I don't mean you, but if the Executive disagrees with that principle of fairness, I've got to tell you, I think everyone in Suffolk County would say, "You know what, that's fair." If we're taking money from everyone, let's -- for police services, let's give it back on a population basis. That's all we're asking, for fairness. Anything else, you're taking money for services you're not providing. That's not the way this government should run. And I think my colleagues, no matter where they live, no matter what they believe in, understand that principle of fairness. That's what we're asking for today. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Kopp.

**MR. KOPP:**

Thank you.

**P.O. LINDSAY:**

Okay. Let's go to the agenda. If you take out the paper agenda, I'll need a motion on the Consent Calendar.

**LEG. BARRAGA:**

Motion.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen. (Vote Amended to 18)

**P.O. LINDSAY:**

If we go to Page 8, Resolutions Tabled to June 21st, 2011, okay.

***1559 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Police Department, Range Officer 1 (Co. Exec).***

**LEG. ROMAINE:**

Motion to table.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

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

**LEG. SCHNEIDERMAN:**

Motion to approve.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Motion to table.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Second to table.

**LEG. SCHNEIDERMAN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Bear with me, I'd like to provide a little background here. Throughout Suffolk County, police services are primarily funded through property taxes. The largest geographic tax district is the Suffolk County Police District, which provides services to about 90%, about 89% of Suffolk's population. This district was formed 53 years ago after a public referendum, when 33 smaller districts voted to consolidate into one. Districts that voted against consolidation today maintain their own police departments and collect property taxes in the areas they provide services to. These areas are the Towns of East Hampton, Riverhead, Shelter Island, Southampton and Southold, as well as the Villages of Amityville, Asharoken, East Hampton, Head of Harbor, Huntington Bay, Lloyd Harbor, Nissequogue, Northport, Ocean Beach, Quogue, Sag Harbor, Southampton, Saltaire and Westhampton Beach.

The issue of revenue-sharing dates back to the early 1900's, when the County found itself with insufficient revenues to operate. The Police District was particularly short of revenues after an arbitration award that was larger than the County had anticipated. The County requested State authorization to increase its component of sales tax from three to four percent. As part of that authorization, the County requested permission to use some of the additional money to supplement property taxes in the Police District. In order to pass the home rule designation at the County level, an agreement was reached between the County Executive, Robert Gaffney, and Second District Legislator Bill Jones, which guaranteed that the sales tax used for public safety would be distributed fairly throughout the county. The Legislature was fully aware of this promise when it passed the Home Rule Message. The State then followed by authorizing an additional 1% sales tax and specifically allowing a minimum of one-eighth of the new revenue and a maximum of three-eighths of the new revenue to be used for public safety purposes, including police districts. Every two years, this one percent gets reauthorized by the Legislature in the State.

In 1998, after a budget was proposed that did not include the funding for the police districts outside the Suffolk County Police District, the Legislature adopted a Charter amendment, C46J, requiring the County Executive to submit a budget that included the funding for the outside departments based on percentages contained in the prior years' adopted budget. These percentages were based on population levels at the time. Even with this language in place, County Executives have continued to propose budgets that disproportionately distribute sales tax for public safety.

I.R. 2258 is designed to end the unfair treatment of police districts outside the County Police District. It's cosponsored by Legislator Romaine and Legislator Cooper, it also has the support of the PBA. The bill accomplishes three things. Firstly, it corrects the inequity by moving forward by requiring fair distribution of public safety sales tax revenues by population. Secondly, it requires that the sales tax component be used for police services and not other public safety purposes. Lastly, it sets a bottom threshold to guarantee that the various police departments maintain a predictable level of funding. The State allows a bottom threshold of one-eighth and a top of three-eighths. This bill moves the bottom threshold to two-eighths, one-quarter. Current funding levels are between two-eighths and three-eighths, so it's slightly below where we currently are.

I.R. 2258 of 2010 uses census population as the basis for determining equitable sharing. Under the bill, the proposed, as well as the adopted, budget must contain sales tax revenue sharing for public safety based on census population percentages in each Police District. The areas that opted to maintain their own departments represent about 11% of the year-round population of the County, and are located mostly on the East End in the First and Second Legislative Districts. Although year-round population is used as the basis of revenue sharing, it should be noted that these areas account for 50% of the land mass of the County, provide approximately one-third of the property tax and one-quarter of the sales tax collections. Additionally, Police Departments in these areas must have their operations scaled appropriately to respond to seasonal populations that far exceed their year-round population.

I ask you to support I.R. 2258 as a fair approach to distributing whole County sales tax revenues that honors past agreements and ends a longstanding inequality.

**P.O. LINDSAY:**

Okay. Ms. Vizzini, I know that I had asked for some analysis on the breakdown. Would you or Robert please comment? Everybody has that handout. I wish you would pull it out as she goes through it, because it's a really important document.

**MS. VIZZINI:**

All of you have the analysis that we provided the Presiding Officer. I'll walk you through it. It gives you an idea of what the bill does that is different than what we currently do. What we currently do is it's a policy decision, depending upon the expenditure in the Police District, as to how much of the maximum three-eighths of a penny that goes to public safety, sales tax, offsets, the cost of the District Attorney, Probation, Sheriff, etcetera, in the General Fund. But how much of that sales tax is specifically given to the Police District?

All of you know, when we adopt the Operating Budget, we arrive at a sum certain. Last year, in 2011, rather, we gave the Police District 84.3 million dollars in sales tax to offset their costs. This sheet with the three numbers shows you. The bottom number is the 84.3 million we gave the Police District.

What the proposal before you suggests is, number one, the Police District, Fund 115, be guaranteed a minimum, one-quarter of one percent of sales tax; that's roughly 66 million dollars. That's why we show it -- it's very similar to the quarter cent Water Protection revenue, it's a quarter cent, it's about 66 million dollars. That would, however, be, that minimum threshold, would be about 30 million dollars less than we actually gave them in 2011. The maximum allowable by our own laws is three-eighths, which is almost 99 million dollars, which is about almost 15 million dollars more than we gave. You're talking about dedicating it to one fund and -- which supports one department. Now, the reason that number is significant is that the current distribution to the town and village police entities is based on a proportion that was established in the late '90's in the budget. So whatever the dollar amount we're giving to the towns and village is proportionately allocated based on this proportion that had been set up years ago, it's not based on population.

So what this law suggests is, number one, there is a minimum that we give to the Police District; and number two, based on the dollar amount we give to the Police District, however much of the population these entities represent, which happens to be 11.2% of the Suffolk County population based on the 2010 census, that dollar amount will be distributed to them. Because we are transitioning from a proportion to a population-based distribution, it will cost more money than we did in 2011. There will be an additional expense to achieve this equity, and that additional expense could be as little as an additional 634,000 based on dropping down to the minimum, or as much as 4.2 million, if we actually go to the three-eighths when we do the 2012 budget.

We also have included in here the chart that shows public safety town revenue sharing as proposed. It doesn't have a maximum or a minimum on the title. It demonstrates for you, had this been in place when we did the 2011 budget, instead of the 6.5 million that we distributed to these separate taxing jurisdictions, we would have had to distribute 9.2 million, or an additional expense to the Police District of 2.6 million. The downside is unless there is a willingness to replace this sales tax revenue that is being distributed to the towns and villages, we will have to cut County expenditures, if, you know, all other things being equal. So Robert and I are available if you have any questions.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. You kind of summarized some of the areas that I wanted to go in, Gail, but I just -- you know, when we look at the operations of our Police District, I think it's important that we also keep as a backdrop what we raise out of the levy that we have on the special district side and we take a look at the aggregate, the composite, with the district. Last year, it was about 420, 430?

**MS. VIZZINI:**

Yeah. The Police District tax levy is 490 million dollars. Therefore, a 1% increase in taxes in the Police District gives you about 4.9 million dollars to either augment -- you know, to address escalating expenditures in the Police District.

**LEG. KENNEDY:**

But that increase is borne only by the five west end towns, correct?

**MS. VIZZINI:**

Correct.

**LEG. KENNEDY:**

Now, when we also talk about the services that we have that the Suffolk County Police Department furnishes, yes, we have our five east end town town-based departments and our village departments. But our Suffolk County Police Department provides a variety of services to each of those other independent police districts, I believe; isn't that the case?

**MS. VIZZINI:**

Yeah. The Police Department, Suffolk County Police Department is funded not only by a separate and distinct Fund 115, the Police District -- and, by the way, I said 499, but the tax levy in 2011 was 459.

**LEG. KENNEDY:**

Okay.

**MS. VIZZINI:**

All right. But very similar, 1% increase is four-and-a-half million dollars. It's also funded by the General Fund, and that's Headquarters, and there is a portion of Detective services and other police services that are rendered to the east end and west end village and town municipalities.

**LEG. KENNEDY:**

So when we talk about some of the equity that my colleagues to the east speak about, and there's no doubt about it, that the East End does generate a significant amount of sales tax revenues, those town-based departments and the village departments are all actually benefitting to some extent by the services that they get, be it Arson, be it Homicide, be it Warrants, that are coming --

**MS. VIZZINI:**

MedEvac.

**LEG. KENNEDY:**

Right, and being provided to them based off of that General Fund aspect of our policing services; is that correct?

**MS. VIZZINI:**

Yeah, that's correct.

**LEG. KENNEDY:**

Okay. All right. I'll yield, Mr. Chair.

**P.O. LINDSAY:**

Okay. I guess nobody else wants to weigh on -- Legislator Eddington.

**LEG. EDDINGTON:**

Well, I heard what was said. To me, the next question is, you did the research, you looked at the numbers, tell me the balancing scale. I mean, nobody asks you the question, they get all the information and we all have to assume we're going to make the right choice, but there's services rendered that the district pays for. On a scale, is it way tilted one way, is it somewhat? I mean, I could expect a little give and take, but, I mean, give me your expert opinion.

**MS. VIZZINI:**

I thought I addressed that. This will cost more money. It will cost either 634,000 more if we go with a minimum quarter cent next year, or as much as 4.2 million more to provide the distribution of public safety revenue sharing to the town and village entities based on population, as opposed to the way we do it now, a proportion.

**LEG. EDDINGTON:**

I guess -- you know, you're saying it's going to cost more.

**MS. VIZZINI:**

Right, meaning you --

**LEG. EDDINGTON:**

So that means we have to raise taxes or something.

**MS. VIZZINI:**

You either have to raise taxes --

**LEG. EDDINGTON:**

Okay. That's not what I'm really asking --

**MS. VIZZINI:**

-- or cut.

**LEG. EDDINGTON:**

-- are the services -- based right now, this year, did the services really equal -- you know, in other words, we're getting more money in our district, but did we give the services to the east end that would compensate for the money that they pay that they feel they're not getting their bang for the buck?

**MS. VIZZINI:**

That's a value judgment I can't make. The average General Fund property taxpayer pays \$89. What portion of that offsets what police services they may have gained as opposed to perhaps the County Clerk, or Audit and Control, or Land Transactions, or other things that \$89 supports, I don't know. The average -- as you know, the average west end town taxpayer in the Police District pays closer to 1,000.

**LEG. EDDINGTON:**

You know, I guess, then, my brain is working different, because that's the answer I need to make an intelligent judgment. Otherwise, it's just one group saying one thing and the other group saying the other. And I want to know, are they getting their fair share now? And if they're not, well, then we should give it to them, but I can't determine that based on what I'm hearing.

**MS. VIZZINI:**

This provides a methodology based on population; therein is the definition of equity. You know, I can't address whether -- I think what you're asking me is are these entities getting -- these entities do not --

**P.O. LINDSAY:**

Could I just help you out? You'd have to quantify how many times the helicopter is used on the east end, how many times the Homicide Squad goes out to the east end, how many times Drug Enforcement. You're head of public safety, you'd have to get those numbers from the Police Department.

**LEG. EDDINGTON:**

Are you kidding me? I can't get any information from the Police Department. Haven't you been around for six years?

*(\*Laughter\*)*

It took them 24 hours to tell me that somebody was killed in my neighborhood.

**P.O. LINDSAY:**

But that's the kind of analysis that you need to do what you --

**LEG. EDDINGTON:**

And that's what I've been asking for, and I'm asking for it again and we can't get it.

**P.O. LINDSAY:**

Well, she doesn't have it because she didn't get it either.

**LEG. EDDINGTON:**

Well, I mean, this is crazy.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. EDDINGTON:**

Privatize the Police Department.

**LEG. BARRAGA:**

I just want to follow up on Mr. Eddington's question. This distribution was predicated on population as opposed to the existing formula, and then the current legislation calls for a minimum of one-eighth and a maximum of three-eighths.

**MS. VIZZINI:**

A minimum of a quarter cent.

**LEG. BARRAGA:**

No, no, no. The existing legislation calls for --

**MS. VIZZINI:**

Yeah, you're right, sorry.

**LEG. BARRAGA:**

-- a minimum of one-eighth and a maximum of three-eighths based on the current formula. The question I have, over the years, say the last five years, what has been the annual distribution; is it less than a quarter or is it around three-eighths?

**MR. LIPP:**

The distribution is varied by year.

**LEG. BARRAGA:**

Okay.

**MR. LIPP:**

Last year -- this year it's 84 million, that's more than a quarter, between a quarter and the three-eighths. Last year it was 54 million, which is less than a quarter. The year before, 2009, was 66 million, which is approximately a quarter, maybe slightly more. The year before, 2008, was 87 million, clearly more. You'd have to go back to --

**LEG. BARRAGA:**

Okay.

**MR. LIPP:**

Okay.

**LEG. BARRAGA:**

But I think, based on what you're telling me, for the most part, they've gotten at least a quarter or better over the last four or five years under the existing formula.

**MR. LIPP:**

Correct. You'd have to go back to 2004 to have a really significantly lower number, 22 million.

**LEG. BARRAGA:**

How far back on that?

**MR. LIPP:**

That was 2004. Between 2002 and 2004, the numbers are quite lower, five million in 2002, 14 million in 2003, 22.8 million in 2004.

**LEG. BARRAGA:**

All right. But at least the last five or six years, it's a quarter or better.

**MR. LIPP:**

Approximately, yeah.

**LEG. BARRAGA:**

Do we run the danger if we go with a new formula predicated on population which guarantees a quarter, that someone takes the tact that always give them at least a quarter and no more, even those the maximum would be three-eighths based on population?

**MR. LIPP:**

That's possible, it's a strategy. I think part of it, it depends upon what the finances of the County is in the future.

**LEG. BARRAGA:**

All right. Thank you.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Thank you very much. This bill does a couple of things. Some minor things that it does, it establishes a minimum base, that we will use a quarter percent of the sales tax for police services throughout Suffolk County. Okay? We can use more, but it establishes a minimum base of what percentage of sales tax will be used for police services all over Suffolk County. The second thing it does, minor -- another minor thing, is it establishes that this money can only be used for police services. We can't play budget games if we're the Executive or the Legislature and spend it for other purposes, or redefine what public safety is. It's for police services. It's for those types of direct police services that we expect.

Then the next thing is, people are talking about helicopters, the Homicide, the Arson Squad. Well, guess what, those are funded County-wide, everyone pays for them. Those are not Police District expenditures. Those are funded County-wide from everyone, whether they have their own police force or not. That's a separate issue and no one's complaining about that, so that doesn't count.

So what is the heart of this bill? The heart of this bill is -- and, by the way, someone said the current formula. There is no formula. The only formula is the whim of the Executive and the Legislature as it changes from year to year. So what does this do? This bill establishes a formula, it establishes a formula based on population, it establishes equity.

Our Budget Review Director said, I don't know, whatever equity means. Well, equity means if we're all paying into it for police services and not everyone uses Suffolk County Police, because it's a Police District, not a Police Department, then those who have their own police departments are getting some of that money back. What basis could you use? We're using the basis of population, because it's simple, it's direct, and it has some equation to the delivery of police services. Obviously, the more population you have, the more money you should get for the directory of those police services.

So what are we doing here today? We're saying, "By God, if we're going to tax you for police services and we're going to use some of that sales tax for police services, you're entitled to get that money." Gail talks about it costing more. It's not costing more, that isn't the issue. The issue is, we're all paying into this, are we going to get it back fairly, or are we going to be continued to tax for services that we don't provide? Or are we going to under-fund. Are we going to have a formula, are we going to have a whim? Is it going to be on who has the most political clout or who drafts the budget, or is it going to be guaranteeing everyone that pays that sales tax in Suffolk County, that they're going to get a minimum level of money back for police services, whether they're in the Police District, the village police, or they have town police. That's the issue at the heart of this.

I think this bill makes sense. I would urge my colleagues to consider the fairness issue, and understand that we're one county. We're not playing one section off another section, and we're

going to provide an equivalent level of police services for those who we take money from for this purpose. Thank you.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Thank you, Mr. Chair. Budget Review, Robert in particular, in your response to Legislator Barraga's questions, you mentioned 2004, and you mentioned -- you described the swing. And I'm not going to use the word "whim," because that carries with it some judgment, but what -- how do you account for the swing that was such a great swing in 2004? How did that occur and why?

**MR. LIPP:**

Well, very simply the amount of revenue -- well, the amount of sales tax, rather, being allocated to the Police District obviously is, number one, based upon what's recommended by whoever the County Executive is. And it's usually not often that the Legislature would change it, but, obviously, it we could, number two. And lastly, it's a function of what the finances clearly would be, the main ingredient, the finances in the Police District. So, other things being equal, if -- and the General Fund. So if the General Fund is doing well and the Police District is hurting, then you would want to give more. In all likelihood, it would be greater incentive to the Police District. In this case here, I'm speculating, though, what happened is the Police District was reasonably well off fiscally in 2004, and the General Fund didn't have the finances, perhaps, that was deemed by policy-makers to provide the extra money to the Police District, simple as that.

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

Okay. And regarding the question that -- I believe it was Legislator Eddington asked about the services that we provide, and the Presiding Officer weighed in on that. The Commissioner once described -- when we were discussing revenue sharing, had described to me all of the services that are provided, Homicide and Arson, etcetera. And I inferred from his comments that many -- that those were paid for by Police District monies. Legislator Romaine is now saying that those services are provided through the General Fund. How is that paid for, and is that consistent from year to year?

**MR. LIPP:**

The main appropriation in the General Fund related to Police Department, which is usually colloquially referred to as Headquarters, is 3120, the Police General Administration Fund. It's almost 70 million dollars. There are some other dollars in the General Fund for police, but those are basically mostly grants, maybe three, four, about four million dollars perhaps. So in terms of gross expenditures, you're talking, just for the Headquarters, about 3.6%. It's more than about, it's exactly for 2011 adopted, 3.6% of the General Fund gross budget.

Legislator Eddington's question was an excellent question, but it is -- and it's something that's been asked over the years. The problem is there's a lot of subjectivity as to what services should be considered part of Police Headquarters in the General Fund and what not. And depending upon, I guess, where you sit is where you stand and it's hard to be objective, one could do an analysis of it --

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

Wait a minute. You're beginning to confuse me. All I asked was those Headquarter services, are they -- do they come from Police District Funds or General?

**MR. LIPP:**

General Fund.

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

General Fund, okay. That was my question. But are General Fund -- property taxes don't bring in that much money.

**MR. LIPP:**

Correct, only 49 million is the General Fund. I mean, you have all sorts of unallocated revenue, the obvious one over a billion dollars in sales tax, correct.

**P.O. LINDSAY:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. I'm a -- I represent the Village of Amityville, I'm actually a resident of the Village of Amityville, and I actually live next to the Police Department in the Village of Amityville. To me, I think this is -- you know, there's certainly, you know, some importance that should be played to the equity, but I think what's more important is stability. I mean, as we're going through these tough economic times, we've heard numerous organizations come to us and plea for 20, 30, \$40,000 in additional, you know, aid in the budget, and we have a 2.6 billion dollar budget, and it's difficult for us to manage and meet those needs. A small village like Amityville, I think their entire budget is seven million dollars. You know, this bill could impact them 166,000 additional funds.

**P.O. LINDSAY:**

Or less.

**LEG. GREGORY:**

Or less.

**P.O. LINDSAY:**

Or less.

**LEG. GREGORY:**

But that's -- but for them, that's a huge impact to not have that stability from year to year as they make their budgets. Are we going to get an additional \$166,000 from the County because they decide that this year they want to fund this more, or are we going to get less than what we did last year? I think now this establishes a bottom floor, that they can at least budget. And if they get more, great, but certainly, they can -- they will not expect to get less. So I think there's some merit in that argument and that's why I'll be supporting this bill.

**P.O. LINDSAY:**

Okay. I -- let me just go, because I'm biting my tongue, all right? Folks, we're broke. When are you going to realize this? We don't have any money. And if you look at these sheets, the sheet goes with a quarter percent revenue sharing to three-eighths. We can't afford the three-eighths. The three-eighths would cost the Police District a couple of million dollars. Where do we take that from? If this goes through, we could only afford the quarter percent, I mean, the minimum. That's the only one we can do, and at that it will cost us \$600,000 that we have to take out of police services. At the quarter percent -- and why I say that is because every dollar that you take out of sales tax, you're not funding another core service that we need. I mean, just before us today we have the issue with the nursing home. Somebody said before, "Don't fund the nursing home." If we don't fund the nursing home, it loses its license, it loses its value. If we're going to sell it, if we're going to come up with a public/private partnership, you have to keep it operational for it to keep its value.

The health centers are before us today. We don't have any money to keep the health centers. Is it our fault? No, it isn't our fault. But, you know, we're going to vote on a bill today to share the cuts across all of the health centers. If we don't get any more money from the State, it's going to bankrupt the whole system, it's going to put them all out of business. I hope you know that.

The Medical Examiner: Somebody said before, we're taking money out -- you know the cut to the Medical Examiner should be sent to the health centers. Can we afford to close down our crime lab? How can we do that? We just had four murders Sunday. We can't do that.

The FRES training: Does anybody have the stomach here to eliminate all the training for our first responders? Because that's what we're talking about.

It isn't about fairness. I hear Legislator Romaine, I hear Legislator Schneiderman about fairness. It isn't about fairness, it's about what we can afford. If you look at the quarter percent, for all you guys that think that your village is going to make out, there's four winners, the rest of you all go down. You get less money from the new allocation from the max -- from the floor of a quarter percent. The only winners is the Town of Southold, the Town of Riverhead, the Town of East Hampton and the Town of Southampton. All the villages get less money, less money. And that's the only thing we can afford.

If this passes, we cannot afford to allocate three-eighths of a percent, because I don't know where to make that cut in the Police District, I just don't know where to do it. We don't have enough police now.

And I don't mean to be sarcastic to anybody that has an independent police force, but if you really think you're getting screwed, why don't you just merge your force in with the County force? Thank you. Legislator Schneiderman -- Legislator Kennedy, did you want to talk?

**LEG. KENNEDY:**

All I really wanted to speak to, Mr. Chair, was most of what you talked about as far as this impacting the large picture. And the reason that I seconded the tabling motion is the pragmatic effect of that would be to give at least another 30 days, if you will, of possible sales tax revenue.

As you said, we -- the prospect of 2012 looms large before us now as we're here on the first day of summer of 2011, and it is bleak at best. So I do not think that town departments or village departments shouldn't have equity. I hope and I think we do have equity. And actually, what Legislator Eddington spoke about, we should be revisiting, you know, how we quantify some of this. And if there is not equity, we should go internally to try to remedy that, be it through K-9 or Arson, or any of the myriad of services that we furnish.

But, as we would adopt this and lock this in, it's as if we are actually beginning to cannibalize ourselves, because we would lose that ability for some of the other things that we continue to try to abide by and support. So I -- that's why I seconded the tabling.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

We don't have equity. If you look at the budget, these areas are getting 7% of the sales money that we're distributing, even though their populations are 11%. Why? It's completely arbitrary because that's what's been done through the year -- through the years. This bill is attempting to end that inequity, and it's being punished by the fact that it's inequitable now, so why should we fix it? It's going to cost us money to be fair to treat these areas justly. It's like punishing them because they didn't join the Suffolk County P.D., because when they voted on the referendum, they said, "No, we

want to keep our own police services."

In terms of villages losing out if we drop back to a quarter, well, guess what, right now the threshold is one-eighth. So under the current statute that comes through the State, we can drop much further. And if we dropped equitably, those villages would lose even more, as well as Suffolk County P.D. This creates a bottom. It can only fall so far, and we all fall together. So to get to that quarter, which is below the current levels, that would mean some 15 million dollars of sales tax would return to the General Fund. And yes, everybody in general gets less, including the P.D., if that were to happen. I'm not suggesting that happens, I'm just saying that right now, without this law, the potential is far worse than with this law. This law gives us predictability and fairness. It's the right thing to do.

You know, the east end, where most of the towns and villages are affected, you talked about the sales tax data. Well, hopefully, what I'm seeing from the east end is fairly promising, and, hopefully, will help the County quite a bit as we start a very strong tourist season out there.

I am imploring you for fairness, that's all, fairness. And to get the fairness may mean, yes, we have to change things a little, but fairness is the right thing to do. Just because you can take advantage of an area doesn't mean you should. And I know we're all elected. Some of us have villages in our areas. Some of us are entirely within Suffolk County P.D. I'm just asking you to look at the County as a whole. Separate out the Headquarters Fund, because it has nothing to do with this bill. This is only the sales tax money from this component that goes directly to the Police Districts and distribute that fairly once and for all. Thank you.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

You know, as I'm hearing all of this, you know, there's another alternative. We could just provide no services from the Police District for the east end, give them what they're asking in funding and let them do a better job if they think they can. My sense is they're going to be coming to the Legislature begging us to take it away. But, I mean, that's another alternative, give them what they want. Let them -- give them a fair equitable amount of money, but don't provide services from Suffolk County P.D.

**P.O. LINDSAY:**

I don't see how you can do that. You have a major accident on the east end, you're not going to send a helicopter out to rescue somebody?

**LEG. EDDINGTON:**

Well, I guess they'll have to get their own helicopter, then, Southampton Helicopter. I mean, you know what, these are the things that should be considered before you come here and gripe. You know, there are other alternatives and that's one, but I'm not hearing that.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Let me tell you what you are hearing. We all pay for the helicopter. Has nothing to do with sales tax, it comes out of the Headquarters Fund. We all pay for the Arson Squad, we all pay for that. If you want to give us our money back, we'd be happy to. We all pay for it through the Headquarters Fund. You're confusing sales tax with Headquarters Fund. Helicopters are paid for, Arson Squad is paid for, Homicide Squad is paid for. That's paid generally out of the Headquarters Fund, which is a County-wide fund that is funded County-wide.

Let me tell you, we never had these debates when I first served in this Legislature. You know why? We didn't take sales tax to fund police services. The Police District was funded by property tax, and we didn't have to worry about that, because we couldn't tax those that weren't in the Police District. It's only because in the '90's, the late '90's they decided, "Wow, we need to subsidize the Police District, let's take some sales tax money." What you may not know is that at least a quarter of the sales tax is produced by the east end, and almost a third of the property tax for Suffolk County comes from the east end. We're not asking for that type of distribution, we're asking for a formula. There is no formula now, it's by whim from year to year. Have a set formula, base it on population.

If you're going to tax everyone from sales tax for general police service, not the specific services, which we all pay for through the Headquarters Fund, but if you're going to use general police services, fine, then have a formula. We're suggesting population. If you've got a better suggestion -- I mean, Mr. Lindsay makes a cogent argument about where we are financially, but that has nothing to do with it, because, essentially, if you listen and analyze the argument, it's -- what it's saying is don't give the east end their fair share. Let's take their money and spend it on a Police District, which they get no services from. We're charged for the services we get in the east end from the Police Department, it's called the Headquarters Fund, everyone pays into that.

So, I mean, that's in essence the end of that argument, because if you want to do that, I guess you can. There's only two representatives from the east end, you could do that. But, I mean, that really isn't the way we should run a county government. And you know what, yeah we're in a financial crisis, but at the end of the day, when the last law is down, equity should prevail and the County has to exist as one county.

I mean, I live in the Police District, but I listen to those who don't, who call for Peconic County now. If there was a Peconic County, we'd lose one-third of our property taxes and a quarter of our sales tax if they succeeded. And thank God for Sheldon Silver, some people would say. Because of Staten Island, he'll never let the Peconic bill come up for a vote; but if it did, think of what you'd lose.

We're one of only four counties of 62 that have never been subdivided in this state. If we're going to act as one county, act as one county. If we're going to be fair, be fair to all. If you don't think population should be the basis of an equitable formula, tell me what should be. Whim should not be, and that's what it is now.

Also, this bill does two other things, it establishes a minimum basis of a quarter percent of the sales tax for police services all over the county. I think that's reasonable. And it does one other thing. No more budget gimmickry, for this is for police services only, because this money has been in the Police District, diverted for things other than police services under the misnomer of public safety. Thank you very much.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

That's a very compelling argument, and I agree, because of fairness. However, I don't -- we talk about being fair and we talk about being honest, but we have all been party to the gimmickry of trying to beef up our General Fund in order to meet all of our obligations as a county, because there has been an unwillingness to step up and be honest with the taxpayer and say to them, "Your General Fund property taxes are lower than they were 15 years ago." And there's not the political will or the political courage among this -- around this horseshoe to put a 2% cap on general tax raises and raise General Fund property taxes when we need to, because we cannot provide the services.

Talk to any County employee, any staff member, and they will tell you how overworked they are. They will tell you how stretched thin they are, and yet there has been an unwillingness for political expedience around this horseshoe to put even a 1% increase on General Fund property taxes. And so we continue with gimmickry in order to meet the needs of this County. We have -- we buy property, and yet we can't afford to maintain the parks. We have a health crisis that is imminent, because we have to close health centers. So let's talk about fairness, but let's talk about political honesty.

**P.O. LINDSAY:**

Okay. The tabling resolution goes first. Please call the roll, Mr. Clerk. Table.

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

**P.O. LINDSAY:**

Yes to table.

**LEG. KENNEDY:**

Yes.

**LEG. COOPER:**

No to table.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

No.

**LEG. GREGORY:**

No.

**LEG. HORSLEY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

No to table.

**LEG. ROMAINE:**

No.

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

No.

**MR. LAUBE:**

Ten.

**P.O. LINDSAY:**

Okay. Before we break, we had -- I know they missed the public portion, but we had representatives of Empire State College. If you people could come forward, please, and tell us what you want to tell us. We have a resolution before us today to sell some property to Empire State. I would appreciate it. Otherwise, you guys wouldn't be able to talk probably until four o'clock. These are representatives from Empire State. They were before --

**LEG. MONTANO:**

Right.

**P.O. LINDSAY:**

Right. And we have a reso before us. You gentlemen can sit down at the table right here. If I don't let them speak now, by the time we get to the reso it will probably be four or five o'clock, you know. Okay, Fellas, you got about 12 minutes and we break for lunch, and there's no exceptions, so you better talk fast.

**MR. SPITZER:**

Good morning, Presiding Officer Lindsay, and Members of the Legislature. Thanks for providing us the opportunity to make a brief presentation to you. My name is Michael Spitzer. I'm the Dean of the Long Island Center of Empire State College. I'm here today with my colleagues with the hope of furthering our goal of relocating our regional center to Suffolk County from Nassau County.

With me are Paul Tucci, our VP for Administration; Jeff Ellenbogen, our Director of Real Estate; David Henahan, Director of Communication, and from the State University of New York Construction Fund, Chris McGrath. Since I think you don't want a presentation, we'll be glad to answer questions about what it is we're intending to do, where and how we intend to do it.

**P.O. LINDSAY:**

Legislator Montano, did you have some questions?

**LEG. MONTANO:**

No, actually no questions. This came before -- just by way of explanation to everyone, this came before Ways and Means Committee. And we discharged it without recommendation, and one of the reasons that we did that was because we were -- some of us were not really clear on whether or not this property had any potential use for the Suffolk Community College. And I have since spoken with the President of the college and he has assured me that this is not anything that the college would need. They need other property that's adjacent to the college. Had we known that at that time, we probably would have approved it. So I really don't have any questions.

But I do recall that counsel for SUNY was going to get us a copy of the standard contract that you use in these types of purchases, and one of the issues was whether or not there would be a public labor agreement with the -- or for the development of the college. So, you know, could you just respond to that very quickly, sir?

**MR. MC GRATH:**

Sure, I'd be glad to. Chris McGrath with the Construction Fund. I have forwarded cards that were given to me. I forwarded the agreement. That's also available online at our website at the Construction Fund.

And just to go back and reiterate what we talked about last week, a PLA agreement is something that we would first do a study on. We basically are contingent on executing a study first to find out whether or not that is something that would be under consideration. So, really, what we would have to say at this time is that we're confident that a study is something which the campus is interested in doing based upon discussions, that that's really to the extent of what we'd be able to carry through right now.

**LEG. MONTANO:**

And just for clarity, because I don't think I heard all of that, will there be this study, or is it still up in the air? That would more or less be, you know, a "yes" or a "no", or "I don't know".

**MR. MC GRATH:**

Yes, the campus has requested that we --

**LEG. MONTANO:**

Thank you very much, appreciate it.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. And, Gentlemen, thank you. You sent me some material. I did see the agreement yesterday, and we had a conversation in the afternoon. I was on the Ways and Means Committee meeting with Chairman Montano and we spoke at length about the PLA, and we discussed whether or not there was a possibility to imbed right in the deed the transfer document, that requirement that, in fact, a PLA actually would be involved in the subsequent construction.

Now, I apologize. One of you gentlemen I believe I spoke with yesterday and you viewed that as being less than an outright conveyance or transfer, and, therefore, something that probably would be rejected by the AG; is that correct?

**MR. ELLENBOGEN:**

That's correct.

**LEG. KENNEDY:**

So you've indicated to us in the spirit of good faith that the study is actually going to commence and will be underway, and that your agency will be guided by the outcome of that economic study; is that correct?

**MR. ELLENBOGEN:**

Correct.

**LEG. KENNEDY:**

Okay. Thank you.

**P.O. LINDSAY:**

Okay. Anybody else? Nobody else? Thank you very much, gentlemen, for sharing your thoughts with us.

**MR. SPITZER:**

Thank you.

**P.O. LINDSAY:**

Does anyone want to take that out of order while these fellas are here?

**LEG. MONTANO:**

I'll make a motion to take it out of order.

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

It's the last page, Ways and Means, **1441**, fourth resolution down. Motion by Legislator Montano to take 1441 out of order. Do I have a second?

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

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

**LEG. MONTANO:**

Motion to approve.

**P.O. LINDSAY:**

Okay. It's --

**MR. LAUBE:**

Give me a second here, I just sat back down.

**P.O. LINDSAY:**

All right, one minute. 1441, though, is a motion to take it out of order by Legislator Montano, second by Legislator Muratore. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Nowick)

**P.O. LINDSAY:**

Okay. Seventeen or eighteen? Who are we missing?

**MR. LAUBE:**

I don't see Legislator Nowick.

**P.O. LINDSAY:**

Okay. Seventeen, okay.

**LEG. MURATORE:**

Motion to approve.

**P.O. LINDSAY:**

All right. We have a motion by Legislator Muratore to approve **1441** - is the *Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law to New York State, 6.6 acres of land located in Selden, (New York [p/o SCTM No. 0200-538.00-05.00-001.005] more particularly described in Exhibit "A" annexed hereto. (County Exec.)* And I'm just going to ask Counsel to put on the record the sale price.

**MR. NOLAN:**

I believe it's \$660,000.

**P.O. LINDSAY:**

Okay.

**MR. NOLAN:**

I recollect.

**LEG. MONTANO:**

I'll second the motion.

**P.O. LINDSAY:**

Okay. Second by Legislator Montano. Any discussion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

All right. It stands approved. Let's -- we got five minutes. Let's see if we can pick some noncontroversial issues. I'm going to skip over 1002, because that could be a little controversial.

How about **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) (Co. Exec.)**.

**LEG. MONTANO:**

That's withdrawn, I thought.

**P.O. LINDSAY:**

It's withdrawn?

**LEG. MONTANO:**

Is it withdrawn? Is that the property in Mastic Beach?

**LEG. ROMAINE:**

Mastic, yeah. It's a County Exec's resolution.

**LEG. MONTANO:**

Well, it's academic because we passed the other resolution. I'll make a motion to table, if it's not withdrawn.

**LEG. COOPER:**

I'll second the motion.

**P.O. LINDSAY:**

Second --

**LEG. MONTANO:**

If it's not withdrawn, then it needs to be tabled, because it's really academic. It could be withdrawn.

**P.O. LINDSAY:**

All right. All in favor? Opposed?

**LEG. MONTANO:**

Oh, wait, Bill. Motion subject to call might be better.

**LEG. ROMAINE:**

Table subject to call.

**LEG. MONTANO:**

I mean, yeah, table to subject to call.

**P.O. LINDSAY:**

Okay. And, Legislator Cooper, you're going to second that?

**LEG. COOPER:**

I'll second that.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

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

**P.O. LINDSAY:**

Okay. Pre-paid cell phones, let's skip over that one. 1289 --

**LEG. MONTANO:**

We have four minutes.

**P.O. LINDSAY:**

-- a Charter Law to ensure transparency in the County budget process. You want to skip over that?

**(\*Affirmative Response\*)**

Okay. How about **(1315) A Local Law to limit the restraint of pets outdoors (Romaine)?**

**LEG. ROMAINE:**

Motion to table. That is -- it was amended and it has to be another Public Hearing.

**LEG. COOPER:**

I'll second.

**P.O. LINDSAY:**

Okay. We have a motion and second to table 1315. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Nowick)

**P.O. LINDSAY:**

Okay. 1316 could be a little controversial.

**LEG. COOPER:**

No, no, I think we got it.

**P.O. LINDSAY:**

1381 could be a little controversial.

**LEG. STERN:**

It's okay, take that one.

**P.O. LINDSAY:**

Yeah? **1381 - Authorizing Budget Director to execute and amend contracts with not-for-profit agencies (Kennedy).**

**LEG. STERN:**

Motion to table.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Nowick)

**P.O. LINDSAY:**

Okay. How about **1471 - Amending 2011 Capital Budget and Program and appropriating funds in connection with the demolition of the Old Plaza Theatre in East Patchogue (CP 6423) (Co. Exec.).**

**LEG. EDDINGTON:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Eddington.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Browning. Do we have a bond issue with this?

**MR. NOLAN:**

No, it's good.

**P.O. LINDSAY:**

It's good, okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Nowick)

**P.O. LINDSAY:**

Okay. 1471 is approved. On the accompanying bonding resolution, **1471A**, same motion, same second. Roll call.

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

**LEG. EDDINGTON:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

(Not Present)

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Nowick)

**P.O. LINDSAY:**

Okay. How about going to Page 9? *(1489) Amending the 2011 Operating Budget to support the EAC-Suffolk County Children's Center at the Cohalan Court (D'Amaro).*

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro.

**MR. LAUBE:**

What's the number on that?

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Cooper.

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

1489.

**P.O. LINDSAY:**

Top of the page. Just before anybody asks, this is Legislator D'Amaro's omni money that's he's choosing to --

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

D'Amaro and I think Montano.

**P.O. LINDSAY:**

-- fund the drop-off day care center.

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

Are you the second on this?

**LEG. MONTANO:**

No, but I will be if no one else did.

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

I'm sorry.

**LEG. COOPER:**

I seconded.

**LEG. MONTANO:**

Oh, Jon, did.

**P.O. LINDSAY:**

Legislator Cooper. Any discussion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Nowick)

**LEG. MONTANO:**

You could put us on -- put me on as a cosponsor. We have our own bill in there.

**P.O. LINDSAY:**

All right. I'm -- 30 seconds. I don't see anything that's going to take 30 seconds. I can't even read the bill. I'm going to make a motion to recess until 2:30, okay? We stand recessed.

*(\*THE MEETING WAS RECESSED AT 12:30 P.M. AND RESUMED AT 2:33 P.M. \*)*

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

Madam Clerk, you're calling the roll?

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

**LEG. ROMAINE:**

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:**

Here.

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

Here.

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

Here.

**P.O. LINDSAY:**

(Not Present).

**MS. ORTIZ:**

Seventeen. (Not Present: P.O. Lindsay)

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

Thank you. Madam Clerk, have all the affidavits for publication been duly published?

**MS. ORTIZ:**

Yes, they have.

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

Thank you. Our first item is the *Suffolk County Community College Budget*. I don't see any cards. Is there anyone in the auditorium who wishes to speak on this item? If not, I will make a motion to close.

**LEG. HORSLEY:**

Second.

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

Seconded by Legislator Horsley. All in favor? Opposed?

The hearing on the --

**MR. LAUBE:**

Seventeen. (Not Present: P.O. Lindsay).

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

-- Community College Budget is closed. Thank you. I forgot to wait for the vote. That's the part I always forget.

Okay. *Procedural Motion 17 - Inclusion of new parcels into existing Agricultural Districts in the Towns of Brookhaven, East Hampton and Southold (I.R. 1515) (P.O.)*.

**LEG. ROMAINE:**

Motion.

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

I have no cards -- I have to just --

**LEG. ROMAINE:**

Okay.

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

I see no cards. Is there anyone who would like to speak on this Procedural motion? Seeing none, I'll entertain a motion to --

**LEG. ROMAINE:**

Motion.

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

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

**MR. LAUBE:**

Seventeen. (Not Present: P.O. Lindsay)

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

Thank you. Procedural Motion 17 is closed.

***J.R. 1002 - A Local Law to protect the public from injury caused by accumulated snow or ice on moving commercial motor vehicles (Cooper).*** I have no cards on 1002. Is there anyone who would like to speak on this motion -- on this legislation? Okay. Legislator Cooper?

**LEG. COOPER:**

Motion to close.

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

Legislator Cooper makes a motion to close. Is there a second?

**LEG. EDDINGTON:**

Second.

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

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

**MR. LAUBE:**

Seventeen. (Not Present: P.O. Lindsay)

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

***1228 - A Charter Law to establish a 2% Discretionary Spending Cap in Suffolk County (Cooper).*** I see no cards. Is there a motion -- is there anyone who wishes to speak on 1228? Seeing none, Legislator Cooper? Why does your --

**LEG. COOPER:**

A motion to recess.

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

Motion to recess by Legislator Cooper, seconded by Legislator D'Amaro. All in favor? Opposed?

**MR. LAUBE:**

Seventeen. (Not Present: P.O. Lindsay)

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

Okay. I didn't ask if anybody else wanted to speak on it?

**MR. NOLAN:**

Yes, you did.

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

Yes, I did? Okay. *I.R. 1247 - A Charter Law limiting annual growth of the County Operating Budget and tax levy to no more than 2% (Co. Exec.)*. I have no cards on 1247. Is there anyone who wishes to speak on this? Seeing none, I'll entertain a motion. I will make a motion to recess; seconded by Legislator Horsley?

**LEG. HORSLEY:**

Sure.

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

All in favor? Opposed?

**MR. LAUBE:**

Eighteen.

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

I.R. 1287 stands recessed. *I.R. 1314 - A Charter Law to establish a truth and honesty zone for clean campaign practices in Suffolk County by banning improper fund-raising (Romaine)*. I have no cards on 1314. Is there anyone who would like to speak on this? Oh, hey, Bill. How are you doing?

*(\*Laughter\*)*

Don't leave me alone with this mic too long, I might start singing. Okay. Is there anyone who wishes to speak on 1314? Okay. Seeing none --

**LEG. ROMAINE:**

Motion to close --

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

Motion to --

**LEG. ROMAINE:**

To recess.

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

Motion to recess by Legislator Romaine; is there a second?

**LEG. EDDINGTON:**

Second.

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

Seconded by Legislator Eddington. All in favor? Opposed?

**MR. LAUBE:**

Eighteen.

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

Motion stands recessed. And, Bill, it is all yours.

**P.O. LINDSAY:**

Thank you. I think I should be commended. I just did 60 mile round trip back to the district, had a baloney sandwich in the car with mustard and didn't get it on my tie.

*(\*Applause\*)*

**1365 - Increase and improvement of facilities at Sewer District No. 3 - Southwest, Outfall - Final Effluent Pumping Station (CP 8108) (Co. Exec.).** Do I have a motion?

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

You have to ask if anybody --

**P.O. LINDSAY:**

Oh, is there anybody here to speak on --

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

There are no cards.

**P.O. LINDSAY:**

No cards? Anybody in the audience want to speak on this subject? Seeing none --

**LEG. HORSLEY:**

Motion to close.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**1366 - Increase and improvement of facilities at Sewer District No. 3 - Southwest, Infiltration/Inflow Study/Sewer Rehabilitation (CP 8181) (Co. Exec.).**

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

There are no cards.

**P.O. LINDSAY:**

No cards on this subject. Is there anyone in the audience that would like to speak to us on that subject? Seeing none, Legislator Horsley, would you like to --

**LEG. HORSLEY:**

Absolutely.

**P.O. LINDSAY:**

Close?

**LEG. HORSLEY:**

Close.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**1414 - A Charter Law to require timely submission of budget amendments.** No cards.

Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Cilmi?

**LEG. CILMI:**

Motion to close.

**P.O. LINDSAY:**

Motion to close. Do I have a second?

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Kennedy)

**P.O. LINDSAY:**

**1425 - A Local Law amending Chapter 278A of the Suffolk County Code addressing invasive non-native plant species (Viloria-Fisher).** And I do not have any cards. Is there anyone in the audience that would like to speak on that subject? Seeing none, Legislator --

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

Motion to close.

**P.O. LINDSAY:**

Motion by Legislator Viloria-Fisher to close. Do I have a second?

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen. (Not Present: Leg. Kennedy)

**P.O. LINDSAY:**

**1465 - A Local Law to ensure safe backflow testing in Suffolk County (Cooper).** And I have several cards. First up is Mike Bonney. Mike, there you go.

**MR. BONNEY:**

Good afternoon, everyone. I'm just up here to let you know that I'm in support of Resolution 1465. I am a licensed master plumber; I own a backflow testing company. For any of you that don't know what a backflow device is, it's a valve that's installed on a service line feeding a building that prevents the backflow of water in that service line. In other words, you buy water from the water company and you keep it. It's to prevent contaminants from buildings from spreading from one building to the next through service lines.

Recently, I was doing some research and I found some examples of backflow situations that occurred on Long Island. Fortunately, the main backflow on the service line was in good shape and prevented further contamination. But we had some cases, for example, we had a -- I believe it was a Taco Bell in Mastic had some contamination from a soda fountain machine, and when the Health Department arrived, the patrons were in the parking lot throwing up. There was a backflow preventer on the service line that prevented that contamination from spreading to another property next door, but the water company was alerted by the Health Department about that situation.

We also had a case of Legionnaire's Disease in an assisted living facility in Smithtown. Fortunately, the Legionnaire's was kept inside the one property and not released to the public through their service line, because a backflow preventer was doing its job.

We want to require the backflow testers that are out there be licensed plumbers so that they're -- we know that they're doing the job correctly; we know that if there's a problem, it could be addressed immediately; we know that they have insurance; we know that they have some plumbing experience. The way it's set up now, you can take a four-day test. You know, Sunday you could be driving a taxi, nothing against taxi drivers, and Thursday you could leave your class with your certificate in hand and stop and test backflow devices. And we want to try to stop that so we have educated, trained people doing backflow tests that are protecting the public, and that's the main thing here. We've got people out there you have no you plumbing experience whatsoever, shutting off valves and shutting off fire systems, shutting off fire alarms without authority from the Fire Marshal. I know I've got the Fire Marshal's support on this. I've also got some plumbing boards, because there's more -- there's four plumbing boards on Long Island, there's Consumer Affairs, there's Babylon, there's Islip and there's Huntington.

We've already got Consumer Affairs on board. They agreed to the -- to this law. And I got letters. Legislator Cooper should have a copy of the letter from Babylon and Islip Plumbing Boards saying that they wholeheartedly support this resolution. And I understand that Huntington will be coming on Monday. The guy who's got to sign it's on vacation. But that would be the four plumbing boards on Long Island, because we've been complaining about this for years.

You know, there's a lot of guys out there doing backflow testing that are experienced, you know, through their job. Let's say they retired from the water department and stuff like that. And, you know, not taking anything away from them, they're not the ones we're worried about, we're worried about the guys who just stepped out of class yesterday and now they're going to test the assisted living home that your grandmother's staying at, you know, that's what we're worried about. And there's no checks and balances on these guys, they have just free reign, they can do whatever they want, and that's why we're in support of this resolution. Thank you.

**P.O. LINDSAY:**

Yeah, mike, Legislator Montano has a question for you.

**LEG. MONTANO:**

Hi, Mike. How are you?

**MR. BONNEY:**

Hi. Very good.

**LEG. MONTANO:**

Mike, I just had a couple of quick questions. You said you're a licensed plumber, but you also own a backflow testing company?

**MR. BONNEY:**

Yes.

**LEG. MONTANO:**

You have employees?

**MR. BONNEY:**

Yes.

**LEG. MONTANO:**

Approximately --

**MR. BONNEY:**

I have -- there's six of us working.

**LEG. MONTANO:**

So there's six testers?

**MR. BONNEY:**

No, there's two other testers besides myself.

**LEG. MONTANO:**

Okay. Are the two other testers licensed plumbers also?

**MR. BONNEY:**

No, they work under my license.

**LEG. MONTANO:**

All right. Now, if this bill passes, will it require that the testers be licensed plumbers, or simply that they work under a licensed plumber?

**MR. BONNEY:**

It simply requires them to work under a licensed plumber, just like the companies that build sky-scrapers in the city. All of those union guys don't hold a license, there's one guy who holds the license and everybody works underneath their license.

**LEG. MONTANO:**

Do you know how many companies are out here in Suffolk County that perform this service, the backflow testing; is it a lot, is it a little?

**MR. BONNEY:**

I know that on the Suffolk County list -- my name isn't on the Suffolk County list for backflow testing, because I have a company in Nassau that I put my name on, because it just works out business-wise to have my name there. But there's like over 70 companies now that are master plumbers that are backflow testers, over 70.

**LEG. MONTANO:**

Oh, 70 companies -- I'm having difficulty hearing you. Is it 70 companies whose president is a master plumber, or is it 70 companies that you know of?

**MR. BONNEY:**

Seventy master plumbers are certified testers. I don't know how many employees and how many -- they could have 150 other testers working under them, I don't know. I don't think that was -- we had Consumer Affairs do a -- look into it, and he actually was able to line up over 70 certified testers that hold licenses themselves. So, if I was on the list, I would be one, but I have two other guys that work under me, so it would -- it kind of skews the numbers a little bit.

**LEG. MONTANO:**

Right. But what I'm trying to -- what I'm trying to ascertain is the number of companies that are performing this service on Long Island, do you know where that information is available?

**MR. BONNEY:**

Consumer Affairs did a -- some kind of looking into it a couple of months ago.

**LEG. MONTANO:**

Well, does every company that does this work have to register with Consumer Affairs?

**MR. BONNEY:**

Yes, all the licensed plumbers do.

**LEG. MONTANO:**

No, I know the license plumbers do, but --

**MR. BONNEY:**

No, I don't know.

**LEG. MONTANO:**

-- from what I understand, that right now you can have a company that does this kind of work and testers working for you without being a licensed plumber; is that correct?

**MR. BONNEY:**

No, it's not correct. If you want to do a test, you have to be certified yourself. There's no umbrella with the certification from the Health Department.

**LEG. MONTANO:**

Yeah. I'm having some difficulty hearing you. Maybe -- could you pick up the mic?

**MR. BONNEY:**

I'm sorry.

**LEG. MONTANO:**

From what I heard last time, in order to be certified to do the test, you have to take a State course.

**MR. BONNEY:**

Right, a four-day course.

**LEG. MONTANO:**

But you don't have to be a licensed plumber.

**MR. BONNEY:**

That is correct.

**LEG. MONTANO:**

All right. So, the question -- well, I guess you've already answered. You don't know how many companies in existence here in Suffolk County are available to perform this service?

**MR. BONNEY:**

Well, if you call a guy with a certificate with no corporation who's going out doing tests, I have no idea, because that's what you have. They're not companies, they're not --

**LEG. MONTANO:**

Oh, they're individuals?

**MR. BONNEY:**

They're not incorporated, yeah. They're just running around with a certificate and taking cash and doing tests. So they're not registered, they're not paying taxes.

**LEG. MONTANO:**

Well, do you know how they get -- do you know how they get their business? I mean, are they on a list or something?

**MR. BONNEY:**

Yes. No, they buy a -- they -- Freedom of Information, a list from Suffolk County Water, who hands them the twenty some-odd thousand devices that need to be tested every year.

**LEG. MONTANO:**

And they solicit directly to the --

**MR. BONNEY:**

Directly. Some of them don't even solicit, they just show up to their door a month early and knock on the door and say, "I can do it \$10 cheaper than you had it done last year." Meanwhile, the guy's got not -- he's not even incorporated.

**LEG. MONTANO:**

Well, the letter that I have from someone says that at the present time, the test costs about \$40; is that accurate? Let me --

**MR. BONNEY:**

It depends on -- in 2005, it was \$55. It has dropped to \$40 because of the influx of unlicensed, you know, hobby testers, so that's true.

**LEG. MONTANO:**

And do you have any idea how much it will jump to if you eliminate those people and only have licensed plumbers that -- and, by the way, these are not licensed plumbers that are going to be doing the test. These are still people that are certified, it's just that now they'll have to work under the auspices of a licensed plumber?

**MR. BONNEY:**

I do 2,000 tests a year personally, so some plumbers are out there doing it. We do have employees, but, I mean, it's not like we're sitting back in an office. You know, there are testers out there that are licensed plumbers, there are some that are employees. I lost my train of thought, I'm sorry.

**LEG. MONTANO:**

That's all right. That happens to me, too. All right. Hey, listen, I appreciate the information, Mike. Thank you.

**MR. BONNEY:**

Okay.

**P.O. LINDSAY:**

Before you go, Mike, and just maybe along the same line of questioning, because I got the same letters that you did. So New York State has a four-day course that issues certification.

**MR. BONNEY:**

That is correct.

**P.O. LINDSAY:**

Which is very different than licensing.

**MR. BONNEY:**

It's not even close. Licensing is a seven year, you know, of experienced, show W-2's, take an exam in front of your peers kind of thing.

**P.O. LINDSAY:**

I was on the -- one of the occupational licensing boards for many years before I was a Legislator, so I'm aware of what they do. But my point is, besides checking for competency, and I would imagine Suffolk would recognize this certification test from the State as a gauge of competency.

**MR. BONNEY:**

For backflows, yes.

**P.O. LINDSAY:**

Yeah. Probably the biggest difference is that when you're licensed, the County makes sure that you have proper liability insurance.

**MR. BONNEY:**

You're regulated, right.

**P.O. LINDSAY:**

In case you mess something up, our consumers have some protection. And I think that's what's being missed here, the difference between the licensing and certification. Okay. Did you want to say something else.

**LEG. MONTANO:**

Yeah, just on that point, just for clarification.

**MR. BONNEY:**

Yes.

**LEG. MONTANO:**

The people that are certified under the State, do they need to register with Consumer Affairs?

**MR. BONNEY:**

No. Once -- they just change the law. As of January 1, or something, now every three years you have to recertify, you take like a refresher course. But up until this point, you take one course for four days and you're -- you know, I've been doing it 15 years almost and they've never looked to

see if -- you know, they check my paperwork to see if I'm filling the boxes right, that's it.

**LEG. MONTANO:**

All right. Thank you.

**P.O. LINDSAY:**

Legislator Anker.

**LEG. ANKER:**

I have a question about this legislation. It says a requirement to test once a year. Now, is this something different than what's happening right now, and is it residential and commercial?

**MR. BONNEY:**

That's a New York State Health Code, as far as I know, and that's been in existence since they came up with the backflow program. They also recommend that you rebuild and refurbish these devices every five years. That's in the Health Department paperwork. But if you're not a plumber, you can't even offer your customer that service. So at least if a plumber's doing it, they could keep these devices working properly to keep everyone safe.

**LEG. ANKER:**

And again, I'm looking, as I just -- my concern is to add additional legislation that may restrict like a homeowner to have to pay yearly to test their backflow device; is that happening?

**MR. BONNEY:**

Well, right now, there is no homeowner devices, they're all commercial property, and it's been the same way. And if you're going to have a program, you have to follow the guidelines which say you have to test it yearly.

**LEG. ANKER:**

And so, if -- say there's a resident, because it just says all backflow prevention devices in Suffolk County must be tested at least one annually. So, if you're a resident, would you be under that requirement?

**MR. BONNEY:**

Right now, the water company doesn't require any residential backflow testing. If you have a device on your property -- if you have a device on your property, it's up to you -- it's up to you to have it tested if you want, but they don't require it. In fact, we do tests quite often and they'll send something back and say, "We don't want it."

**LEG. ANKER:**

And again, I'm looking at this legislation. Would this legislation require everyone?

**MR. BONNEY:**

No. Not, that's not the intention. That's not the intention, and I don't think it's worded that way as well.

**LEG. ANKER:**

Thank you.

**MR. BONNEY:**

Thank you.

**P.O. LINDSAY:**

Okay. Thank you, Mike.

**MR. BONNEY:**

Thank you.

**P.O. LINDSAY:**

Jim Lund.

**MR. LUND:**

Good afternoon. I think you'll have my E-mail that I sent to Jon Cooper in front you. I oppose this law. I'm a tester, I've been doing it for 20 years.

The main reason this law is being put forth here is because the plumbers are losing business. They used to charge a lot more money. There's a lot of competition now amongst the testing companies and the price has dropped coming down. I charge \$40, which is less than I really want to charge. But, unfortunately, there are other companies that are charging less than me. So, rather than making a law to make it be a plumber, I have to go and match the price of my competitors. And this is good for all the businesses in Suffolk County.

The plumbers are basically trying to knock out companies like myself, and there are a lot of companies out there, and most of us are insured. I know there's one company that may not be insured, but we are all insured. We are licensed by New York State. The test is a very comprehensive test -- the course is a very comprehensive course. It's only four days, but the testing is just making either three or four -- two or three pressure measurements, it's really not difficult.

When I have a problem, I have a plumber that I deal with. If my customer can't get a plumber, I will have my plumber call them. He's a fair priced guy and he will give them a good -- you know, a decent deal, and he's very knowledgeable in backflow valves. As far as the homes, the homes have to have the backflow valve for their lawn sprinklers, that's a New York State Health Code requirement. The local water companies track it for the -- for their area. Suffolk County Water stopped the testing of the backflow devices in the private homes a while back. There was a lot of pressure from the public because of the cost and everything. But almost every business has to have a backflow device and that's got to be tested. Nassau County, most of those water companies still make you test your backflow device for your lawn sprinkler system.

I also do work for Suffolk County Water. I've been doing -- I have a contract. I won the bids with them for the last 13, 14 years. I do testing for them, late inspections, people that don't comply. Suffolk County Water has me in northwest Suffolk doing their testing, so I'm sure they feel that I'm competent and doing a good job.

As far as insurance, there's nothing to say that a plumber -- it's just a regular plumber has insurance. Most of the guys have insurance, but there's no -- nothing to say that the plumbers actually has insurance. Most of my customers, they ask me for, you know, proof of insurance, which I give to them.

And the only thing this law's going to do, because if I have to work for a plumber, I have plenty of plumbers I deal with. I'll just have one of them, I'll work under him. He has to get his cut now. I'm the same guy doing the testing. I do -- let's see, I probably -- 2,000, like Mike, does around 2,000 inspections a year. If they fail, my plumber helps them, or the customer's plumber takes care of it. Usually, if there's a problem, it has to be -- you have to order parts, a lot of times you have to order parts, so it's not an instantaneous thing, and most of the problems are not critical. Once in a while you have -- a major problem has to be addressed right away. I call my plumber, he comes out, takes care of it. The only thing it's going to do, it's going to cost the businesses in Suffolk County Water more money -- I mean, in Suffolk County more money, because once the plumbers have a handle in this thing, they have to raise the price and everybody's going to get -- be paying more

money. And you'll still have the same testers out there doing it that are doing before, you just have to pay off a plumber.

What else? The actual cost is very comprehensive. It's not a very complicated the test. You put a gauge on, you shut the valve off, you make three pressure measurements, either good or bad. And if it fails, then the customer has to call the plumber, have it fixed. That's where they make their money. And most of the master plumbers, like Mike said, most of the plumbers are going to be hiring guys to do this work. They won't send out a master plumber, for 40, \$50 for an inspection, they'll waste their time. And so they'll send, you know, new kids to school with very little experience, and they'll send them out to do the testing under the plumber's license. That's pretty much it.

**P.O. LINDSAY:**

Thank you, Jim.

**MR. LUND:**

Do you have any questions or --

**P.O. LINDSAY:**

Well, the only thing that I think you're wrong on is you can't have an occupational license in Suffolk County unless you have insurance. You can't be licensed in Suffolk County, you have to have insurance, it's part of the requirement.

**MR. LUND:**

Right, but you can get your State certification.

**P.O. LINDSAY:**

I'm not talking about State certification.

**MR. LUND:**

Right, but --

**P.O. LINDSAY:**

I'm talking about a County occupational license.

**MR. LUND:**

Right, but --

**P.O. LINDSAY:**

You have to have insurance.

**MR. LUND:**

Well, maybe Consumer Affairs should put the backflow testers under a category, you know, and track them also, because they don't do that now. But a -- someone can go get their State certification and go out and do backflow testing and no one can know the difference, as long as he's certified by the State.

**P.O. LINDSAY:**

Well, you'll know the difference if something goes wrong, or if somebody forgets to open that valve again and there's a fire and the building and burns down.

**MR. LUND:**

Well, that could happen to a plumber, too.

**P.O. LINDSAY:**

Yeah, I know, but the plumber has liability insurance --

**MR. LUND:**

I do, too.

**P.O. LINDSAY:**

-- you guys don't.

**MR. LUND:**

I have -- most --

**P.O. LINDSAY:**

I don't mean to argue. All I'm saying to you is you're wrong. If you hold an occupational license in Suffolk County, you have to have liability insurance, and that isn't to protect you or me, it's to protect the consumer.

**MR. LUND:**

Well, most of the companies I know, only one company that -- or one person that may not be insured. All the other companies that I know that are not plumbing companies have insurance, and maybe Consumer Affairs should make sure we have insurance.

**P.O. LINDSAY:**

That could be. All I'm telling you is your testimony was wrong, you have to have insurance to have an occupational license in Suffolk County.

**MR. LUND:**

Well, I don't know about occupational license. Maybe you should make the testers like us be registered with the County so you can track us, too. That would be fine, because everybody that's got their insurance has no problem with that.

**P.O. LINDSAY:**

Okay. I'm not weighing in on it, I'm just correcting part of your testimony.

**MR. LUND:**

Okay.

**P.O. LINDSAY:**

Okay. Thank you.

**LEG. MONTANO:**

Bill, I have a question.

**P.O. LINDSAY:**

Oh, wait. I'm sorry. Legislator Montano has a question.

**LEG. MONTANO:**

Yeah. I'll ask the same question I asked Mike. Being in the industry, do you have an idea of how many companies or how many competitors you have out there that are doing this work?

**MR. LUND:**

Well, I --

**LEG. MONTANO:**

If you do.

**MR. LUND:**

Yeah. My State number is 2906, that's my State certification from about 20 years ago; I know now up to 7,000.

**LEG. MONTANO:**

But these are not companies, these are individuals that are certified; am I correct?

**MR. LUND:**

Well, you know, right. And a lot of them have companies, a lot are one-man companies. I don't know exactly how many companies there are, but there's enough competition out there to keep the price very low, which doesn't make me really that happy, but --

**LEG. MONTANO:**

But you're not a licensed plumber.

**MR. LUND:**

No, but I have to compete with these people due to their certification. If you make --

**LEG. MONTANO:**

Right. But once -- but, if we pass this bill and we require that you be a licensed plumber, you're essentially out of business.

**MR. LUND:**

No, no, you know, I can work for a master plumber.

**LEG. MONTANO:**

Well, that's what I mean.

**MR. LUND:**

I have plenty of plumbers --

**LEG. MONTANO:**

You'd have to give up your interest --

**MR. LUND:**

Yep. I have plenty of plumbers that I have been associated with in 20 years. They all told me, "No problem, Jim, we'll take you on board."

**LEG. MONTANO:**

But you have to give them a cut.

**MR. LUND:**

Right. They get their cut now and up goes the price, and the business people are going to be complaining about that.

**LEG. MONTANO:**

Okay.

**MR. LUND:**

Because they'd love to pay 40 bucks rather than 150.

**LEG. MONTANO:**

Right. May I ask the sponsor a question?

**P.O. LINDSAY:**

Go ahead.

**LEG. MONTANO:**

Who's the sponsor, Cooper?

**LEG. ROMAINE:**

Yes.

**LEG. MONTANO:**

Jon, if I may, do you have an idea of how many companies are out there that perform this work, or is there a list somewhere? Because, obviously, if they're not registered with Consumer Affairs, you know, where would they be registered with, the State?

**LEG. COOPER:**

I don't know the answer to that question, Ric.

**LEG. MONTANO:**

Okay. All right. Thank you.

**MR. LUND:**

Yeah, I think --

**LEG. MONTANO:**

What is your name? I'm writing it down.

**MR. LUND:**

Jim Lund.

**LEG. MONTANO:**

Jim?

**MR. LUND:**

Yeah. And I think Consumer Affairs should put all the backflow testers on some kind of tracking basis, same as they do with plumbers.

**LEG. MONTANO:**

Right, and require -- what your point is, that you would have no objection to Consumer Affairs --

**MR. LUND:**

Absolutely not.

**LEG. MONTANO:**

-- registering you and also making sure that before you go out there, that you are insured?

**MR. LUND:**

Absolutely, because that will make it better for all the guys that are honest, and most of the guys out there are honest, most of the guys that have insurance.

**LEG. MONTANO:**

Right, because what happens is that the uninsured person could probably do it less than you can, because you've got to pay insurance.

**MR. LUND:**

Sure, yeah.

**LEG. MONTANO:**

And, by the way, how many employees do you have working under you?

**MR. LUND:**

Just myself.

**LEG. MONTANO:**

So you're a one-person operation?

**MR. LUND:**

For twenty years, yep.

**LEG. MONTANO:**

For twenty years. And then, if this passes, you'll be a two-person operation, you and a -- basically a figurehead, because the plumber is not going to go out there and do the test?

**MR. LUND:**

The plumber is not going to be out there for forty bucks. My company is one of the plumbing companies that does primarily --

**LEG. MONTANO:**

Right.

**MR. LUND:**

-- backflow testing. Most plumbing companies do tons of stuff, and the backflow testing is a small part of it.

**LEG. MONTANO:**

Thank you.

**MR. LUND:**

So they will, you know, have someone else going out doing the testing.

**LEG. MONTANO:**

Thank you, sir.

**MR. LUND:**

Thank you.

**P.O. LINDSAY:**

Okay. Rob Essay. Rob Essay.

**MR. ESSAY:**

I'm up here today, I wanted to speak in support of this legislation, and also discuss some of the liability issues. We're talking about concerns of what could happen in the field. We've been up before this board several times and this has been battered around. I was pleased to just hear that it looks like we have a solution for some of the testers that are not currently working under a plumber,

which was just discussed here. So, very simply, that business operation can be working under a plumber, and also can start to maybe offer more of services, like repair services, like Mike Bonney was talking about, putting some value into backflow.

I've heard about the importance of backflow up here several times and we keep talking about price, price, price cutting -- there's no one talking about value and the quality of the service and actually finding out the service is worth anything. You keep driving a price down, something's got to get cut.

There's a term in our industry called "drive by testing", where a person just comes by, "All right, looks good," signs off on it and we're done. Water Authority's not looking behind us, and we're not being tracked by any board here, this is an individual backflow tester that is. You're a master plumber, you've got a lot to lose. You have your liability, you have your business, or you have your license that's on the line. It's a lot more than a simple four-day certification.

Right now, I saw -- I walked up here, I brought some props. What can go wrong with a backflow test? I'm a simple tester. I just want to go out and do a test. This is a ball valve, okay? You could see right through. And when I shut it off, I found out it was broken. You actually see it's broken. And I sent a one-inch piece of metal into the water supply of a medical building and cut the volume in half for the medical building, and then had to get another person from my company, the plumbing company, and back-pressure the line and remove a one-inch piece of metal immediately to restore operation for this medical building.

The second part, this is a backflow device. That's an RPZ. This is what goes on a service line, or on a fire line, or a lawn irrigation line; pretty sophisticated piece of equipment. There's a piece missing off the top of it, it's a test port, there's one here. Upon working on a device similar to this, I dropped my gauge and snapped the test port right off; no water to the building, no means of getting this out. I snapped it off, I can't grab anything to unthread this. I am now -- need a whole set of tools, easy-outs, wrenches, to get right to work to restore water to said building. So I wanted to actually bring examples of what has happened personally to me, as a backflow tester, working under my father's plumbing license.

Lastly, most hated valve in the plumbing business, the gate valve. All this is is a rotary valve and a gate just comes down, and over time on a domestic water system, the brass stem will rot off. Anyone seen this may have had experience. When you shut it off, sometimes the stem, that's it, it doesn't pull it back up. Therefore, the water is stuck. And I have knocked off several buildings, no water supply. When I went to turn it on, it kept turning and turning and turning. You could see the gate is shut, there's no hollow space through, and ask had to take apart this gate and physically saws-all the gate out of it and to restore the water to the building, and this was a restaurant and a deli in this building. And, likewise, this just happened to me with Suffolk County water at Denny's Restaurant last night in replacing a backflow, not doing a test, but actually replacing one. We had their gate valve go bad and had to have an emergency construction crew come on site.

I just wanted to illustrate some of the hazards that can happen in just shutting a simple valve off, just dropping a gauge on top of a test port. These are real situations that under a plumber you could be trained to work, service and maintain these backflow prevention assemblies.

**P.O. LINDSAY:**

Thank you very much. Victor Pennino.

**MR. PENNINO:**

Hi. Pretty much covered everything that I was going to say, but I do have a couple of questions.

**P.O. LINDSAY:**

Victor, just pull that mic down. There you go, right into your face.

**MR. PENNINO:**

Is that better?

**P.O. LINDSAY:**

Yeah, much better.

**MR. PENNINO:**

Okay. At the last public meeting, Mr. Cooper said that he had met with a field of experts on this backflow stuff. I'd like know who his team of experts were; did they include the Health Department, water districts, engineers, manufacturers? Because you meet with a bunch of plumbers, they may not necessarily be experts when it comes to backflow. I have extensive training in backflow, testing, maintenance and repair of backflow preventers for over 35 years and I have rarely seen the conditions that this group was talking about or wants to address.

I have no problem if you want to consider licensing; would be a limited plumbers license. You don't have to be a master plumber to repair a backflow preventer. There's no reason for a -- if you made a -- I lost my train of thought. Instead of me learning how to wipe a lead joint to fix a toilet, and I have a limited plumbers license, you can limit it to testing and repairing a backflow preventer and that would solve all the problems, if you had your license and insurance requirements all met.

Back in the early '80's, Town of Huntington was considering very similar codes to what you're talking about. After meeting with the water districts in the Town of Huntington, the Health Department, the Town Engineer, they determined that wasn't necessary, because it's already covered by the New York State Sanitary Code, which, by the way, I have some copies here if any of you would like to see it. Basically, that's all I have to say, because everything else has been said.

**P.O. LINDSAY:**

Thank you, Victor. I appreciate you coming forward and testifying. That concludes our cards on 1465. Is there anyone else in the audience that would like to testify as far as 1465 is concerned? Seeing none, Legislator Cooper?

**LEG. COOPER:**

Motion to close.

**P.O. LINDSAY:**

Motion to close. Do I have a second? Second by Legislator Muratore. All in favor? Opposed? Abstentions?

**LEG. ROMAINE:**

Opposed.

**MS. ORTIZ:**

Eighteen -- oh, 17.

**LEG. MONTANO:**

Opposed.

**MS. ORTIZ:**

I'm sorry, sixteen.

**P.O. LINDSAY:**

Okay. ***1466 - A Charter Law to ensure Workable Common Sense Reapportionment Process (Kennedy)***. I have no cards. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, Legislator Kennedy?

**LEG. KENNEDY:**

Motion to close.

**P.O. LINDSAY:**

Motion to close. Do I have a second?

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**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. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, do I have a motion?

**LEG. ROMAINE:**

Motion to recess.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

*1544 - A Local Law eliminating financial disclosure requirements for Farmland Committee Members (Romaine).* And I have a couple of cards here. Frank Beyrodt, Jr.? Yeah. Frank, how are you? Nice to see you, Frank.

**MR. BEYRODT:**

Nice to be seen, thank you. I'll be very brief, because I don't believe that there's any real opposition to this. But I am Frank Beyrodt. I am the president of Long Island Farm Bureau. We are an association of almost 5,000 members, and we think the bill that Senator -- Legislator Romaine put forward to --

*(\*Laughter\*)*

**LEG. BROWNING:**

There you go.

**MR. BEYRODT:**

The bill that he put forward to have financial disclosure taken away from our candidates that sit on the Suffolk County Farmland Committee is a good bill; it's onerous. These are people who take time away from their businesses, away from their farms to volunteer their time and efforts, they also

offer expertise in the field. And the Farm Bureau firmly believes that this is not necessary and shouldn't be a requirement, and we thank Legislator Romaine.

**P.O. LINDSAY:**

Frank, I'm sure that Legislator Romaine's intentions are very worthwhile here, and disclosure forms are onerous, there is no two ways about it. How do we assure that -- I mean, at times you guys make recommendations to us about purchasing huge tracks of property. How do we make sure that there's no conflict here?

**MR. BEYRODT:**

Well, I believe that there are other forms that address conflicts of interest, as if somebody who -- a relation of yours works in the County, or other conflicts that arise, they can fill out those forms to make them aware of that. But financial disclosure for people who work, you know, with their hands every day, it may take them a long time to compile this stuff, and it really has no relevance or pertinence to their volunteerism.

**P.O. LINDSAY:**

I would certainly be in favor of relaxing rules on our volunteers, just as long as I had some assurance that there is some backup there that we don't inadvertently approve something where somebody has an interest in it. Okay? So, Legislator Romaine, do you want to ask Frank a question?

**LEG. ROMAINE:**

Yeah, just to clarify. Obviously, when you're asking for full disclosure, much like we, as elected officials, must fill out, not only for the farmer, but for his spouse, all their holdings, their salaries, their land, their values, their appraised values, all the work that they would have to do to fill this out for people who are sitting as volunteers raises a lot of questions. I have been working behind the scenes with our Planning Director, Sarah Lansdale, to see if she will meet with the Farmland Committee to see if there is some halfway ground that could be forthcoming. In fact, she was just here about 15 minutes ago, sitting with me, giving me this report on financial disclosures and what other options that might be out there that she is going to be working at.

The next Farmland Committee meeting is July 26th. I'm planning to be there, as well as her, to discuss this with its members. I'm going to look to close this, but after that meeting, I think there'll be enough time before our August meeting for a vote. I'm not looking for a vote today. We'll see if we can do an amended copy that would allow some form of practical disclosure for the farmer. But right now, if I'm not mistaken, the entire Farmland Committee threatened to resign rather than do this.

**MR. BEYRODT:**

That's true.

**LEG. ROMAINE:**

We'd be left without a Farmland Committee --

**MR. BEYRODT:**

Or farmers on it.

**LEG. ROMAINE:**

-- and that's my concern.

**MR. BEYRODT:**

That's right, or farmers on it. And that's really the Farm Bureau's concern, is that we're going to be left with a Farmland Committee with no farmers on it, that's a concern for us. There can be

alternatives to the financial disclosure, that would be fine. I just spoke to Charlie Sheer, many of you know. He had to go through the financial disclosure and he said to me it was so arduous that they even asked him how much change he had in his pocket. Now he was joking, but it is such a -- you know, an extensive --

**LEG. HORSLEY:**

We know.

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

We filled it out.

**MR. BEYRODT:**

I know.

**P.O. LINDSAY:**

You sound like my wife. She gripes about it every year when I have to fill it out.

**MR. BEYRODT:**

Anyway, we just want to make it a more friendly environment for farmers to volunteer their time.

**P.O. LINDSAY:**

And, Frank, again, I'm not -- I'm very interested in seeing what Legislator Romaine comes up with as a substitute. But we've had this for a while, right, this disclosure for -- just for a year?

**LEG. ROMAINE:**

No, this is the first time that the Farmland Committee --

**P.O. LINDSAY:**

Okay. So this is what raised the uproar.

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

Yes.

**P.O. LINDSAY:**

Okay.

**LEG. ROMAINE:**

That's why, because everyone threatened to resign en masse.

**P.O. LINDSAY:**

Okay.

**LEG. ROMAINE:**

We'd be left without farmers on the Farmland Committee.

**P.O. LINDSAY:**

Okay.

**MR. BEYRODT:**

Exactly.

**LEG. BARRAGA:**

Do other counties have the same thing that --

**P.O. LINDSAY:**

I don't know. You want to ask that, Legislator Barraga?

**LEG. BARRAGA:**

Just a quick question. Is Suffolk unique in this requirement for Farmland Committees? Upstate counties, do they require it, do you know?

**LEG. ROMAINE:**

No, no. We're the only one, and this is the first time it's kicking in this year that they're asked, the Farmland -- all of whom are volunteers, all of whom meet once every month, or every second month. And they look over requests from farmers about what's permissible on their farms, that is purchased farmland, what they can do with that, what they can't do with that, and then they make recommendations about farms that want to sell their development rights to the County, and they have a rating form that the Planning Department helps them fill out. They're purely volunteers and they're being asked for the first time to do a very extensive -- and you and I fill it out, so you know what it means.

**LEG. BARRAGA:**

To your knowledge, Ed, of the 62 counties in the State of New York, Suffolk is the only one making this requirement?

**LEG. ROMAINE:**

The only one, and this is the first time that that's been imposed this year.

**LEG. BARRAGA:**

Thank you.

**LEG. ROMAINE:**

I believe the Farmland Committee members appealed to the Ethics Committee and the Ethics Committee gave them a postponement to fill out the forms for about 45 days, or 60 days, or something of the -- some nature of a postponement until this issue could be resolved. But if they're -- if the law stands, we won't have a Farmland Committee.

**P.O. LINDSAY:**

Okay. Maybe either one of you guys would know. Are we the only county that has a Development Rights Program?

**LEG. ROMAINE:**

No. I think there are other counties that have that. I don't have that list with me.

**P.O. LINDSAY:**

Okay, okay.

**LEG. ROMAINE:**

But I can get you those.

**P.O. LINDSAY:**

Just a question. Legislator D'Amaro has a question for you, Frank.

**LEG. D'AMARO:**

Thank you. Hi. I just want to understand your basis for claiming that the Farmland Committee members should be exempt from the financial disclosure requirement. Okay. The purpose of financial disclosure is, of course, to see if anyone is receiving any benefit and being unduly influenced in decisions that they may be making. So I'm trying to understand what separates this

group out from anyone else in that type of position.

**MR. BEYRODT:**

Well, it was never a requirement before, but now that it is a requirement, I think that it's not so much that we're opposed to a conflict of interest form that notifies the County that there may be this conflict, but it's the extensive W-2s and former filings, tax filings, especially with farmers who spend their days on the farm, aren't privy, not to -- you know, to financial forms. They would probably have to hire CPAs to take care of it for them. It's just particularly onerous to this community.

**LEG. D'AMARO:**

What -- the financial disclosure you're talking to, I believe, though, is similar to the form that we fill out as Legislators, is it not?

**LEG. ROMAINE:**

Same thing.

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

It's the same.

**LEG. D'AMARO:**

It's the same form. You don't submit tax returns, and you don't need a CPA to fill out, it's really just based on your personal knowledge and information, your own record-keeping.

**MR. BEYRODT:**

Well, I'm just taking it -- I'm not on the Farmland Committee, I'm just the president of the Farm Bureau. But in speaking to the members, and some of which are here and they maybe want to come up and address that, it seems like an invasion of privacy, many of them have said, and it doesn't seem --

**LEG. D'AMARO:**

Well, there's always --

**MR. BEYRODT:**

-- that it's necessary.

**LEG. D'AMARO:**

I understand that, and, you know, there is, to some extent, an invasion of your privacy.

**MR. BEYRODT:**

Right.

**LEG. D'AMARO:**

But that's the trade-off when you serve in a public capacity.

**MR. BEYRODT:**

Well, we're trying to encourage volunteerism, not discourage, so I think this is one of those things that will certainly discourage going forward.

**LEG. D'AMARO:**

So, in other words, if a board threatens to resign in the face of making financial disclosure that every other County official or person serving on a County board or commission has to fill out, we should just say, "Okay, that's a valid basis to exempt you from the qualifications"?

**MR. BEYRODT:**

Not on that alone, but --

**LEG. D'AMARO:**

Well, that seems to be almost like a threat.

**MR. BEYRODT:**

Well, it's not from me. I'm just saying I think it's reasonable and sensible what Ed Romaine's bringing forward, because I don't believe it's necessary.

**LEG. D'AMARO:**

But that's what I want to understand. Why don't you believe it's necessary? There are many -- are farmland members less prone to that kind of influence than any other official? I don't think so.

**MR. BEYRODT:**

Not that I'm aware of. I don't sit on the --

**LEG. D'AMARO:**

And I'm not trying to be facetious, I just want to know what's your real objection to making a disclosure. It takes -- you know, you look at your records --

**MR. BEYRODT:**

My objection as the president of the Farm Bureau is that --

**LEG. D'AMARO:**

Right.

**MR. BEYRODT:**

-- there will be no more farmers left to make decisions, tough decisions, farmers who have expertise in -- and history in the land that's here. And without them, I don't really see a prosperous Farmland Committee going forward.

**LEG. D'AMARO:**

So the farmers would choose not to partake in making these very important decisions, which could affect them personally or affect their lives or their livelihood, in the face of doing a four-page financial disclosure that's kept confidential?

**MR. BEYRODT:**

I can't speak for the farm community. Like I said, there are some here that may want to weigh in on it. I'm not on it, but I could see why they would not want to, having never --

**LEG. D'AMARO:**

Well, no one ever wants to do anything like that, I could see it, but --

**MR. BEYRODT:**

And they've never had to before, so that's the point.

**LEG. D'AMARO:**

Well, that's never -- you know, we always -- we're breaking new ground, as they say.

**MR. BEYRODT:**

Keep breaking.

**LEG. D'AMARO:**

Yeah, I will. Thank you.

**LEG. ROMAINE:**

Quick question for maybe Counsel. I don't believe every person that serves on a board or commission is required to fill out an ethics disclosure form. For example, are members of the Human Rights Commission required to fill out disclosure forms? Are all the boards and commissions that we set up that are volunteer boards that are not employees of Suffolk County required to fill out the long -- and it's not four pages, it's actually nine pages -- disclosure form?

**MR. NOLAN:**

Off the top of my head, I know the Planning Commission members have to do disclosure and the Park Trustees, but they do fill out a less expansive form.

**LEG. ROMAINE:**

Well, that's exactly what Ms. Lansdale, our Planning Director, and I are talking about to see if there is a compromise on this, because they're being asked to fill out the same forms that the elected officials are being -- and there are other boards, some of which don't fill out any forms, and some of which fill out a modified form. And it may be more appropriate to do a modified form, and those are the things that we're exploring right now.

**P.O. LINDSAY:**

Okay. Thank you very much, Frank, for coming forward. David McLarin.

**MR. MC LARIN:**

Good afternoon, Ladies and Gentlemen. My name is David McLarin.

I'm a farmer from Jamesport. I have a greenhouse operation and a horse breeding operation, and I came to voice my support for Mr. Romaine's initiative here.

I think it's difficult when you ask someone to volunteer. I Co-Chair the Riverhead Town Agricultural Advisory Committee, doing similar things that, you know, this committee also does. And when you ask them to volunteer their time and expertise in an issue like this, you know, they're out serving to their best interest trying to help, you know, the farmers and the other organizations do the best job that they can. I think they're very open and honest about these things, and so I don't see the necessity to ask them to fill out financial disclosure, because it's done purely on a volunteer basis. To support the program that's in place now and follow up the stewardship of this land by these farmers should be done, you know, on a very open and honest basis. And I think right now, it's been before this has been done, I don't see the necessity to add something like financial disclosure, you now, requirements to these people to, you know, serve their, you know, constituents and do their job.

**LEG. ROMAINE:**

Quick question.

**P.O. LINDSAY:**

Yes, Legislator Romaine.

**LEG. ROMAINE:**

Let me ask the speaker, if I may. You serve also on the Town of Riverhead's Agricultural Committee?

**MR. MC LARIN:**

Yes, I do.

**LEG. ROMAINE:**

Do they require disclosure?

**MR. MC LARIN:**

No.

**LEG. ROMAINE:**

Do you know of any east end Town that has an Agricultural Committee that requires disclosure?

**MR. MC LARIN:**

None that I know of, no.

**LEG. ROMAINE:**

And you're there purely not only in a voluntary basis, but strictly in an advisory basis.

**MR. MC LARIN:**

Advisory, yeah.

**LEG. ROMAINE:**

Because any decision about land, preserving farmland, is made ultimately by the County Legislature. All you can do as that committee is make a recommendation whether you think the landing is worthy of preservation or not, and that rating is usually performed by the Planning Department, which is submitted to you guys for approval; is that correct.

**MR. MC LARIN:**

That's correct, yes.

**LEG. ROMAINE:**

So your advice is limited. You're not really controlling anything regarding agriculture, except to offer your advice and input.

**MR. MC LARIN:**

Absolutely. I also have a farm in this program, the County program, and when they come up with the rules and regulations, we follow them to the best that we can. And if there's going to be a committee making decisions on my farm, on how I run my farm, I want that to be, you know, administered by people that have the most amount of expertise in that and not by a group of people that, you know, don't have all the experience that the group of farmers would have in this case. I would prefer, you know, that when they make decisions regarding our operation, it would be, you know, overseen by people that have the most amount of experience in that.

**LEG. ROMAINE:**

Thank you.

**P.O. LINDSAY:**

Thank you very much. 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? Please come forward, sir, and identify yourself.

**MR. JOHNSON:**

My name is Howard Johnson. I reside in the Town of Huntington. I serve on this committee. We received a 12-page questionnaire, and very intrusive.

During the three years that I've served on the committee, there have been many, many instances where the committee has asked if people that are applying for these permits to use the Farmland Preservation Program are bona fide farmers. We were told we couldn't even ask that question. So there are people that get into the program that have it as a big backyard. They buy preserved land that's already in the program and they continue to use it, they continue to get it, but they're not farmers.

**P.O. LINDSAY:**

Okay. I'll wait until you're done. Are you done, sir?

**MR. JOHNSON:**

I'll answer your question now.

**P.O. LINDSAY:**

Well, I mean, just your testimony is very, very disturbing to me. Who's telling you that you can't ask whether they're legitimate farmers?

**MR. JOHNSON:**

We were -- through the committee, we ask, "Can we see a" --

**P.O. LINDSAY:**

Who did you ask?

**MR. JOHNSON:**

The Chairman of the committee, and the advisor from the County.

**LEG. ROMAINE:**

Tom Isles.

**MR. HOWARD:**

Tom Isles, he's now retired. But we asked, "Can we see the tax form," that every farmer has to fill out for his New York -- for his Federal income tax, and he says, "That's not applicable in this instance." So there are a lot of the farms in this preservation program that are not being run by bona fide farmers. They're people with big backyards and they want special --

**P.O. LINDSAY:**

That's very upsetting to me. That's very upsetting to me, because this County is faced with a financial crisis that probably is probably the worst in our history. And if your testimony is, is that we're buying development rights that are nothing more than somebody's backyard, that they're not legitimate farmers, I mean, that has the potential to destroy this program.

**MR. JOHNSON:**

I'm not saying the individual farmer now that's putting their property in, but I'm saying the resales of this land are going to people that are not farmers.

**P.O. LINDSAY:**

Well, if we don't have any way of validating that they're farmers, how do we know whether they're farmers or not?

**MR. JOHNSON:**

There's a federal income tax form. I'm not sure --

**P.O. LINDSAY:**

I know, I heard what you're saying, but Mr. Isles told you you can't ask for that information?

**MR. JOHNSON:**

Well, it wasn't available to us.

**P.O. LINDSAY:**

Well, I'll tell you, here's one Legislator that wouldn't approve another farm preservation resolution unless I am assured that we're doing that for a legitimate farmer. The purpose of farmland preservation is to keep our farms active and alive in Suffolk County, and your testimony is very disturbing.

**MR. JOHNSON:**

We've also had several instances where farmers on the committee are asking the committee for recommendations or for things to do with their farms, and they do it in writing, but when the discussion comes up, they abstain from all voting, so they --

**P.O. LINDSAY:**

I think that's proper.

**MR. JOHNSON:**

It is, but that's the way it happens, is -- I know of two instances where the farmers themselves have either been absent from the meeting or have abstained from voting.

**P.O. LINDSAY:**

And that's --

**MR. JOHNSON:**

That's the proper way to do it.

**P.O. LINDSAY:**

But I hear what you are saying, and I understand what Legislator Romaine's trying to do. I just think that probably we're looking for a halfway measure here that will make it less onerous, but at the same time, we can be assured that the program isn't being misused. But I have other -- oh, other people have questions for you. Legislator Viloría-Fisher, and then Legislator Cooper.

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

Thank you for coming down, and thank you for your service. I know how hard your committee works. I've been to meetings, and I have also had the occasion where I have known of people who wanted to buy farmland development rights -- the agri -- the land after the County had bought the development rights. And I had meetings with the Planning Director, because I knew that people wanted to just make it a backyard. And we have some -- and I'll have to have Planning answer these questions, but I know that we look at that when we're looking at a buyer for a farm that has its -- where the County owns the development rights, where we want -- if there's farming, we want to continue to see farming on the property. It may have been that they could not provide you with the person's income tax return, so what -- we will ask those questions in the Environment Committee.

And we are looking for a middle ground here, because maybe for some people here it's not such a big deal to fill out that form. I hate it every year when I have to sit down and start poring through that form, and I certainly don't want to see you have to go through that. So I'm supporting Legislator Romaine's legislation to look at something that's a shortened version. You shouldn't have to fill out the same form that I have to fill out. Thank you for your volunteerism.

**P.O. LINDSAY:**

Legislator Cooper, a question.

**LEG. COOPER:**

I just wanted to clarify the argument or the concern that you had expressed earlier. And this is a question that I had raised when I was on the Environment Committee about the Farmland Development Program. My concern was that if we purchased farmland development rights for an active farm, but after we made that investment of potentially millions of dollars, at some subsequent point either that farmer, or perhaps his heirs, let's say his son decides he doesn't want to be in farming anymore, and he decides to sell it to a private individual to use it as a large estate, let's say, we will have made this great investment of public dollars, and at the end, it would no longer be active farmland, which sort of defeated the whole purpose. So that was the concern that I had expressed, and I asked if there wasn't some way to prevent that from happening, and I was told that there really wasn't. So is that the point that you were getting at, or are you painting a different scenario.

**MR. JOHNSON:**

No, that's basically the point. And I served as president of the Long Island Farm Bureau back in 1998, '99 and 2000, and during that time there was a question that came up down in Southampton. And I remember going to a meeting with the Town Board of the -- Southampton Town Board, and I remember saying specifically to them, "Farmland preservation is easy from your standpoint, you can just rezone everything farmland." Preserving the farmland is one thing. Preserving the farmer to run that farmland is more difficult, and that's what we're up against. When the farmer cannot make a living off of that land because of the cost involved, the crops that he grows, the restrictions that he has, it becomes very onerous, and that's why a lot of them don't come in.

I was watching a TV show. Now, I'm retired, so I have too much time, but I was watching a TV show. Does anyone here know the average age of the average farmer in the United States?

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

Seventy?

**MR. JOHNSON:**

It's 58 years old and it's climbing. Go around to the farms. You will see some of the third, fourth generations running those farms, but that's very difficult. And for a new farmer to come in and try to take over the farm is very difficult.

We had an instance last year, a couple, young couple came to the committee and they had overbought property. They bought a 180 acres and they bought it for seven million dollars, and they thought they were going to make money growing potatoes. For \$5,000 an acre you're not going to make money growing potatoes. He had a seven million dollar mortgage. He wanted us to do something to help him so that he could do it. Our hands were tied. We cannot change what the rules are. So he's probably going to go bankrupt, but that's where the committee stands. And this was a fellow who bought farmland that was in the family from years before. So I don't know what the answer is, but I know that if it comes to filling out the form that we received in the mail the first time, I would say 90% of the committee is going to stay home those Tuesday nights.

**P.O. LINDSAY:**

Okay. Thank you, sir, for your testimony. Did you fill out a card? You have to fill out a card. Okay.

**MR. JOHNSON:**

Out in the back? Okay.

**P.O. LINDSAY:**

There you go. Thank you. I don't have any other cards. Is there anyone else that wants to say anything about this subject? Seeing none, Legislator Romaine.

**LEG. ROMAINE:**

Motion to close.

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

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Sixteen.

*(The following was taken by Alison Mahoney - Court Reporter & transcribed by Kim Castiglione - Legislative Secretary)*

**P.O. LINDSAY:**

Okay. ***Public Hearing on IR No. 1545-11 - A Local Law banning the retail sale of puppies in Suffolk County to combat problems of puppy mills (Cooper)***. Ladies and gentlemen, I've got 26 cards on this subject, so I would greatly appreciate it if you would not be repetitive. We certainly want to hear your comments on it, but if you can make it short and not repetitive, I think it would go a long ways in helping your cause. Okay. Don Scofield.

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

Dori.

**P.O. LINDSAY:**

Dori Scofield, I'm sorry.

**MS. SCOFIELD:**

Hi. My name is Dori Scofield. I am founder and President of Safe a Pet Animal Rescue and Adoption Center in Port Jefferson Station and the Director of the Town of Brookhaven Animal Shelter and Adoption Center, and an animal welfare advocate for over 30 years. I have seen more than my fair share of puppy store dogs at my shelters. In May of 2010 I spoke before the Suffolk County Legislature and proposed a bill to end the cruelty of the influx of puppy mill bred dogs in Suffolk County. That day Suffolk County Legislator Jon Cooper listened. With his precedent setting leadership, other Legislators offered their eyes and ears and were made aware of the atrocities of puppy mill bred dogs. I will spare the graphic details as I am sure my colleagues will give you plenty.

There are over 30 pet dealers in Suffolk County. All of the puppy stores use puppy mills as their source of product. Supply and demand is what it is all about. Buy low, sell high; that is what it is all about. It is one big cash crop. It is not the love of animals that brings them into this business, it is the love of the almighty dollar it is big business, money to be made and all at the expense of innocent puppies and their parents. As with every business, there is a certain percentage of breakage. Broken and defective products are unsellable. The fortunate ones wind up at our town and private shelters. The unfortunate are disposed of or returned dead or barely alive for a refund.

Up until now it has been one of many dirty little secrets between pet store owner and puppy mill owner. It's a fact. With so many dogs and cats available for adoption from animal shelters and rescue groups as well as from reputable breeders, there is simply no reason for the inhumane trafficking of puppy mill bred dogs across the country to stock pet stores. Let's break the chain at its strongest link.

There is a wave of legislation of this nature sweeping through the nation. For existing pet stores it provides a period of conformance to allow stores to recover their investment from the portion of their business that involves the sale of puppies. This is America; there are countless ways to make an honest living. There is no need to support your family at the expense of innocent animals suffering.

By removing the local market for puppy mill dogs this legislation will boost adoptions for area animal shelters and rescue groups and increase opportunities for responsible breeders. While thousands of factory puppies were sold in Suffolk County during the past year, thousands of dogs were left homeless at a significant cost to the taxpayers. The financial success of companies that refuse to sell puppies and kittens, such as the nation's largest retail pet supply stores, Petco and Pet Smart, and on Long Island Pet Supplies Plus, is proof that a human business model is successful.

In addition to the large retail chains, more than 500 independent pet shops around the country have switched to this business model. Orange Bone is a store presently open in California. They were once a puppy mill supply store. The owner has now switched to rescue dogs only, and his business is thriving better than ever.

We are a suburb of one of the greatest, most modern cities on this planet. By supporting this legislation modeled after California, Texas, New Mexico and more, Suffolk County will set a precedent for New York State and be a role model for other counties, cities and towns to switch to a more human solution to finding a new best friend. It is inevitable and it will come sooner or later.

Mahatma Gandhi said the greatness of a nation and its morale progress can be judged by the way its animals are treated. Let's begin now so we can end the cycle of cruelty and abuse. These are our faithful companions. They are part of our families. They are the innocent who need our voices to stop their suffering. I wholeheartedly support this much needed legislation banning the retail sale of puppy mill puppies in Suffolk County. We must not do what is easy; we must do what is right. Thank you.

### *Applause*

**P.O. LINDSAY:**

Okay. Dori, just if you -- Legislator Eddington has a question.

**LEG. EDDINGTON:**

Hi.

**MS. SCOFIELD:**

Hi.

**LEG. EDDINGTON:**

I heard you talk about, you know, rescuing dogs, and I don't know if you know but it, but my wife, the Town Clerk, had gone to the shelter and we were looking for possibly to help out. She came back kind of frightened and said I like 200 Pitt Bulls.

**MS. SCOFIELD:**

Well, we always have plenty of those, but we always have small dogs. Small dogs come and go, and we have breed rescues. There are breed specific rescues. If you are interested in a Maltese, a Yorkie, I know people, Yorkie 911, Maltese Rescue. You can get any breed you want without going to a pet store.

**LEG. EDDINGTON:**

Let me ask you, then. So how could I get an Irish Wolfhound on Long Island.

**MS. SCOFIELD:**

You might have to go off the Island for a really nice Irish Wolfhound bred well.

**LEG. EDDINGTON:**

Okay, so that's my question to you then. This legislation wouldn't restrict me from going to Maine to buy a --

**MS. SCOFIELD:**

No, no. I mean -- no. You can go a pet store in Maine if you wanted to too, but it's restricted --

**LEG. EDDINGTON:**

No, but if I wanted to go to a breeder -- I thought it was like I have to buy the dog in Suffolk County.

**MS. SCOFIELD:**

No, not at all. You can go to a breeder anywhere in the world.

**LEG. EDDINGTON:**

Oh okay. Thank you.

**MS. SCOFIELD:**

Thank you.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

First of all, I want to thank you for the great job you do at the animal shelter. As far as the Pit Bulls, you know I visited there with Christmas, I bought some gifts, but I fed every single dog in your pound a dog bone, if you remember, and they're not all vicious. Some of them are very lovely dogs.

**MS. SCOFIELD:**

They are. Thank you very much. Thank you.

**LEG. COOPER:**

Just for the record, I have two Pitt Bull mixes and they're both real sweethearts.

*Applause*

**P.O. LINDSAY:**

Lynne Schoepfer.

**MS. SCHOEPFER:**

I am Executive Director of Save a Pet Animal Rescue in Port Jeff Station. I have resided in Stony Brook for the past 45 years. Over the last few years shelters have seen a rise in unwanted puppy mill dogs from pet stores. The panicked owners almost always want us as rescuers to jump in and solve their problems. As rescuers, we do what we can. Medical and behavioral issues are primarily reasons families look to surrender their dogs to our shelter. If the store owners were truthful as to where these adorable pups come from, I feel that people in my community would never enter their stores, much less purchase a dog from them.

These creatures live in such poor conditions. They are kept in tiny cages with metal wire bottoms. Many of the puppy mill dogs continually bark in frustration, and for this the mill owners ram pipes down their throats to keep them from barking. This is called debarking. To cut back on food bills,

many times sawdust is mixed into their food, causes their teeth and jaws to rot at early ages. Some of them have their legs chewed off by the dogs in the cages below when their footing gives way. These are just a few of the daily cruelties that puppy mill dogs suffer every day of their lives.

At Save a Pet we've experienced firsthand some of the medical atrocities directly related to the inhumane treatment of dogs in puppy mills. One dog, Lady Jane, a Yorkie, that arrived with a mammary tumor so large it scraped the ground as she tried to walk. Porsche, a Goldendoodle, who had such a severe case of entropia her sight had been compromised, and so we did the required surgery. Too many to name individually had dental done, with the majority of their teeth removed at two to three years of age.

These dogs suffer socially as well. Imagine if the only contact you ever had with people was to be pulled by a leg or worse and thrown into a filthy cage to mate. The lucky dogs that escape take years to overcome their abuse, just as an abused child does. Some never do understand kindness and live their lives cowering from human touch. I live this daily with one of my dogs who is a survivor. Seven years later she still cowers if people attempt to pet her. No animal should have to bear the physical or emotional scars of puppy mills. Every dog deserves to know what a hug, a kiss and love is.

My question to you, are we willing to allow this to continue? We as a society need to take a stand that this will not be tolerated, much less supported. I come here to give my full support and ask you to do the same for the law banning the retail sale of dogs proposed by Jon Cooper's bill. Thank you.

### *Applause*

**P.O. LINDSAY:**

Diane Vassallo.

**MS. VASSALLO:**

Good afternoon. First, I would like to say I don't know any politics about rescue shelters or anything like that, only what I've learned by owning my own. I'm a designer by trade so I'm kind of out of my realm here. But four years ago I purchased an eight week old Shih Tzu pup from Sportsmen Kennels. Because I wasn't completely educated on puppy mills, or so-called breeding kennels, I never questioned Sportsmen Kennels when they told me my pup was from a local, well-known breeder.

After a dear friend of mine, who privately breeds her own, told me of Sportsman Kennels' practices, I for the very first time looked at my pup's papers. Her papers were not important to me at the time because I just wanted a puppy. Right there in black ink her breeder was from a kennel in Iowa. The more I educated myself the sicker I got. I was determined to seek out my pup's parentage and go to Iowa and at least purchase her mom. I spoke with the kennel, who was an Amish farmer, after many attempts to contact him because they don't use telephones, but they can go to the store and use a telephone at the store for whatever reason that is.

He informed me that my pup's mother was just a number to him, and that he had disband his kennel and sold off all the dogs. He knew not of where my dog had gone and that it would be futile for him to try and -- or where my pup's mother had gone, but it would be futile for him to try to find her. He then offered to recommend me to another breeder who owned a kennel in Iowa.

I have since been speaking out against puppy mill practices and even posted a professionally printed sign against puppy stores on the back fence of my home on a main road traveled into town. I live in Stony Brook. I would like to think I'm instrumental in finally shutting down a puppy store that was just shut down in Stony Brook. And without the influence of Dori Scofield and Lynne, I don't know that I would have been able to actually understand all of this.

I have since rescued two others; one from Save a Pet via mill in Missouri, and one from a Westchester breeder, a backyard breeder who was discarded -- this pup was discarded at eight months old. But both pups in desperate need of medical care and spaying, not to mention complete shave of their severely matted hair and cutting off of disgusting overgrown nails.

This practice of purchasing pups from mills is inhumane and abusive and has to stop. Dogs are domestic and should be treated accordingly. They should never be kept in cages stacked on top of each other or have been -- stopped from having water or food or medical treatment or grooming. I will not stop advocating until the sale of puppy mill pups in puppy stores end, and I will speak as loud as I possibly can.

Thank you.

*Applause*

**P.O. LINDSAY:**

Thank you. Wait a minute, Legislator Vilorina-Fisher has a question.

**MS. VASSALLO:**

Oh, that just reminds me. The first dog that I adopted from Save a Pet, her name is Jamie. She was originally named Vivian after Vivian Fisher, but my husband would not walk her and introduce her as Vivian so he forced me to change her name.

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

Was that in a good way?

*(Laughter)*

**MS. VASSALLO:**

I guess. I was happy with the name.

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

It's funny because I live across the street from Benner's Farm, and one of the kids who was visiting the farm, you know, they had baby goats, and she said, "Oh, can I name her Vivian Fisher?"

**MS. VASSALLO:**

I was very happy with the name but he had something against having a Molly and a Jamie -- I mean a Molly and a Hannah and a Noelle and a Vivian, so.

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

I have a question, and I probably should have asked Dori, but as a consumer, even after this law passes, how do you know if the dog came from a reputable kennel or from a puppy mill? That's the tough thing, and when Dori first mentioned this back in May that was still my puzzle.

**MS. VASSALLO:**

I can explain that. I have a -- all of my dogs are Shih Tzu's. I have a Shih Tzu pup that I got from a dear friend who is a breeder. Because she's my friend I didn't have to go through all the red tape and all the interviewing as much as the other people that she does interview. She doesn't just sell her pups to anyone. This pup that I have from a reputable breeder is the most adjusted, intelligent, not afraid of anything, the most loving, as opposed to the dogs that I have gotten that came via puppy mills.

I can tell you that my very good friend that breeds Shih Tzu's will not even sell you -- will not even give you the dog's papers, which are AKC registered, and if those papers come from anywhere else they're not registered dog valid. But she will not give the papers to you until you agree to spay and

neuter your dog, and she wants proof that you've done that. And if you want to become a breeder, you can actually go through her and she would assist you in that.

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

But that's what you saw after you had your dog. I'm just saying --

**MS. VASSALLO:**

That what I saw before I had the dog.

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

You saw that they didn't have AKC papers?

**MS. VASSALLO:**

No, I saw that she did have AKC papers.

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

No, no, that's the good dog. I'm talking about the bad dog, the dog that comes from a kennel, from a dog breeder that's not --

**MS. VASSALLO:**

I understand.

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

The puppy mill. How do you know that it's coming from a puppy mill and not from a good breeder.

**MS. VASSALLO:**

Oh, okay. Because I contacted the breeder that was on the papers.

The breeder that -- I purchased one pup at Sportsmen Kennels. She was eight weeks old when I got her. She came with papers. I never looked at them. That wasn't my interest. When I finally looked at them they were not AKC papers. I can't even remember the name of the papers.

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

So that's the way you would know --

**MS. VASSALLO:**

She came from Iowa, and that's when I said wait a minute, Iowa is not next door, that's in the west. Why did they say she was from a local breeder. I contacted the breeder. I went on Google Earth and looked at the mill. I told Joey I'm going, I'm going to get her mother if it's the last thing I do because I was sick inside after knowing where she came from and that another dog suffered because of her breeding.

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

Thank you.

**P.O. LINDSAY:**

Legislator Barraga, wait a minute, has a question. I'm sorry. Diane.

**LEG. BARRAGA:**

I just want to ask you one question. In the case of Vivian, she can contact the breeder to get the dog, even if the breeder was not in Suffolk County.

**MS. VASSALLO:**

Right.

**LEG. BARRAGA:**

But let's say I was the owner of a pet store. It looks to me as I read the bill I'd be prohibited from contacting that breeder if that breeder exists, even though it's a reputable one, outside of Suffolk County.

**MS. VASSALLO:**

I'm not sure of the actual details, but I don't believe that anybody should be purchasing or adopting -- well, not adopting, I'm sorry. I don't think anybody should be purchasing an animal, and mostly purebred, without knowing the parentage or not at least seeing the parents.

**LEG. BARRAGA:**

The bill specifically says the purpose of this law is to ban the retail sale of puppies from breeders outside of Suffolk County. So the question I have, if you have a reputable breeder in Nassau County who is currently selling puppies to retail stores in Suffolk County, that person in Nassau or any other place would be prohibited from doing so.

The question is at some point to give legitimacy to the breeder outside of Suffolk County, would you folks be amenable to an amendment to the bill whereby that breeder would have to show the retailer in Suffolk County that he or she goes through an annual inspection by their respective County Health Department so that --

**MS. VASSALLO:**

Again, I am a layman with this.

**LEG. BARRAGA:**

Let me finish the thought. So that the retailer then would require from the breeder a copy of the health certificate for that particular year, indicating that he was or she was running a safe operation in Nassau County or Queens or wherever the breeding establishment takes place. Right now this would be a complete prohibition, and if you have people who are running legitimate breeding establishments in other counties and doing business in Suffolk, they're out of business. A retailer would not be able to purchase a puppy from them. But if they provide a health certificate, maybe that's an amended way of still dealing with a legitimate, good breeder, but in another county.

**LEG. COOPER:**

If I could answer that, Legislator Barraga. For the most part legitimate breeders will not sell to a pet store.

*Applause*

**MS. VASSALLO:**

Thank you.

**LEG. COOPER:**

A legitimate breeder will sell directly to the public. They have no need for a pet store. Pet stores that buy from breeders, 99.9% of the time are buying from puppy mills. If they're out of state, which they almost always are, they are from Missouri or down south of Pennsylvania. Many of those states have very lax laws, if any, that govern these commercial breeding establishments where the dogs are basically treated as livestock. So there is no way -- for example, one breeder here in Suffolk County that is supposedly one of the top breeders, this entity does local breeding, but also she told me, got dogs from another breeder I was told in Connecticut that she said she checked out personally, AKC certified even though AKC says nothing about how the dogs are bred. Assured me it's not a puppy mill. So it's either her own dogs or from Connecticut.

I have now heard from two people that said that they bought dogs, bought puppies from her. One came from Missouri and one came from another state, neither of which was Connecticut. So that's very troubling to me. She had assured me that she had -- but most of the stores are not going to go to Missouri or Pennsylvania or Arkansas to check out the --

**LEG. BARRAGA:**

You are the sponsor of the bill and I will take you at your word.

What you are saying to me is that almost a hundred percent of the time a legitimate breeder will not sell puppies to a pet store.

**LEG. COOPER:**

Correct.

*Applause*

**P.O. LINDSAY:**

Thank you. Pamela Green.

**MS. GREEN:**

Hi. I'm Pam Green, Director of the Kent Animal Shelter in Calverton for the past 26 years. Kent Animal Shelter is an organization committed to the betterment of animal welfare, and one of the many shelters that participates in coordinated rescues of animals from out of state puppy mills fully supports legislation 1545, a law banning the retail sale of puppies in Suffolk County to combat the puppy mill problem. On behalf of Kent Animal Shelter and the Board of Directors, I applaud the efforts of Legislator Jon Cooper of Huntington and cosponsor Legislator Edward Romaine, to help combat commercial breeding farms that are the purveyors of animal cruelty for the purpose of profit.

What the legislation will accomplish will not only help put an end to the squalid, inhumane conditions that exist in puppy mills that supply puppies for sale to more than 99% of the nation's pet shops, many in Suffolk County. It will also be instrumental in educating consumers that the cute little puppy they're about to purchase is their local pet shop in Suffolk County is a product of the horror of puppy mills.

The USDA does little to enforce the minimum standards of care used to regulate dog breeders licensed under the Federal Animal Welfare Act. Even severe violations documented in breeding facilities rarely result in a seizure of dogs. In May of 2010 the Office of Inspector General released a report detailing USDA's lax and ineffective enforcement of the Animal Welfare Act. Eighty-one facilities were reviewed and 28,443 violations over a two year period were recorded.

Despite the violations, the breeders were allowed to operate where dogs lived in inhumane conditions. Cages overflowing with urine, feces, dogs infested with ticks and unintended injuries. In cases of severe cruelty, the inspectors refused to confiscate the pets. In Oklahoma, despite discovering five dead dogs, and others that had resorted to cannibalism because there was no food, the inspector did not take action.

USDA standards require that small, short-haired breeds may be housed outside in extreme temperatures as long as they are acclimated beforehand, which basically means there are no upper or lower temperature restrictions for dogs being housed outdoors, only extra bedding, which is mainly straw.

I don't want to reiterate what has already been said, but as far as cleaning, these dogs are in wire cages. They hose down the feces into the grates below once a day. So after they are hosed down and supposedly clean, these dogs are sitting in that mess for the next 24-hours until they're cleaned again. The females are bred twice a year, so the bottom line is that for 32 weeks out of the year

they're either nursing, mating or pregnant. Pregnant, nursing or mating 32 weeks out of every year. These dogs are bred over and over again.

None of the violation of the Animal Welfare Act, as it pertains to dog breeders, are considered criminal. Repeat violators may face administrative proceedings that take anywhere from three to seven years before any action is taken. Even revocation of the breeding license does not stop the owner from breeding dogs, only against selling them at the wholesale level. Even though some of the violations would be considered cruelty in most states, no law enforcement is ever notified.

As mentioned, Kent Animal Shelter has participated in coordinated rescues of puppy mill dogs in conjunction with other shelters and animal welfare organizations. These dogs exhibit various medical problems, genetic defects and socialization problems. Their physical appearances were evidence of severe neglect. One dog surrendered to Kent Animal Shelter with papers from the owner indicated the source of the puppy was a mill in Mountain Grove, Missouri. In researching the inspection reports from the USDA on this facility, numerous violations were documented most recently from 2009 to 2011 for lack of bedding in the dead of winter for outdoor housing, to large piles of waste material and other debris. One of these mills surrendered -- one of these mill dogs that was surrendered to Kent Animal Shelter was purchased in a Long Island pet shop for \$1,100.

While two to four million puppies are sold through pet shops every year, four to six million are euthanized in animal shelters right here in Suffolk County and all over the country. This bill will also be instrumental in helping shelters to find more homes for their homeless animals and realistically reduce taxpayer expense, because the taxpayers are paying for the liquid that goes through the syringe that euthanizes the animals.

If pet shops are not an option, potential adopters will visit their local shelter when considering adopting a new pet, and will readily find, by the way, that 25% of the pets in shelters are purebred. So you don't have to go to your local pet shop to buy a purebred. We support the legislation fully.

**P.O. LINDSAY:**

Thank you. Legislator Romaine.

**LEG. ROMAINE:**

Pam, thank you. And I had a list of questions I was going to ask you, but you answered a lot of them. So what you are saying in essence is that the USDA is, in fact, charged with enforcing regulations and standards set up by the Animal Welfare Act, but they're really not doing their job; is that essentially what you're indicating?

**MS. GREEN:**

That's what I'm saying.

**LEG. ROMAINE:**

Why has the USDA failed to act?

**MS. GREEN:**

Well, mostly they say that they have too few inspectors. I have seen video where the inspectors go into the breeding facilities and the owner of the breeding facility will say they're not a problem, they'll work with you. So, you know, whatever happens. Some of these people are making \$100,000 a year. You know, they're selling these dogs through pet shops. Pet shops can exist without selling purebred puppies. There's plenty of other things to sell and they make plenty of money from that. They're not going to go out of business because they can't bring dogs in from Iowa and Missouri, etcetera.

**LEG. ROMAINE:**

Let me ask you, what percentage of pet shops in Suffolk County, in fact of all of Long Island, obtain their puppies from puppy mills?

**MS. GREENE:**

All of them.

**LEG. ROMAINE:**

All of them. And how do you think this legislation will benefit in putting an end to cruelty to puppies.

**MS. GREEN:**

Well, it's my hope that this bill gets passed, and in doing so it will prevent these -- it's going to be a band-aid, okay, there's so much more to be done, but I hope that this legislation will be a model to other counties and states, and it is being considered in other places, to eventually get a nationwide move of awareness, because I think the problem is, too, that people don't know. A lot of people don't know when they go into a pet shop what they're buying. When we look at the papers and we see where the breeders are, go on-line and you'll see all the violations they have and they continue to work. So of course we can't totally stop it. They sell them privately, they can sell them on-line, but if you cut off their access to pet shops they're going to lose a lot of their business.

**LEG. ROMAINE:**

Well, like you I hope this does pass, and if you have other suggestions for legislation I'm sure Legislator Cooper and myself and others will be happy to sit with you.

**MS. GREEN:**

I have some pictures that I have taken from the Internet from mills, if anybody would like to pass them around and look. I think they are pretty eye-opening and graphic, because I don't mind getting graphic.

**P.O. LINDSAY:**

Thank you.

*Applause*

**P.O. LINDSAY:**

Okay. Kristan McCormick. Kristan's card is number five people. We have 27 cards, so please. Thank you, Kristan.

**MS. McCORMICK:**

I don't want to repeat what everyone been saying.

**P.O. LINDSAY:**

Thank you.

**MS. McCORMICK:**

But there are over 5,000 commercial breeding facilities throughout the U.S., and even if they're licensed and regulated by the USDA, it pretty much means nothing. Pet shops will tell them, you know, tell customers that they're coming from licensed breeders, but the USDA just has these bare minimum standards of care that I would not let my own personal pet live in, and I doubt any of you would let your personal pet live in.

Even with the USDA regulating there are still holes in the system. Like my Director said, I work at the Kent Animal Shelter as well, in May, 2010, the USDA came out with a report in which they admit that they had been lax and ineffective in enforcing the Animal Welfare Act when it comes to

regulating commercial breeding facilities and the brokers who transport the puppies to pet shops. There's just so many violations and it's just really ridiculous that our Federal government isn't doing anything about it. So I believe on a local level it's time that we start doing something about it.

The commercial breeding facilities are often just given a slap on the wrist, and as long as they fix the violation in the time frame they are given they're allowed to continue to operate with a license. Even if a commercial account loses its licensing due to repeated violations, they are allowed to reapply to get their license. And even if they lose their license they can still continue to operate and sell directly to the public through Internet sales.

There is many other communities basically going forth with similar bans throughout the country. Other places to enact similar bans are Albuquerque, New Mexico; Lake Worth, Florida; El Paso, Texas; and Austin, Texas.

Personally my family, before we were educated, we purchased a puppy, a Maltese, from Yuppy Puppy in Port Jeff. They have since closed since that purchase about five years ago. But our dog, we were so lucky. He doesn't have behavior problems, but he does have bowed legs and he had very bad teeth. He had to get a really extreme dental done at the veterinarian. But, you know, we are concerned for his bowed legs. In the future we don't know if when he's elderly that's going to, you know, continue to affect him.

And as adoption coordinator at Kent Animal Shelter I have seen the breeding dogs firsthand that come off the rescues that we get from Best Friends Animal Society. Many dogs are in horrible shape with various medical and emotional problems.

And I just want to add, regarding the AKC papers, they kind of really don't mean that much, because to get AKC registered, just both the mother dog and the father dog just need to be the same breed and have AKC papers themselves. It doesn't guarantee the health or how well bred the dogs are. So even if a pet store is like, "Oh, they're AKC registered" it really doesn't mean anything. That's how AKC makes most of their money, is by people registering their dogs and their litters of puppies. They're not really doing anything to help the problem either. That's it. That's all I have to say.

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

Thank you.

**P.O. LINDSAY:**

Thank you very much. Sara Davidson.

**MS. DAVIDSON:**

My name is Sara Davidson and I'm the Executive Director of the Animal Rescue Fund of the Hamptons. Ours is a no kill adoption center in Wainscott, New York, supported by 11,000 households. We are here today in support of Resolution 1545, a Local Law banning the retail sale of puppies in Suffolk County to combat the problem of puppy mills. Once again, Legislator Jon Cooper is leading the way to making Suffolk County a more humane community and we applaud him.

***Applause***

ARF has extensive experience working with Best Friends Animal Society on the problems of puppy mills. We have documentation of squalid and cruel conditions, falsified paperwork, including breed misidentification, mixing of litters, and removing puppies prematurely from their mothers.

In the last two years we have rehabilitated 232 breeder dogs and puppies discarded from puppy mills and founded them new loving homes. By impacting the demand for these puppies, by banning their sale in Suffolk County, we can strike at this abhorrent industry.

I'm going to skip over a little bit just to save time, but I would like to add that the pitiful state that puppies are displayed at in local stores plays to the heartstrings of the unsuspecting public. The pet seeking public has real options as alternatives to puppy stores. They can go to one of the many outstanding shelters on Long Island or work with a responsible breeder as you have heard. It's time Suffolk County joined a growing national trend and banned these businesses that support the puppy mill industry. Thank you for the opportunity to comment, and I, too, have some very graphic pictures of puppy mill rescue dogs that I would like to share with you. Thank you.

### *Applause*

**LEG. COOPER:**

Thank you.

**P.O. LINDSAY:**

Thank you very much. Jeff Silverstein.

**MR. SILVERSTEIN:**

Boy, am I going to get bombarded. I'm on the other side. I'm in the business 25 years of retail sales of pets. I'm a little nervous. I just heard things that were said that are just so ridiculous and untrue and everybody sits here like it's a fact, and nothing is factual. I shouldn't say nothing; plenty is factual, but much of it is not.

In terms of pet stores not getting dogs from breeders, I get them all the time, except the professional breeders, what they'll do is they will say to us I don't want to give you the papers because if the breed club finds out they'll yell at them, they'll throw them out of the club. And the only reason it's like that is because these animal activists, which I can't say all of them, but many of them make it to a point where good breeders don't sell to pet shops. So they're causing the good breeders not to give us the dogs with the things that they're saying. They are not true. There are pet stores that simply just don't care, and that's where you have to come in and go after the pet stores that don't care. There's other ways to do it. You just can't shut someone down like that. It's not Constitutional.

And I want -- I don't want you to think that I'm not for both sides. I'm somebody that has a great reputation in puppy sales in the New York area. My store, which I actually just sold two weeks ago, is in Manhattan. But I've had a store in Nassau County for 12 years, I've had a store in New Jersey for six years, and the one in Manhattan was seven years. I have an impeccable reputation. I've sold dogs to the Mayor, I have sold dogs to one of the CEO's of the ASPCA in Manhattan. So, you know, let's not play games. I'm saying about what goes on in the industry, not just to the hear the slapping of what's going on.

I've seen the horrible breeders. I have all the numbers to call. I report breeders many times. I called the U.S. Department of Agriculture; they do absolutely nothing. I call them and I call them. I call breed clubs. They do absolutely nothing. I have people come into the stores in the City that want a Maltese and they want to adopt it, but the breed clubs are so nasty and so ridiculous in what they expect of the people they can't get a dog. They could walk around four or five months looking for a dog, but the breed clubs won't give them the dog.

So, you know, what you'd be doing is empowering these people more to say who's going to have a dog and who's not going to have a dog. That's not America. We don't work like that.

And something else, and it kind of bothers me. What would I get out, or anybody else that is a pet shop owner, get out of selling you a sick dog. You screaming at me, you calling the Department of Consumer Affairs.

**AUDIENCE MEMBER:**

Money. Money.

**MR. SILVERSTEIN:**

Was I rude to you?

**P.O. LINDSAY:**

Hold on, I won't tolerate that. Nobody interrupted any of you when you talked. This man has a different point of view, let him have his say.

**MR. SILVERSTEIN:**

Okay. Yes, we do make a living, but we have a conscious. At least I do, and I know many people that do. We have meetings and conference in the pet industry. There's another way to shut it down, and that's by putting the animal activists and the pet shop owners together, the pet store owners together, and finding out who the breeders are. I have flagged so many breeders and turned in so many breeders. If I look on-line, they're still there.

Now, by you banning Suffolk County puppy sales, what -- I mean, people are just going to drive to Nassau County, people are going to go to Manhattan, they are going to go to Connecticut, or they're going and just buy from a local hobby breeder or backyard breeder in Suffolk County. Which I have to say, I can't tell you how many times I have seen the news reports with Officer Gross or one of the people coming out with the puppy mills in Suffolk County in their basement. So you are sending these people to those people breeding dogs in their basement, and they're not going to help anybody if there's an issue with health. Remember one thing, when I buy that dog from the breeder, if I sell that dog, there's puppy lemon law, so I'm responsible for that vet bill. But when you are going to push these consumers to start buying them on the internet and at these, excuse the expression, a dirt bag breeder, they are not going to pay these people's vet bill. You are compromising financially what their purchase is going to be.

I understand what you're coming from because I've reported it so many times the atrocities that I have seen in the industry. I have spoken to people. It's on deaf ears. But this certainly isn't going to do it. What it's going to do, it's going to enrich the puppy mill, or the mass production breeder as I call them, because they're now going to be able to sell retail to the people in Suffolk County. They're going to be making more money. You are going to feed them more fuel, they are going to get worse, they are going to get bigger and nobody is doing anything about it because you are on the wrong end of the country. I mean, you want to put a group together, I'll be the first one there. I could spill out 50 breeders that should be shut down and nobody does anything.

**P.O. LINDSAY:**

Thank you, Jeff. You are out of time.

**MR. SILVERSTEIN:**

All right.

**P.O. LINDSAY:**

Thank you. Dr. Sarah Alward.

**DR. ALWARD:**

Hi. Good afternoon. I'm Dr. Sarah Alward. I'm the animal veterinarian for the Animal Rescue Funds of the Hamptons in Wainscott, New York. I'm here also to speak about the banning of the sale of puppies in pet stores. I would like to thank all of you for the opportunity to speak today, and with a special thanks to Legislator Jon Cooper for the introduction of this bill.

According to the Pet Industry Joint Advisory Council, a statement was made that pet stores provide healthy, responsibly raised pets for the public. I and many others who work with puppy mill rescue dogs would strongly disagree with that statement. As a veterinarian, having worked at the ASPCA in New York City, in private practice and now at the Animal Rescue Fund of the Hamptons, I have seen countless puppies purchased at pet stores with medical illnesses. The illnesses range from intestinal parasites from unsanitary conditions to severe pneumonias necessitating oxygen, intravenous antibiotics and -- well, 24 four, basically 24 hour cage oxygen supplementation. I've also seen these pet store puppies have a range of genetic conditions, some of which you'll see in the photos some of our ARF representatives have put together that I would like to give to you all today to look at.

I have researched the breeders of these puppies from the papers the owners have received at the pet stores. I can tell you that not one of these dogs has come from a local, small scale breeder. Every single one has come from the Midwest, and if you research the breeder, which I have done numerous times, all of this information is public record, most of these breeders have well over 100 breeding dogs and they have numerous violations and citations through the Department of Agriculture.

Here is just a small sampling of some of the conditions that the parents have, the breeding dogs that we rescue at ARF, that we have had experience with, as well as some of the puppies that we have seen that have been discarded from the breeding operation. Media patella luxation, which is a very common condition toy breed dogs where the kneecap sits in an abnormal position. It is a genetic condition, meaning that the parents will pass this to all of their offspring. Surgery is required on these legs to make them have a normal biomechanical function and often these dogs have severe laxation on both legs. Severe, untreated dry eye leading to blindness and ulceration we have seen in several dogs. Also a genetic condition, also passed on to all of the offspring. We saw a dog with hydrocephalus, which I am sure you know is water on the brain. This dog was bred to produce more puppies. Also a genetic condition.

The parents of these puppies, as you have heard, suffer horrendous conditions. Squalid cages stacked on top of each other, feces and urine raining down on the dogs below. Oftentimes multiple large dogs are shoved into a single crate and their mouths are taped shut with ducts tape in order to prevent the fighting. Severe matting and overgrown nails is something we see very commonly. Fractured limbs that were denied medical attention and healed in an inappropriate fashion. Severe dental disease. Here is a sampling of all of the teeth I have pulled from probably 15 dogs. Also, very large hernias from having multiple litters. Many of these dogs are severely undersocialized.

We're not here to interfere with the ability of pet stores to make money. The pet industry is multibillion dollar industry aside from the sale of pets. There was a recent study in one of my veterinary journals that shows that veterinary visits are significantly on the decline while spending on pets is up actually.

Passing this law is the right thing to do. The puppy mill industry is an absolutely hideous business. And as Americans, I believe that we can do better in Suffolk County. I also have a collection of photos and a little bit of history on some of the dogs that we have saved that I would like to leave for you guys to have a look at as well.

**P.O. LINDSAY:**

Thank you.

*Applause*

**P.O. LINDSAY:**

Barbara Dennihy.

**MS. DENNIHY:**

Hi. I'm not going to take up a lot of time.

**MR. LAUBE:**

Speak into the microphone.

**MS. DENNIHY:**

Everything has been said so I'm not going to take up a lot of time. I'm just here to show my support for this bill. It's something that's way over due and we need it here in Suffolk County, because at the Federal level they are not able to protect these dogs. Thank you.

**P.O. LINDSAY:**

Thank you very much, Barbara. We greatly appreciate that. Audrey Hebert-DiNiro.

**MS. HEBERT-DINIRO:**

Hello. I'm Audrey Hebert-DiNiro and I own a pet store -- pet food store and supply in Setauket, and I'm very proud to say that I have never in the 20 years that I have been there, sold any animal. I always have a cage in my store for Save a Pet Animal Rescue, in which one of their little waifs will reside until we get them adopted.

When we started this issue in my little store and in the homes of Dori Scofield and Gerda Silver 18 or 19 years ago, after the first year -- first two years, excuse me, we had lost count of adoptions and we were well over 2,000. So I think it's the way to go and I am totally in support of your law. I hope it gets through; it's about time. Thank you.

**LEG. COOPER:**

Thank you.

*Applause*

**P.O. LINDSAY:**

Thank you very much. Chief Roy Gross. Hello, Chief. How are you?

**MR. GROSS:**

Good afternoon, ladies and gentlemen. Pretty much everything has been said already that I think needs to be said. I would, again, like to applaud Legislator Jon Cooper for his longstanding support for animal rights. I would just say that really the issue is here. Over the last 27 years that I have been the Chief of Suffolk County SPCA we have seen far too many cases of originating puppy mills right here in Suffolk County that we've actually arrested perpetrators and seized many animals.

I can mention just one of the stores, Yuppy Puppy. We were the ones that actually made the arrest there and leading to the closure of Yuppy Puppy. What they did is knowingly sell a sick dog. They actually made a deal with the purchaser that they will discount the dog and actually put it in writing, which is illegal. That made it easy to make that arrest there. Generally that does not happen.

Really what I am looking for here, I certainly support this measure, but I know far too many cases of animals that have been abused in these so-called puppy mills right here in Suffolk County. We had one house, some of you may recall, with 140 Pomeranians. Now, you could imagine what that must sound like if anybody knows what a Pomeranian, how loud they are. Could you imagine 140. They

were stacked, just like some of them have mentioned here, they were stacked in cages, feces and urine dropping on the other cage as well, jammed in tight. The same measures that they were saying here, where the paws were -- the nails were overgrown. They were just covered in feces and soaked in urine, absolutely horrible, jammed in the basement of a house.

What they would do when somebody would go to purchase a dog, they would bring that dog to another house, a clean environment. These people -- they would clean that dog up, that puppy up, and bring it to another house to sell that dog. People didn't even know there was a puppy mill there. The way that was, how we executed that search warrant, there was smoke coming out of the fireplace that the fire department thought there was a fire in the house, and when they went they found a number of the dogs in there and contacted us. We got a search warrant and we went in there. I can't tell you, hundreds of cases like this right here in Suffolk County alone.

If you take a news -- I'm not even going by what I had written here, I'm just -- because so much was already said. But even if you pick up a Newsday and you look in Newsday where there's animals up for adoption or especially for sale, they're supposed to have a number on there, they have to be licensed. When do you ever see a number on there for a license, a person selling a dog that is licensed. This is a big issue, big problem. So it's not only in other parts of the country, but also right here in Suffolk County.

So, again, I certainly support this measure, but we really need to concentrate also on closing down some of these other facilities that are here in Suffolk County. Agricultural Markets, I know that was mentioned. Do you recall you passed a Sense Resolution that the Suffolk County SPCA would inspect the facilities here in Suffolk County? Well, the Commissioner of Agricultural Markets decided that it was they that were going to do the inspections. At that time in the state I believe there was only one inspector. Every store by that law has to be inspected at least once a year in all of New York State. Now, you tell me how one inspector can possibly do that effectively. And what if you find something wrong there, are you going to go back? I think there's three inspectors now, I may be wrong, but I know far too many times that we'll go in to a lot of these stores that are, you know, selling puppies.

We get numerous complaints and we can't just go in there and get a search warrant and look in the whole store. We can only go by specific allegation of animal abuse. And unfortunately, it's not in our power to do that, and there are too many cases of stores here in Suffolk County that are really -- and the animals are not kept in the condition they should be, but it's not in violation of the laws that we can investigate on animal cruelty.

So, I mean, that's it. I know there's a lot of other people that want to speak here. I have to get to another event, but I did just want to voice, you know, my opinion here.

**P.O. LINDSAY:**

Chief, before you leave, there's a couple of questions for you. First from Legislator Cilmi.

**LEG. CILMI:**

Chief, how are you today?

**MR. GROSS:**

Good. How are you?

**LEG. CILMI:**

Fine, thanks. Just a two or three quick questions for you. And you sort of talked about the nature of your oversight of pet stores a little bit, but could you specifically describe to us to what extent you have oversight, if any, on the activities of pet stores in Suffolk County.

**MR. GROSS:**

Well, there are specific laws, again, that it has to be inspected by the Agricultural Markets and set by the Commissioner. It's like the proper sizes of the cages for the type of animal, the environment, the temperature, obviously food and water. Now, I walked in one undercover, one of them recently in a newer store, and the sawdust, it was pine bark, that was mixed in the food that was in there. Now, we said something, again, not telling them who I was, I just wanted to see what was going on in there. And, you know, the food is there, the water is there. They say well it gets in there and we blow it out. Now, what if they eat that? I mean, this is something that was mentioned about eating sawdust that's mixed in or the wood chips that are mixed in with the food.

So we can go in there again on a specific allegation of animal abuse and neglect. The overall picture if they're basically providing proper sustenance, is really what's required, is food, water, air quality is proper substance. But let's assume if you had a place like Yuppy Puppy that they were storing the animals, it's like a hardware store. They would keep stock in the basement, which were the puppies, and they would have upstairs, they would have them in their little, you know, pens all nice looking and all. When they would sell an animal they would get another one from stock. I couldn't go into the basement unless I had a specific allegation or a search warrant to inspect the basement of that facility. So it's like all show and tell up front, and I'm not saying all these stores are like that. Some of them are clean, again, you know, where they're getting their dogs from, I believe that they should be getting them from reputable breeders. And certainly the Suffolk County SPCA can't go out of Suffolk County to do those inspections, so we're really limited here in Suffolk County

**LEG. CILMI:**

So only in the case of when there's a specific allegation of abuse does the SPCA have any official jurisdiction to go in and actually enforce the law.

**MR. GROSS:**

That's correct.

**LEG. CILMI:**

The laws are exclusively New York State laws? Does the County have any ability to somehow supplement or strengthen animal abuse laws so that maybe then you would have additional authority?

**MR. GROSS:**

I don't know if that can be done. That's a good question.

**LEG. CILMI:**

We'll ask Counsel when he comes back.

**MR. GROSS:**

That's a good question. But, yes, we go by New York State Law. And again, Yuppy Puppy, how we were able to do that, when that purchaser of that puppy brought the paperwork to us and showed us on there that she actually signed a document saying that she knowingly was buying a sick animal, that's how she got a discount, I mean, that's like showing me smoking gun. That was enough to go in there and charge them.

**LEG. CILMI:**

So if we could, and I don't know that we can, my guess is that we can't, but we'll ask. But if we could somehow say that, for example, if you are storing animals in the basement that would constitute animal abuse, or if you are purchasing puppies from a puppy mill that would constitute animal abuse. If we can make those determinations in our law, in our code, then you would be able to enforce them.

**MR. GROSS:**

Well, no. Storing the dogs in the basement, see, that's not illegal.

**LEG. CILMI:**

But if we could say that it was.

**MR. GROSS:**

Well, but that really wouldn't be illegal. If they're having proper sustenance again, there is food and water. We have places that we go into somebody's home and they keep the dog in the basement, its whole life is in the basement and it never sees the light of day, I mean, obviously there's a lot of animal lovers here that certainly won't accept anything like that, but it's not illegal unfortunately.

**LEG. CILMI:**

Right. Do you have any idea how many pet stores there are in Suffolk County that sell dogs?

**MR. GROSS:**

I think 30 or something like 30 I believe. I don't have a count on it. But I believe that's legal. I'm not talking about backyard breeders.

**LEG. CILMI:**

Right. Would you agree with the assessment of some of the folks who spoke here today that the vast majority, 99 plus percent of them are purchasing their stock, their puppies, from puppy mill?

**MR. GROSS:**

That's my understanding, yes. That's the part that troubles us, is that getting it from these puppy mills. I have seen some of the puppy mills, again, here in Suffolk County, having these puppy mills that we actually raided or executed search warrants and made numerous arrests over the years. Every one of them was worse than the other. It was absolutely horrible. I mean, it was just something that would give you nightmares. You've seen some of the pictures that we've been here on other occasions when we posted them, and I have more to share with you if you want to see it. Absolutely concentration camps for animals is how I could describe it.

**LEG. CILMI:**

Okay. Thanks very much.

**P.O. LINDSAY:**

Wait, Chief. Legislator Gregory.

**LEG. GREGORY:**

No, no.

**P.O. LINDSAY:**

No? Done. Okay. Thank you very much, Chief. Appreciate it.

**MR. GROSS:**

Thank you. Good evening. Thank you.

*Applause*

**P.O. LINDSAY:**

I think it's Harrice Bernstein. If I'm mispronouncing your name please forgive me.

**MS. BERNSTEIN:**

You've actually gotten it right.

**P.O. LINDSAY:**

Oh, okay.

**MS. BERNSTEIN:**

I'm Joan Bernstein from Center Moriches. Harrice is my legal first name but everybody calls me Joan.

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

You can pull down the mike a little.

**MS. BERNSTEIN:**

Thank you. Is that better? Okay. I have very little to say actually. I'm opposed to this legislation. I'm a cat breeder. I have a small hobby business. I know a lot of cat and dog breeders who have small businesses out of their homes. They're actually hobbies, but the IRS calls it a hobby business. I'm hearing a lot of language today, words like sensitivity and pitiful and very emotional terms. In reality, there are no statistics that provide numbers for what the people in favor of this proposition are talking about. There are no numbers no, legitimate numbers, no statistics.

**UNKNOWN AUDIENCE MEMBER:**

(Inaudible)

**MS. BERNSTEIN:**

I'm talking.

**UNKNOWN AUDIENCE MEMBER:**

You're lying.

**MS. BERNSTEIN:**

Is there a lawyer in the house? I've just been called a liar.

**P.O. LINDSAY:**

Wait a minute. Just talk into the mike. And, again, I'll remind everybody in the audience not to call out any names or interrupt the testimony. Continue, please.

**MS. BERNSTEIN:**

Thank you, sir. In the interest of keeping this very, very short, puppy mill is a pejorative, prejudicial term coined by the animal activist organizations like HSUS, Humane Society of the United States, and PETA, People for the Ethical Treatment of Animals and other organizations like them, including several here on the Island. Some of those organizations, and I'm not going to name them because I don't have it in writing at the moment, are on the domestic terrorist list.

*(Laughter)*

You can laugh; it happens to be the truth. The main point that I intended to make, and this is really all I'm going to say because I intend to put the rest of it in writing and get it to the Legislators at a later time prior to the next hearing, is that this proposal appears to constitute illegal restraint of trade. It interferes -- it may interfere with interstate commerce and violate State Law, which makes the regulation of the sale of dogs and cats a matter of State Law and specifically preempts local laws such as this proposal. Which brings up the issue, and I'm sure legal Counsel can speak to it, of the possibility of Suffolk County being sued. And that's really all I have to say today. I will in the near future make sure that you get everything in writing that I have to say. Okay.

**P.O. LINDSAY:**

Thank you very much, Ms. Bernstein.

**MS. BURNSTEIN:**

Any questions?

**P.O. LINDSAY:**

No questions. Thank you.

**MS. BERNSTEIN:**

Fine. Thank you.

**P.O. LINDSAY:**

Patricia Teranna? Again, if I'm mispronounce your name please correct me.

**MS. DALTON TERANNA:**

Good afternoon. My name is Patrice Dalton Teranna. I apologize for my handwriting.

**P.O. LINDSAY:**

Patricia, you have to talk into the mike.

**MS. DALTON TERANNA:**

I am here in support of Legislator Cooper's proposed legislation. I have read it, I've had an opportunity to read it. I think it's clear, it's accurate, it's good policy. I do agree with most of everything that has been said today about puppy mills, so I won't address that. But what I would like to talk about a little bit is how people fail at pet ownership, which is I believe a significant problem in Suffolk County. And I think the contributing factor to that is the easy acquisition of puppies in pet stores. If one goes to a breeder it is not terribly easy to get a dog from a reliable breeder. They will ask you questions, they will offer you follow-up guidance and support and some consulting. The same thing with shelters. If one goes to adopt a dog you typically ask some questions, you give some information.

I am a volunteer at ARF and I do see some of the dogs that are surrendered when owners fail at ownership, and it's generally because they were ill prepared for dog ownership. So I would prefer to see no dogs sold in pet stores. But if they must be sold in pet stores I would like to see a seven day waiting period before one can acquire a dog and some training in dog ownership.

I won't go into the puppy mill abuses of animals, but I do believe they're -- you are correct in how you spelled them out in the legislation, Legislator Cooper.

So that's all I want to say today, is that I do support this legislation and I hope it passes. I spend part of my year in San Francisco and I know they've been trying to pass similar legislation. They've run into problems with the trade groups primarily, and I hope Suffolk County prevails here because it will be the first step in us treating dogs with the respect and kindness that they deserve. Thank you very much for the opportunity to speak.

**LEG. COOPER:**

Thank you.

*Applause*

**P.O. LINDSAY:**

Thank you. Fran Alvino. Fran Alvino? No Fran Alvino. Patricia Dalton Teranna?

**MS. DALTON TERANN:**

I just spoke.

**P.O. LINDSAY:**

Oh, you just spoke. I'm sorry. Okay. Then the wrong Patricia came up. Patricia Tighe. Patricia Tighe? No. Okay. Al Selmer.

**MR. SELMER:**

Good afternoon. I've had some -- I have a retail pet store in Huntington. It's been in my family since 1939. I have run it for 45 years.

**P.O. LINDSAY:**

Al, could you just take that mike right up in front of you, please? There you go much. Much better.

**MR. SELMER:**

I did have some discussion with Legislator Cooper. We sat and talked about not only this bill, but the other bill which is against animal abuse, which I am certainly against. That particular bill I don't think has any teeth, unfortunately. Somehow we can't legislate punishment I guess, I don't really know because I'm not an attorney.

I want to speak to not -- the abuse issue or the puppy mill issue, but to the actual fact of what will happen when Suffolk County decides to abandon or not allow pet stores to sell puppies or people to sell puppies. It has been my experience that people want a puppy. They want a small little dog for their children, that's what they want. Do we tell them no? In my store we try to prepare them. In fact, I gave a packet to the Legislator, and I gave packet to -- that we normally sell with a dog or give with a dog, to Deputy Executive, I gave him one as well. I think the problem is personal responsibility. I think people themselves -- I myself try to be as responsible as possible. I have been doing it for years. I think that there are flaws in the business with no question, there's no question about that.

There are laws that protect, consumer laws, that protect people when they buy a dog that are already in place. They are not enforced. There are SPCA laws that are not necessarily enforced, but they're restricted. I have probably 90 people a day that inspect my store. Every customer that walks in is looking for trouble that I might be doing something that I shouldn't. I am pleased to say that I don't get too many complaints. I do understand that having an animal in a cage sounds abusive in some way, but my dogs are all exercised, they are all brought out. My girls take care of that. They are bathed, they are groomed, they are washed.

I don't know if we're going to be solving the puppy mill problem here in the nation, because I am sure that all these dogs that are bred in Missouri do not come here. They do not come here. There are people over the years, now I have been doing this for 45 years myself, I will tell you there are people that raise dogs in their basement. There are people that bring dogs in from Pennsylvania, the Amish, and/or the Mennonite communities where these animals are really truly abused. They are treated just like anything else, like chickens. The unfortunate part is we have to give them rights. We wouldn't dare give rights to a cow or a steer, I'm not suggesting that's even on the same plane.

What I'm saying is that it's hard to legislate this, it truly is. And I don't believe doing what is being done is going to solve the problem. Will it effect me? Probably. Will it effect me a lot? Probably not. Most of the people that come to me, I get fathers on Saturday morning who want to play with a puppy with their son. They're not necessarily people that want to buy. I have a complete pet store, I don't have a puppy store. There's no need for me to push these things on people. I feel that if -- when I saw Karen {McDano} on the news I said to myself, "Oh my God, that's horrendous". I called Roy Gross immediately and said, "I've sold this woman dogs and I feel absolutely upset by this. I can't -- I want to go out and get her". To further anger me, my son had done ten of the autopsies and said, "Dad, you would not believe what this woman did".

I thought well, okay, how can I help with this. We initially gave -- I called Roy Gross. I said to him I have information I think you need. I have records of this woman, I have copies of her driver's license. We require that when we sell a dog. The only way that she was actually prosecuted was because of the five or six files that I had that had her name on it.

I don't think that it's good to have this oppositional thing. I think that people that are for the ethical treatment of animals, I really agree with it, but I think there's this line between passion and then --

**P.O. LINDSAY:**

Mr. Selmer, you're out of time, but Legislator Viloría-Fisher has a question for you.

**MR. SELMER:**

Which is?

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

Hi. Thanks for coming down. I'm going to ask you the same question that I asked Diane earlier, which is -- well, let me backtrack. Where do your puppies come from?

**MR. SELMER:**

A lot of them come from the Midwest now. What do I -- how do I do this. We have a lot of records. I have records for the last 15 years where I bought dogs from, who I got them from. I go by reputation. I try to desperately not -- I would never want to support abuse. I wouldn't, I just wouldn't do it. Do I try not to? Absolutely. People that breed dogs here do not want to sell to me because they have a market of their own. I mean, putting the highest standards, whatever, they do, they have a market. If I advertise in Newsday it costs me \$380 for a line ad. If someone from their home does it, it doesn't really cost them, \$45.

So what this bill really will do, I think, will bring up more people selling dogs from their homes, having a female in their homes. Like I suggested to Legislator Cooper, that these people, some people actually bring the dogs in from places like Pennsylvania, the Amish, and what happens is they're sold as their own. I would love to see this cleaned up, but I think --

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

Okay, but we're going way beyond my question.

**MR. SELMER:**

Your question is?

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

Because we have so many cards. You go by reputation. But then I'll repeat the question that I asked Diane. How do you assure yourself that they're coming from a safe place and not one of these puppy mills? Now, Diane and other people have said that even if they are AKC certified puppies all that means is that the --

**MR. SELMER:**

It's just the registration.

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

That it's just the registration, that the male and the female, that the parents came from same breed. Do you ever make visual inspections? I mean, what do you do besides this reputation?

**MR. SELMER:**

All right. Over the years I have developed relationships with people that actually bring the puppies to me. They're small time operators, they're not big time operators. The first question I ask them is

have you seen the place, is it clean, are they taken care of. The answer is -- they will be honest with me because I have dealt with them for a long time. Now is this a nasty business? Yeah, it can be, but certainly we backup everything we do. Do I get from local breeders? They won't sell me.

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

Okay. Thank you, sir.

**P.O. LINDSAY:**

Thank you very much. Lorry Wekner.

**MS. WERNER:**

My name is Lorry Werner. I live in Hampton Bays.

**P.O. LINDSAY:**

I'm sorry. I thought it was a K, it's an R. Forgive me.

**MS. WERNER:**

That's okay. I live in Hampton Bays. I am here speaking on my own but I do do volunteer work. I am on the Advisory Board of the Southampton Animal Shelter Foundation. I just would like to briefly, I mean, you've gone into everything else. I mean, we have seen the pictures, we all know the puppy mills. Many pet stores owners are going to say that they purchased their animals not from puppy mills, but from places they're familiar with. All I know is the way I got involved is that I live in Hampton Bays as I said, and a pet store opened in Hampton Bays four years -- I guess it is about four years ago. We, and I'm saying we, many of us got very involved in our community because we said loud and vociferously and not in our backyard. And we started making phone calls and we started checking into things and I was completely enlightened when I heard some of the things.

The puppy store in our town has another puppy store, I'm not going to say where, but another puppy store also in Suffolk County and also on the East End. We got a copy of all their paperwork. They had existing fines from the Department of Marketing, already existing fines, and opened a second puppy store in Hampton Bays. We did a lot, and by we I say people that knew nothing about puppy stores. There was -- probably it ended up about 20 of us, Animal Rescue Fund helped, the ASPCA helped, and we -- in effect we shut them down. We made it very, very difficult for them to keep in business. They didn't leave because we made a million phone calls and we inundated the Southampton Town Board, they left because we made it very difficult for people to go into their store and buy puppies.

When I found out and I heard these things I wasn't getting any answers. I asked where did you buy these dogs? We bought them in the Midwest, we bought them here, we bought them there. Can we look at the paperwork? Oh, no. What do you do with your puppies when your product is flawed? And by that it's too old to sell as a puppy. What do you do? We didn't get any answers.

I can't say how proud I am. I have a former -- a former Suffolk County Legislator was my ex-brother-in-law so I know how important it is sometimes to be able to bring something up when you know that some people may not agree with it. And puppy stores are trades, they're companies, but their stock is live animals that are purchased in deplorable conditions, and I really want to thank you for having the courage to do something about it. Thank you.

*Applause*

**P.O. LINDSAY:**

Thank you very much. Looks like Sony Schotland.

**MS. SCHOTLAND:**

Hi. I'm Sony Schotland. I'm here on behalf of the Southampton Animal Shelter Foundation. Since everything has been said that we already believe in, I just wanted to say that we are speaking in favor of Legislator Jon Cooper's proposal to banning the puppy mills puppies and we hope you all will agree. Thank you.

*Applause*

**LEG. COOPER:**

Thank you.

**P.O. LINDSAY:**

Thank you, Sony. I appreciate your brevity. Cathy Duemler.

**MS. DUEMLER:**

Hi everybody. Thank you for listening to us. It's almost good evening so I will be very brief. I am the Outreach Director of the Southampton Animal Shelter. I am extremely proud of it and am extremely proud of Mr. Cooper and I'm outreaching to him, his committee and everybody in this room to remember that every time a puppy store puppy is purchased, you're endangering the mother to slavery, a sex slave. Thank you.

*Applause*

**P.O. LINDSAY:**

Loretta Maffei.

**MS. MAFFEI:**

Hi. My name is Loretta Maffei. I'm from Hampton Bays and I'm here in support of this resolution of Mr. Cooper and Mr. Romaine. I support it. Thank you.

*Applause*

**P.O. LINDSAY:**

Thank you very much. Rosemarie Kascher? Rosemarie Kirscher. Kirscher.

**MS. KRISCHER:**

At the risk of being jumped, I'm a proud owner of a retail pet shop here in Suffolk County. I've been doing this for ten years. I have heard all the horror stories of puppy mills and so-called puppy mills and that's where we get our puppies from. I have to disagree. I have been doing this for ten years. I buy my puppies from the same people I've been buying from for ten years. Have I scene puppies that come from breeders or so-called breeders that I would never buy from again? Yes, unfortunately that is the case at times. That's not to say that the whole -- everybody in the whole industry should be claimed to be a puppy mill because they are breeding puppies and selling to pet shops.

I'm really appalled at some of the things that are being said here in the audience and it's just unbelievable to me that it can even get this far. I carry a license to sell puppies. I worked hard to get that license. I pay the State a \$100 fee every year to maintain my license. I invite anybody to come into my store any time and inspect my premises and I'm sure that you will see that the conditions in my store are way above what anybody can ever expect at any retail pet shop. I'm also a small scale shop. I don't carry as many puppies as some of the other places may carry. We have four or five at a time. I have provided many, many families with many years of happiness will the puppies that we sell. We stand behind our puppies 100%. I have never had a puppy come back because it was ill or deformed or whatever the claims may be around. My puppies come to me

-- many of my puppies come to us for grooming. I get to see them over the years. I had an eight year old Golden Retriever come to us the other day for grooming. They come to us continuously, they call us, we have a big wall of pictures of puppies that we've sold and none of them look like the pictures that were passed around here. I guess that's really all I have to say. I'm obviously opposed to this.

**P.O. LINDSAY:**

All right. Rosemarie, Legislator Cooper has question for you.

**LEG. COOPER:**

Just one question, Rosemarie. Are you aware that my bill does not pertain to the conditions of the puppies at the pet stores --

**MS. KRISCHER:**

No, I'm aware. But you are also saying that the conditions of the pet stores, I'm hearing throughout the audience here, the conditions in the pet stores are not up to standards either.

**LEG. COOPER:**

Well, some are and some aren't. But the purpose of the resolution, what the public hearing is about --

**MS. KRISCHER:**

No, I understand what your bill is about, and forcing people to purchase from local breeders. What makes them a local breeder and what are their qualifications? Who's going to inspect their facilities? Who's going to make sure that they're providing healthy, happy puppies to the community? I mean, it's just -- you are picking on the retailer because it's an obvious place to start. I think where we need to start is maybe in our own backyards and see what is going on in our own County before we start reaching out to, you know, the rest of the world.

**LEG. COOPER:**

But you do realize that virtually all of the puppy mills are in the Midwest and Pennsylvania and the southern states.

**MS. KRISCHER:**

I'm not going to say all of them. Do they exist? Of course they exist. Do puppy mills exist here on Long Island? Absolutely. So I don't see, you know, why everybody has to be put into the same category as a puppy mill. Because of the media I guess is what's forcing us to look that way.

**LEG. COOPER:**

Thank you.

**MS. KRISCHER:**

Okay? Any other questions?

**P.O. LINDSAY:**

Yeah, Rosemarie, let me -- if this bill passes, how will it affect your business?

**MS. KRISCHER:**

It really won't affect my business on a large scale because, like I said, I only have four or five puppies at my shop at a time. But I think it's just -- it's unfair to limit the trade; I think it's an unfair thing to do. I don't think it's appropriate.

**P.O. LINDSAY:**

Okay. Thank you very much. Deborah Howard? Deborah Howard.

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

**MS. HOWARD:**

Good afternoon. I'm Deborah Howard. I'm the founder and president of the Companion Animal Protection Society. We're a national organization, approximately 20 years old, based in the Boston area. Our focus is on investigating the pet shop and puppy mill industry. We've done stories with Dateline, 20/20, CNN, People, Life, Reader's Digest, and numerous television news outlets and newspapers all over the country. Our investigators have been to over 1,000 puppy mills in this country. Most of them are USDA licensed facilities. That is a puppy mill. And the USDA, you can go into a pet shop anywhere and they'll tell you they're from USDA licensed facilities. USDA does not enforce the Animal Welfare Act. That's the federal law that oversees commercial breeding facilities.

A puppy mill is a commercial breeding facility that mass produces dogs for resale to the pet shop industry. What I want to make clear is that there are two licenses, an A license and a B license. The B license dealers are the brokers who, in fact, sell directly to the pet shops. Some of the A licensed breeders do sell to pet shops. Most of these dogs are going through brokers.

Our organization investigated the largest dog broker in the State of Minnesota, she was also a breeder. She sold to pet shops all over Long Island. She was convicted of animal cruelty and lost her USDA license. You're welcome to go to our website, [cats-web.org](http://cats-web.org), to see the undercover footage of the atrocious conditions at this broker's facility. She did her own C-sections, she did horrendous, horrendous things, denied veterinary care, left mothers to die. This is just one of many places we've investigated.

We worked for six months undercover at the Hunt Corporation, the largest dog brokerage facility in the country, shipping out one to two thousand puppies a week. Every single one of the dogs being supplied to Hunt, who does not do its own breeding, came from a puppy mill.

I want to also mention that CAPS is behind the West Hollywood ordinance that is leading to your proliferation of these ordinances all over the country. We are -- provided evidence for the Los Angeles City ordinance. We're currently working with the City of Glendale. We helped with Richmond, British Columbia's bylaw, which was recently upheld by the Canadian Supreme Court. We also developed the Humane Store Model currently used in Los Angeles. We've convinced a lot of stores in Los Angeles and also a national chain to go completely humane. We're not advocating that stores go out of business, we want them to go humane in light of the millions of animals that are killed in shelters in this country every year. So the humane model is that you offer animals for adoption from shelters and rescues. The City of Albuquerque was the first city to do this, although it wasn't widely publicized. It's West Hollywood that for some reason, because of who it is, got all the attention worldwide. But in Albuquerque in 2008, there were -- animal intake was 27,197, and the per capita animal intake was .52. There are practically 522,000 people in Albuquerque. There were just two pet shops in the town that sold animals; they're currently both practicing humane adoption. There's been a decrease of 32% between 2006 and 2009 for euthanasia, and adoptions have increased 23% and intakes have decreased 6%. This is a large city and it's been very successful, and I know it can be successful in Suffolk County.

We investigate pet shops all over the country, not just puppy mills. We have major campaigns in Los Angeles, Chicago, San Diego. We'll probably be starting then in other cities around the country. So we're strongly behind this bill, it will work. I would -- I would probably recommend an outright ban and not just -- they're not going to be reputable breeders that sell to pet shops, and anybody who's in the Midwest that sells a dog sight-unseen is not a reputable breeder, and we've been to many, many, many of these places. So I don't believe any pet shop who says, "We buy from a reputable breeder," it just doesn't happen. Reputable breeders want to see where their dogs are being sold, they want to screen the people who are buying their dogs.

And we have a fact sheet called "Why You Shouldn't Buy That Puppy In The Window". It has a number of questions that pet shops don't ask their customers that breeders, in fact, do ask their customers.

**P.O. LINDSAY:**

Okay. Ms. Howard, you're out of time.

**MS. HOWARD:**

Okay.

**P.O. LINDSAY:**

But Legislator Cilmi has a question for you.

**MS. HOWARD:**

Yes.

**LEG. CILMI:**

Yeah, just a quick question or two. Based on your extensive investigations and knowing the pervasiveness of this issue --

**MS. HOWARD:**

Yes.

**LEG. CILMI:**

-- across the country, how do you think what Suffolk County does here will affect the puppy mills in general?

**MS. HOWARD:**

In terms of economic impact?

**LEG. CILMI:**

Right. I mean, the intent is to stop puppy mills.

**MS. HOWARD:**

Right.

**LEG. CILMI:**

Is this going to stop puppy mills?

**MS. HOWARD:**

I think it's going to have a significant impact, because there are a lot of puppy mills -- there are a lot of pet shops in Suffolk County, there's a lot of pet shops in Nassau County. And I think that if Suffolk is brave enough to take the lead here, that other counties, and hopefully the City of New York, are going to follow suit, that's our hope. I mean, we're not just stopping with West Hollywood. I mean, if the City of Los Angeles passes it, I think it's going to really be an inspiration for all the large cities and counties across this country.

**LEG. CILMI:**

So do you agree that there's roughly 30 pet shops in Suffolk County --

**MS. HOWARD:**

Yes.

**LEG. CILMI:**

-- that sell puppies?

**MS. HOWARD:**

Yes.

**LEG. CILMI:**

And we've heard from, I don't know, two or three or four here today that swear that they're, you know, purchasing their puppies from the most reputable of sources. Do you believe them? And are there others in Suffolk County that are -- that are purchasing their puppies from reputable sources? And is there some other way to get at those who are abusing animals and those who are selling animals that have been abused without, you know, sort of affecting those that are doing the right thing?

**MS. HOWARD:**

We look at a couple of things. First of all, you want -- also want to look at yours shelters, and I recommended that a study be done of every single shelter in Suffolk County. I want to know how many dogs and how many cats are going into those shelters every year and how many make it out alive. We can't justify the number of animals being killed, that's one issue. If people continue to buy animals, animals are going to die in shelters, there's no way around that. And don't say there are no puppies, because there are plenty of litters of puppies and mothers put down every single day in the south that can be brought up here. In fact, there are rescues that transport them.

**LEG. CILMI:**

I'm sure, but if you could just stick --

**MS. HOWARD:**

Yeah.

**LEG. CILMI:**

-- to the question that --

**MS. HOWARD:**

Right. I challenge the people that have pet shops that say they buy from reputable breeders to show me their records. And if their dogs come from the Midwest, even if we haven't investigated, I guarantee you there's going to be a USDA inspection report that's going to show some violations. Also bear in mind that CAPS is behind the Office of Inspector General report, a scathing 69-page report, that condemns APHIS Animal Care. That's the agency responsible for inspecting and enforcing the Animal Welfare Act. So because a place doesn't have any USDA violations doesn't mean it doesn't have violations. We've been there a day, or before or after an actual inspection where our investigators, who know the Animal Welfare Act inside and out, have found numerous violations. So just saying these places are federally inspected doesn't mean that they aren't inhumane and they don't have violations.

**LEG. CILMI:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator Cilmi, thank you. Thank you very much.

*(\*Applause\*)*

Ira Nierman.

**MR. NIERMAN:**

Hi. My name is Ira Nierman. I own Canine Corral Kennels in Huntington. I'm the -- my father was involved in this kennel, I'm involved in this kennel, and my kids are in involved in this kennel. We are -- I've been there since 1963. We do very little advertising. We have people come to us for their puppies because they got their last puppies from us and tell their friends to get their puppies from us. I believe that we have laws right now that could take care of the situation with the -- with the people who are selling bad puppies.

Right now, we have 23 registered people selling puppies on Long Island -- excuse me, Suffolk County. Out of these 23, if you only go back a year-and-a-half, there are 12 that have gone out of business. They've gone out of business because the public puts them out of business. When a puppy store has bad dogs, word travels fast. For every customer you satisfy, if you don't satisfy one, that's like selling, you know, 50 bad dogs.

Basically, what's happening in our Suffolk County, if you go back to 1963, there were very few kennels selling puppies. There was two in Suffolk County and there were several in the mall. The ones in the mall have gone out of business, and the two other ones are still around, Canine Corral Kennels being one of them. So I believe, between the public being number one putting these bad pet stores out of business, who are getting their dogs from irresponsible places, and number two, you now have an inspector that comes around to your store. This is -- so we already have the law in effect. And if this inspector comes to your place and if she says that you have a violation, and you don't do something about that violation, you are going to be closed down; New York State law, okay? So we have the laws.

And then we have the SPCA people who come around, and they are very good, because they know if they walk around your place and it's okay, it's okay, and that person is not really, you know, giving a complaint for a bogus reason. So I think that, you know, over the next year or two, I think that you'll have another three or four pet stores that are going to go out of business, not because you guys are going to pass any laws, they'll go out of business probably way before those laws. That's what I know. And if anybody has any questions, I'd love to answer them.

**P.O. LINDSAY:**

Legislator Cilmi has a question for you, and then Legislator Cooper.

**LEG. CILMI:**

Sir, you specifically mentioned a "she" who is responsible for inspecting pet stores.

**MR. NIERMAN:**

Yeah, Lisa Weisse, and then there's -- there's actually three, three shes.

**LEG. CILMI:**

There are three individuals, three women who inspect pet stores in Suffolk County?

**MR. NIERMAN:**

Right, right. And she -- Lisa Weisse is Suffolk County, and one other woman. And Lisa Weisse happens to be a vet tech, so she's very qualified.

**LEG. CILMI:**

Are those inspectors proactive in their activities, or are they reactive? In other words, do they wait for folks to call them and make a complaint on a pet store, or do they come out and periodically inspect pet stores? And are they concerned at all with where you're buying the pets from?

**MR. NIERMAN:**

Okay. So that was the two questions. The first question is that if they get a complaint, they come and check it out. Other than that, throughout the year they'll come out at least one time to give you -- and they don't let you know when they're coming to check out your facility, and to make sure that this facility is a place that you would want, you know, to have puppies in it. And if anything's wrong, they point out to you, you know, what is wrong, or if nothing's wrong, they just leave.

**LEG. CILMI:**

So we've heard folks say that there's about 30 stores in Suffolk County that sell -- you say 23. That's like a 20% difference. Where is the real number? I mean, where are you getting your numbers from?

**MR. NIERMAN:**

From the New York State Department of Agriculture.

**LEG. CILMI:**

Okay.

**UNKNOWN AUDIENCE MEMBER:**

You said 23 registered?

**MR. NIERMAN:**

Yeah, 23 that are registered. Everyone has to be registered to sell pets.

**LEG. CILMI:**

Okay. Thank you very much.

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

Legislator Cooper.

**LEG. COOPER:**

I wanted to ask you the same question that I asked one of the other pet store owners. Are you aware, again, that this resolution has nothing to do with the conditions at the pet stores, has nothing to do about whether they're good puppies or bad puppies, it has to do with the horrific conditions under which the mother dogs are bred in the puppy mills in the Midwest, Pennsylvania and down south? It's not about the pet store conditions, it's about the puppy mills. With all due respect, the opponents seem to be like slight of hand, you know, don't look here, look here, and you keep going back to the questions of conditions of the -- I'm sure you have a wonderful pet store and it's clean and nice conditions.

**MR. NIERMAN:**

You're in Huntington, right?

**LEG. COOPER:**

Yes. But that's not what this is about at all.

**MR. NIERMAN:**

Right.

**LEG. COOPER:**

It's about where the puppies that you sell, or source for, and the conditions of the large commercial breeding establishments that supply the vast majority of puppies sold at pet stores, and that's what we're trying to address. It's not the conditions of the pet stores, it's not the puppies themselves, it's the mother dogs and the horrible, horrible conditions under which they're bred.

**MR. NIERMAN:**

Right. The man from the SPCA let everybody know, and nobody was kind of talking about it afterwards, that we have such -- so many puppy mills in Suffolk County. This is -- he's documented it, okay? So we know it and we've -- you know, we're actively, only on complaints, allowed to go into these facilities. These puppy mills on Long Island are not selling dogs to the pet stores, they can sell dogs themselves to the public and get a retail price for it. So there are a lot of puppy -- lot of puppy -- quote, unquote, the word "puppy mill" comes out to be -- this is a word, now, nobody's brought up where the word come from. So the word "puppy mill" is like a place that's not a good facility, it's dirty, everyone shows you pictures of it, etcetera. So, when we're getting our dogs, we're not getting our dogs from puppy mills, we're getting our dogs from reputable breeders that have been dealing with us for many, many years. And we now are into the second generation of these people who are dealing with us. So there's a lady, Joyce Norton, and she deals with us and now we deal with her daughter, and, you know, this is how we get our dogs. And it doesn't pay --

**LEG. COOPER:**

And where are these breeders located?

**MR. NIERMAN:**

That particular breeder is located in Missouri.

*(\*Laughter\*)*

**LEG. COOPER:**

Thank you.

**MR. NIERMAN:**

That's -- some of the finest puppies you'll find that we get are from Missouri, and some of the crumbiest puppies that we've seen are from Long Island, Suffolk County. Thank you.

**LEG. COOPER:**

And, sir, but you're aware that the --

**P.O. LINDSAY:**

Come on, Legislator Cooper. Jesus.

**LEG. COOPER:**

Never mind. I'll --

**MR. NIERMAN:**

No. Please, please, please.

**P.O. LINDSAY:**

Yeah, I know you want to keep going on, all right, we don't want to. We've heard three hours of testimony already today. Come on.

**MR. NIERMAN:**

Yeah, but there's so many of them and there's so little of us. There's only 23 of us.

**P.O. LINDSAY:**

But you had ample opportunity to present your case. Okay? Thank you.

**MR. NIERMAN:**

Yes, I did. Thank you very much. Thank you for your time.

**P.O. LINDSAY:**

Alan {Glassher}. Alex? Did I -- Alan?

**MS. GALLACHER:**

Is it G-A-L-L-A-C-H-E-R?

**P.O. LINDSAY:**

Yes.

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

No. What's the first name?

**MS. GALLACHER:**

Asha, Asha Gallacher, A-S-H-A.

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

First name is Asha.

**P.O. LINDSAY:**

Huntington, right?

**MS. GALLACHER:**

No, Cutchogue.

**P.O. LINDSAY:**

Wrong person.

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

Different person.

**MS. GALLACHER:**

Okay.

**P.O. LINDSAY:**

Alan {Glassher}.

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

Glassberg, maybe. Could it be a "B", Glassberg?

**P.O. LINDSAY:**

Could be Glassberg. No? No? Okay. Justin Porter.

**MR. PORTER:**

I'll be brief. I want to thank Legislator -- the Legislators who are bringing this bill up; I fully support it. And I'd like to mention, at least my observations, that Missouri I think recently gutted laws to more or less make conditions a little more humane with their puppy mills. They had basically a vote, a popular vote that tried to make things better, and then the politicians basically gutted that. So I commend Legislator Cooper and Legislator Romaine for sponsoring this. Thank you.

**LEG. COOPER:**

Thank you.

*(\*Applause\*)*

**P.O. LINDSAY:**

Okay. Mary Cuzzo? Mary Cuzzo? No? Mary --

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

From Shirley.

**P.O. LINDSAY:**

From Shirley? I hope I got the right pronunciation. It looks like Cuzzo. No? Okay. Asha?

**MS. GALLACHER:**

Yay.

**P.O. LINDSAY:**

Asha, there you go.

**MS. GALLACHER:**

Okay. My name is Asha Gallacher, I'm from North Fork School for Dogs. We are a dog training company in Cutchogue. And Dawn Bennett and I would like to just let you folks know that we get the end product of these puppies. They come to us, these poor owners that buy from a pet store and -- a pet store and see that -- you know, that lovable little dog grows up to be this horrific, maladjusted poor creature that is neurotic, fearful, sometimes aggressive, because they were taken from their mothers from such a young age, usually five weeks, which is against the law. But it doesn't matter, because it's all about profit.

And these pet store owners, while I commend them for coming forward, they are here to support their business or here to support their livelihood, and their livelihood is based on these puppies, and so they're concerned -- and if you can hear the majority of where these dogs are coming from, these reputable breeders that they claim, they're all from Missouri, they're all from all these places, which is exactly what this law is trying to prevent, or trying to ligate and stop the blood flow of these animals coming from these places. We need to -- we need to do something to stop the blood flow of these dogs coming from Missouri from these puppy mills.

Reputable breeders, we've heard that a lot today, will not sell to puppy stores, because reputable breeders find puppy stores loathsome. And why on earth would they go to a puppy store when they can sell their own dog and cut out the middleman? Doesn't that make absolute sense? Why would they go to a middleman when they can get more profit? And also, their main objective is to make sure that these dogs go to the right owners. And to address what someone else said about these breed rescue organizations, the reason why they are so strict in rehoming these dogs is because they don't want the same mistake made. They don't want these dogs to wind up in shelters and be euthanized.

So I commend this bill. I thank you very much for putting it on the table, and we will be here to support you. As you can see, there's a bunch of us that are willing to support this. And thank you very much.

*(\*Applause\*)*

**P.O. LINDSAY:**

Barbara Maple. Barbara Maple. Barbara Maple?

**MS. MAPLE:**

A lot of the things that have been said are the things I was going to say, so I don't want to be redundant. So I'm just going over this very quickly to see how I can -- I don't think a whole state should be stereotyped. Just as, you know, they say in other states, all New Yorkers are thieves and

murderers, you can't stereo -- you can't stereotype a whole state.

I've been working with my breeders, two of them, for 15 years exclusively. They only do three breeds, that's all they did, except for crossing within them, which is the last five to seven years, I would say. They do not have any violations against them. They are in Missouri. However, I get the puppies, I don't get a lot, and my puppies are extremely healthy. I have many, many people that are professionals buying from me, and they're in immaculate environments, they're in my home, and I've been in business since 1983. I used to breed Yorkies, and I love my dogs more than life itself. Okay?

To my knowledge, I don't know of any of my dogs that have gone to shelters that I've sold throughout the years. I'm extremely careful who I sell to, and I screen everybody individually. I want to know if they have any other pets, what kind of pets, to make sure that what I'm selling is going to get along with them. I also want to know how many children they have, how old they are, do they work, how many hours are they gone. This all has to do with the success of the puppies going to the right homes.

I think that getting rid of all the pet stores on -- in Suffolk County is not the answer, because it will go to the wrong places. They'll hit Nassau County, they'll give them the market. And there's a lot of chain stores in Nassau County that sell puppies. They get from brokers like the Hunt Corporation, which should be closed down. I think that whatever dogs they are getting into the pet stores, they should be coming directly from a breeder, not from a broker. Okay? This way the breeder has to answer if there is any problems with the puppies, and then they can be closed down, if that's the case.

Like I said, I did have a lot of things I wanted to say, but it has been said. Now the Department of Agriculture does license us all in New York State, and the problem is they do not have the manpower, and they do need to negotiate higher standards, and that's where the Humane Society should be focusing, on the pet stores and where they're getting them from. This would eliminate a lot of problems. I do believe there should be a cap on how many puppies a pet store should have, and what type of breeds they should have, to eliminate a lot of problems of space. There should also be higher standards on the environment that the puppies are in; there aren't enough. When they come in to me to renew my license each year, and the questions that they ask, I look them like, "Can't you see all the other things that I do?" You know, like that's what's really important, not just the standard things that, you know, would be where a puppy just is able to survive. Okay? It's a matter of doing the right thing for them and making them comfortable and happy and good pets for people to carry on with.

So I don't feel it's necessary to destroy the businesses that have tried for so many years to do the right thing. And I think that perhaps increasing the licensing fee to the pet stores that are licensed would help, as far as following up on people that are in violation, and closing down the people that are getting them from brokers, and substandard breeders, instead of calling them puppy mills. You can call them puppy mills, but they're actually substandard breeders. Because just as the Suffolk County -- forgot the agency, but they were remarking on how all these places on Long Island have puppy mills or substandard breeders, and how many puppies were confiscated right here in our own backyard. So, before we allow all these people to capitalize on this, I think you should really work with the Department of Agriculture and see what can be done, since it is on a New York basis and not a local basis as far as enforcing the laws.

**P.O. LINDSAY:**

Okay. Ms. Maple, you're just about out of time, but Legislator Cilmi has a question for you.

**LEG. CILMI:**

Hi. Again, just a couple of quick questions for you, ma'am. Over here.

**MS. MAPLE:**

Okay.

**LEG. CILMI:**

Hi. So, just a little confused. Do you have a retail pet establishment, or do you sell out of your home or --

**MS. MAPLE:**

I have a retail pet establishment.

**LEG. CILMI:**

You do?

**MS. MAPLE:**

Yes.

**LEG. CILMI:**

Where is it located?

**MS. MAPLE:**

In Huntington.

**LEG. CILMI:**

And in the past two years, how many times have you been visited by the New York State inspectors to see what your facilities are like?

**MS. MAPLE:**

Twice.

**LEG. CILMI:**

Twice in the past two years?

**MS. MAPLE:**

Yes.

**LEG. CILMI:**

Are they announced visits, or are they unannounced visits?

**MS. MAPLE:**

Unannounced.

**LEG. CILMI:**

They're unannounced visits.

**MS. MAPLE:**

It's to renew the licensing.

**LEG. CILMI:**

Okay. And when you go through that renewal process, are they examining your pet store to see what sort of conditions the animals are in?

**MS. MAPLE:**

It's mainly -- there's a certain criteria that they're looking for as far as the housing of the pets, make sure they have enough, and clean environment, and that the food is kept in a container, that there's

signs posted, and that all the paperwork is in order, as far as health records and health certificates; and that all the things that are presented to the consumers, as far as the lemon laws and the rabies vaccination, etcetera, etcetera.

**LEG. CILMI:**

Would you be opposed to us requiring you, as a pet retailer, to distribute to your customers a flier that would indicate on it the phone numbers of the pet inspectors and other pertinent information that deals with the lemon law for pets and such with every sale?

**MS. MAPLE:**

Absolutely not, and I would not oppose to it. And we do give them paperwork for the lemon law. It's part of the requirements from the Department of Agriculture.

**LEG. CILMI:**

So you're required to give them paperwork with respect to the lemon law.

**MS. MAPLE:**

Yes.

**LEG. CILMI:**

Does that paperwork necessarily have on it a phone number that they can call to complain about conditions within the store or their pets specifically?

**MS. MAPLE:**

I'm not sure.

**LEG. CILMI:**

Okay.

**MS. MAPLE:**

But we do have our license posted --

**LEG. CILMI:**

Yep.

**MS. MAPLE:**

-- with the Department of Agriculture on it.

**LEG. CILMI:**

Okay.

**MS. MAPLE:**

You know, as far as anybody complaining, I really am just -- I just don't get them, you know, and I've been in business for 15 years. It's a very personal level. We live there, puppies are on the main floor. There's two little nurseries, they're in cribs. I mean, I can't do anymore, except for go home and take care of the puppies myself with the consumer.

**LEG. CILMI:**

Okay. Thank you very much.

**P.O. LINDSAY:**

Thank you, Ms. -- come on, Jon.

**LEG. COOPER:**

Just to clarify, where are you sourcing the puppies from that you sell?

**MS. MAPLE:**

My breeder, or two breeders, and one just retired recently, is from Missouri.

**LEG. COOPER:**

Okay. Thank you.

**MS. MAPLE:**

But that's not right to stereotype an entire state. It's not right.

**P.O. LINDSAY:**

Thank you, Ms. Maple. I appreciate your --

**MS. MAPLE:**

Can I just add one more thing? I just got a second breeder because I needed an extra one, because I only have one breeder now in North Carolina. I got in the car -- well, I flew down there, went to the breeder's home, inspected it, made sure the puppies were healthy, looked at the documentation, and brought them back with me. Right now, she doesn't have any other puppies born. So now I have two breeders that I'm working with on a very small basis. We only do three breeds. And, you know, for me to close up because of the abuse -- and I do agree, I do agree that it has to be stopped, the abuse of the mothers and the puppies in the puppy mills, and the over-breeding, and the brokers, and the Hunt Corporations, I do agree with that.

**LEG. COOPER:**

Okay.

**MS. MAPLE:**

And if they can do something about licensing --

**P.O. LINDSAY:**

Okay. Thank you, Ms. Maple.

**MS. MAPLE:**

Okay.

**P.O. LINDSAY:**

You've said it all. Okay? Thank you.

**MS. MAPLE:**

I know, but I'm very emotional about this.

**P.O. LINDSAY:**

Thank you. Thank you. Please.

**MS. MAPLE:**

You're welcome.

**P.O. LINDSAY:**

That's all the cards I have on this subject.

*(\*Applause\*)*

Is there anyone else in the audience that would like to speak on this subject? Please come forward and identify yourself. I'd really appreciate it if it's something that hasn't been said already.

**MS. O'CONNOR:**

Hi. My name is Melissa O'Connor. I wasn't planning on speaking today. I've been involved in the pet industry for over 12 years, I'm also a special education teacher. I own four dogs, two of which are from a pet store, one is from a private breeder, and one is from a rescue. I have recently tried to adopt a dog through a rescue, in which case I was denied because I have a dog that's not spayed at home. My dog that's not spayed at home is not spayed because of the breed she is, and it's life-threatening for her to be under anesthesia. But I was denied to adopt a dog because of that. My reason for mentioning that is because, from being in the pet industry for 12 years, I would say every week if there was ten customers that bought a dog, at least half of them went to an adoption agency and were denied, and they were denied because maybe they had children. They were -- some people were denied because they had a dog that they had to put down and didn't go into the room when the dog was put down. There were people who are denied because they work. So people do want to adopt dogs, but it's made very difficult for them to adopt dogs. I don't think a pet store is any competition for an adoption agency. What people pay to buy a dog at a pet store is triple what they're going to pay at an adoption agency or a shelter. So the reason shelters are overfilled and adoption agencies are overfilled, yes, maybe it's because owners can't keep their dogs, but it's also because they're unwilling to adopt these dogs out to people to begin with.

*(\*Laughter From Audience Member\*)*

You can laugh, but it's true, because I've experienced it. I've heard customers every single day with the same exact story.

Like I said, I wasn't expecting to talk today, but just a few things that I wanted to discuss that had been mentioned. An officer earlier mentioned Yuppy Puppy, how there was a basement. I worked for the man who owned Yuppy Puppy. There was no basement ever in Yuppy Puppy, now was Yuppy Puppy ever closed down. It was privately sold on an individual decision to another worker, it was never closed down.

I would also like to see where's the exact proof linking the puppy mill to the Long Island pet store? We all know there is puppy mills. We've all seen the horrible pictures, we've all heard the horrible stories, but where is the proof directly linking a puppy mill to a pet store on Long Island? It's all speculation at this point.

**AUDIENCE MEMBER:**

You can watch the videos on it.

**MS. O'CONNOR:**

Yes, we can watch the videos. So are these videos of pet stores on Long Island? I'm just wondering, are those videos showing puppy mills --

**P.O. LINDSAY:**

No, wait a minute. I'm not going to allow any cross-talk. Whoever's talking in the back, if I find out who it is, I'll ask you to leave the auditorium. Please finish, ma'am.

**MS. O'CONNOR:**

So my point is, is videos and pictures, are those pictures directly from dogs from pet stores on Long Island? There are rules and laws that are in place by the USDA, by New York State, by every state in the United States. So are we attacking the pet stores that follow these rules? Why don't we start where these rules aren't being enforced and enforce those rules? Everybody wants a pet to be taken

care of, everybody wants animals to be in good conditions. Nobody goes into the pet industry because they don't like animals. I love animals. The point is, enforce the rules and the laws that are already there.

When a dog comes to a pet store, that dog has to be inspected by a veterinarian before it arrives to the pet store and have a clean bill of health. When it gets to the pet store, it is also inspected by a veterinarian. The pet stores I have worked at has veterinarians that come there on a weekly basis multiple times a week inspecting these dogs, the same dogs that were inspected before they left whatever state they came from. I've entered dogs in from every state in the United States, as well as other countries.

So people are getting these dogs from all over the country, it's not just Missouri, it's not just the Midwest, and some of the worst breeders you find are on Long Island. So, if you're going to close down pet stores in Suffolk County and force them only to buy from breeders in Suffolk County, then like what was mentioned before, you're going to just have people backyard-breeding in Suffolk County, and is that a reputable breeder because they breed at their home in Suffolk County? No, that doesn't make them a reputable breeder. But now you're going to force people to breed dogs at home in their backyard that have no experience, have no vet, have nobody to inspect these dogs.

So my question is, I understand the point behind this law, but is it directed at the right facilities? Because pet stores are doing -- if a pet store did not follow the rules and laws, they would be closed down. They come in multiple times a year unannounced, and if they didn't follow the law, they would be closed down. They have to keep records, they have to keep vet records, and they have to keep breeder records.

And as far as the customer who bought a dog from Sportsman, every customer is entitled, even if they don't buy a dog, they are entitled by law to have the breeder information to bring it home and research it. We are not here -- we don't have to force you to pay attention to the paperwork you have to sign, that's not our job as a pet store. But we give all that information to you and you should be responsible to look it over before you leave.

**P.O. LINDSAY:**

Thank you very much.

*(\*Applause\*)*

Is there anybody else that would like to speak on this subject? Please, come forward.

**AUDIENCE MEMBER:**

Are you allowed to add something?

**P.O. LINDSAY:**

You can't speak a second time.

**MS. MC GUINNESS:**

Good evening. My name is Therese McGuinness, and I had intended to speak in the evening at the next hearing, but upon listening to the young woman who got up and spoke, where she said the pet store operators are -- the majority of the pet store operators are animal lovers and whatnot. I'm here to support this legislation. And I'd also like to enter into the record, this is a public document from the Town of Brookhaven about one of our local pet store operators. This document is a DL41. This is a dangerous dog complaint that was issued in 2006. The following complaint is about our local pet store owner and operator. It says very clearly here that on a complaint of a tenant, the Animal Control went to this -- to this -- to this home, accompanied by a security officer. "When we arrived, I saw wild-eyed brown male Rottweiler tearing apart a cat. As I attempted to

walk toward the residents of the local pet store owners, the dog came toward me, barking and growling ferociously. Afraid, I returned to the security truck fearing that their two other dogs might have been loose. I honked the horn and the owners came out and dragged the Rottweiler inside. It landed in the back of the truck. They tossed the dead cat at the officer and myself and it landed in the back. This is an ongoing problem with these residents."

This document here makes it very, very clear that there are individuals in this business who have no right to operate any business or any facility selling animals in Suffolk County. I will make all of this -- these are pages and pages of complaints against the owners of a local pet store operation, including the photos of all of the shredded animals. These are the owners of a local pet shop.

So I think it is very important that you take a look at the individuals who are selling these animals. I think anyone with a background like this, with documentation and photos, should be put out of business today. Thank you very much, and I thank you, Mr. Cooper.

**P.O. LINDSAY:**

Thank you.

*(\*Applause\*)*

Is there anybody else who would like to talk? Seeing none, Legislator Cooper?

**LEG. COOPER:**

Motion to recess.

**P.O. LINDSAY:**

Oh, my God.

**LEG. COOPER:**

Sorry. I'll be making a revision to the resolution.

**P.O. LINDSAY:**

Okay. Motion to recess. Do I have a second?

**LEG. SCHNEIDERMAN:**

Second. I'll second.

**P.O. LINDSAY:**

A second by Legislator Schneiderman.

**LEG. COOPER:**

Thank you, Jay.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Montano, Nowick and Stern)

**P.O. LINDSAY:**

Okay. *I.R. 1546 - A Local Law amending Chapter 260A of the Suffolk County Code pertaining to demonstrations at funeral services (Stern)*. I have no cards on this subject. Is there anyone in the audience that would like to talk on this subject? Nobody wants to talk on demonstrations at funerals.

**LEG. BROWNING:**

Motion to close.

**P.O. LINDSAY:**

Legislator Stern?

**LEG. STERN:**

Motion to close.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

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

**P.O. LINDSAY:**

*J.R. 1547 - A Charter Law Utilizing Assessment Stabilization Reserve Fund Surpluses For Enhancing Sewer Capacity and County-Wide Taxpayer Protection (Co. Exec.).* and I have Henry Tobin. Mr. Tobin, are you still here?

**MS. GELLERSTEIN:**

No, he's not here, he's gone.

**P.O. LINDSAY:**

He left?

**MS. GELLERSTEIN:**

Yes.

**P.O. LINDSAY:**

Okay. Mr. Tobin, I'm sorry, is the Village of Northport Deputy Mayor. He wanted to talk about this important subject. Is there anybody else in the audience that would like to speak on this subject? Seeing none, I'm going to make a motion to close.

**LEG. CILMI:**

Second.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

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

**P.O. LINDSAY:**

*1549 - A Charter Law to expand permissible uses of Assessment Stabilization Reserve money to fund sewers and nitrogen removal septic systems (Horsley).* And Henry Tobin wanted to speak on that as well, and I'm sorry you're not here. Legislator Horsley.

**LEG. HORSLEY:**

Motion to close.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

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

**P.O. LINDSAY:**

***1555 - A Local Law further extending First Time Homeowner County Property Tax Exemption (Co. Exec.).***

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

Bob Wieboldt was here.

**P.O. LINDSAY:**

No, but he signed up for 66, he didn't sign up for that. Okay? So I don't have any cards on this subject. Is there anyone in the audience that would like to speak on 1555? Yes, there you are, Bob, come forward.

**MR. WIEBOLDT:**

I'm Bob Wieboldt, consultant to the Long Island Builders Institute, representing the Long Island Builders Institute in this matter. I wasn't prepared to talk on it, but I'd like to remind the County Legislature, those who have been around a while, LIBI was very instrumental in initiating this legislation in the beginning and urging the County to do it. What it does is provides for first-time home-buyers who meet the SONYMA statewide income standards and property sales price limits, the ability to achieve a graduated real property tax abatement. Basically, a municipality gets whatever it got on the lot before the home was built, and the home is then assessed over a period of, I think, about seven years at about 50% of assessment. It has to be approved by each taxing jurisdiction. And, of course, the impact on the County, because of its small fraction of the taxpayers' bill, is small. But this law expired last year, the Legislature just let it lapse, and LIBI and other groups, the affordable housing groups, the partnership and everybody got the Legislature to put it back into place so that it would be necessary to extend it again because of the lapse in Albany, so we support it.

**P.O. LINDSAY:**

Bob, Legislator Viloría-Fisher has a question for you.

**MR. WIEBOLDT:**

Sure.

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

Actually, I didn't realize that it had expired. We're extending it with all of the provisions that it had, that the homeowner has to stay there a certain number of years, right, and all of those provisions?

**MR. WIEBOLDT:**

No change in the law itself.

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

Okay.

**MR. WIEBOLDT:**

It would just extend the applicability.

**P.O. LINDSAY:**

Bob, why don't you stay there, because you have a card on the subsequent reso. Okay?

**MR. WIEBOLDT:**

I'll just get my file. I'll be right back.

**P.O. LINDSAY:**

Motion by Legislator -- let me find out, does anybody else want to speak on this subject?

**MS. TYSON:**

Hi. Lisa Tyson, Long Island Progressive Coalition. I've been here like nine hours. Might as well say yes, we support this legislation. Even though, you know, the housing market has changed, people desperately need affordable housing. First-time home-buyers are having a much harder time getting credit right now, so they need this desperately. Thank you.

**P.O. LINDSAY:**

Okay. You want to make a motion to close?

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

Yes.

**LEG. ROMAINE:**

Yes.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. *1556 - A Local Law in relation to disposition of auction properties (Co. Exec).* And I don't have any cards. Brendan, you want to talk on this? No.

**LEG. BROWNING:**

Motion to recess.

**P.O. LINDSAY:**

Motion to recess.

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1566 - A Local Law to require Legislative approval of major water management policy initiatives (Cilmi).* And, Bob, this is your card. Bob Wieboldt.

**MR. WIEBOLDT:**

Thank you, Mr. Chairman, and members of the Legislature. I'm going to enter into the record a statement prepared by Mitch Pally, the CEO of the Long Island Builders with respect to this proposed law to require Legislative approval of major water management initiatives, and urge its enactment.

The Suffolk County Department of Health has recently published for comment a draft Suffolk County comprehensive Water Resources Management Plan. This plan is the first major look at issues involved since the 1980's. After final review by DOH, far-reaching water quality preservation policies may be implemented. Some of these will be based simply on informal administrative approaches, some by agency rule-making, and some by amendments by the Board of Health to the Sanitary Code. All will bypass the Legislature as it is now formulated.

LIBI recognize the importance of protecting water quality of the sole source aquifer we all share, and accepts the need to improve regulation. My comments today are in no way directed at the substance of the DOH comprehensive plan. LIBI is most concerned about the process in which some plans will be implemented. These plans will affect the economic health of the County, its future growth, public and private infrastructure costs within areas of the County, and even the settlement options of its residents.

Among the potential effects of the proposed planning policies are several: The substandard lots grandfathered by the 1980's recommendations that increase lot sizes throughout the County may be subject to more stringent standards. Maximum allowable densities of all groundwater management zones over time will be increased from half acre to one acre. Future sewage treatment facilities may be restricted within a 50-year subsurface time of travel to groundwater well heads and 25 years to surface water. Future industrial processes may be limited in certain areas. Operation and maintenance requirements for existing, as well as new, treatment facilities may require significant upgrades. The creation of sewage district disposal systems in areas where they're not there now, and requirements that all existing homeowners inspect, maintain and improve the operation of their existing septic systems are all on the table.

LIBI believes that the ramifications of DOH policy shifts should be thoroughly aired by a body charged with the general health, safety and welfare of the County. DOH does not have the comprehensive mandate to examine all the many impacts of the proposed policy changes. Indeed, such an inquiry has been largely absent from the planned development process. But the selection, the prioritization, the timing of increased protection alternatives, along with practical limitations and precipitous action, also need to be addressed. Such an inquiry is best left to an elected body. This Legislature has over the years taken many worthwhile and balanced approaches to substantial issues after a full airing of the implications. We believe that Suffolk County Legislature must have this responsibility and will only be able to exercise it if this bill is passed.

**P.O. LINDSAY:**

Thank you very much, Bob, I appreciate it. Thank you. Is there anybody else who wants to say anything on this subject? Seeing none, Legislator Cilmi?

**LEG. CILMI:**

Motion to close.

**P.O. LINDSAY:**

Motion to close.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. That completes the Public Hearing for today. I would like to waive the rules --

**MR. NOLAN:**

Not waiving the rules.

**P.O. LINDSAY:**

Oh. We're going to set the date for the following Public Hearing, August 2nd, 2011, 6:30 p.m., Rose Caracappa Auditorium, Hauppauge, New York:

***I.R. 1315 - A Local Law to limit the restraint of pets outdoors (Romaine).*** Do I have a second?

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. Back to the agenda, which was a million years ago. Let's go to Page 8, Tabled Resolutions.

#### **TABLED RESOLUTIONS**

***1002 - 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 by Legislator Cooper.

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

Second.

**P.O. LINDSAY:**

Second by Legislator Vilorina-Fisher. Is there anybody on the question? Okay. I have a motion and a second. All in favor? Opposed?

**LEG. KENNEDY:**

Opposed.

**P.O. LINDSAY:**

Opposed.

**MR. LAUBE:**

Legislator Kennedy?

**LEG. ROMAINE:**

Opposed.

**MR. LAUBE:**  
Legislator Romaine.

**P.O. LINDSAY:**  
Opposed.

**LEG. MURATORE:**  
Opposed.

**LEG. MONTANO:**  
Opposed.

**LEG. NOWICK:**  
Opposed.

**P.O. LINDSAY:**  
Opposed, opposed. One, two, three, four. You want a roll call?

**LEG. ROMAINE:**  
Yep.

**P.O. LINDSAY:**  
Yeah, roll call. Flying ice bill.

**MR. LAUBE:**  
Ready?

**P.O. LINDSAY:**  
Go ahead.

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

**LEG. COOPER:**  
Yes. On the first day of summer, voting for this after six years.

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

**LEG. D'AMARO:**  
Yes.

**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. BROWNING:**

Pass.

**LEG. SCHNEIDERMAN:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. BROWNING:**

Yes.

**MR. LAUBE:**

Thirteen.

**LEG. ROMAINE:**

How about me?

**MR. LAUBE:**

Sorry. Legislator -- I called you. You said no, didn't you?

**LEG. ROMAINE:**

Yes -- no.

**MR. LAUBE:**

No.

**LEG. MURATORE:**

Muratore said no also. Tim, you didn't call me. You didn't call Muratore, I don't think.

**MR. LAUBE:**

I got a no of you. Oh, I know -- no? Montano?

**LEG. MONTANO:**

If you change it any time, put yes. If not, don't worry about it.

**MR. LAUBE:**

Thirteen.

**LEG. COOPER:**

Thank you very much.

**LEG. BROWNING:**

Bill.

**P.O. LINDSAY:**

Yes.

**LEG. BROWNING:**

Could we go back to the resolutions -- sorry, the Public Hearings that were tabled? I made a motion to recess 15 -- I can't see the number. Is that 1555? Sorry. Okay, sorry. It was 1556. I'd like to make a motion to reconsider.

**MR. NOLAN:**

Public Hearings.

**LEG. BROWNING:**

It's in the Public Hearings, Page 3.

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

Auction properties.

**LEG. BROWNING:**

Yes.

**P.O. LINDSAY:**

I mean, we have a chance to open it again at the next meeting. Whatever you want to do. You want to make a motion to reconsider the recess of the Public Hearing on I.R. 1556. Do I have a second to reconsideration?

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. 1556 is before us.

**LEG. BROWNING:**

I'll make the motion to close.

**P.O. LINDSAY:**

Motion to close.

**LEG. MURATORE:**

Second.

**LEG. COOPER:**

I'll second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

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

**LEG. BROWNING:**

I'd like to make a motion to approve.

**P.O. LINDSAY:**

Motion to approve. Do I have -- second by Legislator Muratore. Okay.

**LEG. BROWNING:**

And, Bill, on the motion. I know that there was --

**P.O. LINDSAY:**

Go ahead.

**LEG. BROWNING:**

There were some questions. Detective Sergeant Busweiler was here. I know some people had some questions for law enforcement. If you would indulge and allow him to come up. There were some questions as far as law enforcement is concerned on the issue. He's been sitting here pretty much most -- all afternoon. I --

**P.O. LINDSAY:**

Do you have questions for him, Legislator Browning?

**LEG. BROWNING:**

Yes, I do.

**P.O. LINDSAY:**

Okay. Please come forward, Detective.

**DETECTIVE SERGEANT BUSWEILER:**

Good afternoon everybody.

**LEG. BROWNING:**

Thank you.

**DETECTIVE SERGEANT BUSWEILER:**

I got in before "good evening."

**LEG. BROWNING:**

You know, there's been a few questions. One that I had heard is about law enforcement trying to make a grab, a power grab. I'd like you to respond to that. And also, the Brennan Center, there was some comments that were sent to all of us on that. Can you respond to any of those comments?

**DETECTIVE SERGEANT BUSWEILER:**

I can certainly respond to the first one. As far as Law Enforcement's interest in this bill is --

**LEG. MONTANO:**

Speak louder.

**P.O. LINDSAY:**

Detective, if you could move the mic up, because we're having a problem with the acoustics today, and speak right into it. That would be wonderful if you took it out of there. There you go. Thank you.

**DETECTIVE SERGEANT BUSWEILER:**

How is that? Okay. I can certainly address the first issue; I'm not sure about the second. But the first issue, as far as Law Enforcement's interest in the bill is, I think our interest mischaracterized by certain people. We're not looking for anything extra, what we're looking for is equal treatment. For 100 years post paid phones, both cellular and land line based, have evolved over the course of time, both during judicial and -- with judicial and Legislative oversight to the point of what Law Enforcement is allowed to do, reference getting information as regards to phone activity, subscriber activity, things like that.

Pre-paid cell phones have only been in existence since the early '90s. They currently represent approximately 30% of the cell phone market. And by their own admission, the cell phone providers will tell you that it's the fastest growing segment of their total market. And the -- what we're looking for is to bring that 30% into line with what currently exists with the existing 70% that has a long hundred-year history of evolution that's been reviewed by the Judicial and the Legislative Branches of government throughout this whole country. We're not looking for something special, we're looking for it to be brought into line with bodies such as this have done with post-paid cell phones, post-paid land line based phones.

**P.O. LINDSAY:**

You have other questions, Legislator Browning? No? Legislator Schneiderman, you have a question of the Detective?

**LEG. SCHNEIDERMAN:**

Oh, yeah. Right now, the way the bill stands, there's two forms of I.D. that are required. You know, a single I.D., a single photo I.D., wouldn't that serve the same purpose? Explain why there needs to be two forms of I.D., because, typically, you know, all the other things that we ask for I.D. for, whether it's cough medicine or alcohol, cigarettes, it's typically one form of I.D.

**DETECTIVE SERGEANT BUSWEILER:**

I'm not sure the exact reasoning or genesis behind that. What I'll say to you reference that is that, again, what we're asking for is the same treatment as post-paid cell phones, post-paid land line based phones. You cannot get either one of those with just one form of I.D.

**P.O. LINDSAY:**

Legislator Muratore, you had a question?

**LEG. MURATORE:**

Yes. Sarge, how are you?

**DETECTIVE SERGEANT BUSWEILER:**

Good. How are you doing, sir?

**LEG. MURATORE:**

Good. Question: Do you think the cell phones are used a lot by the drug dealers in -- you know, furthering drug addiction and drug use in the County? And is there going to be a better -- is this going to be a tool you can use something to fight the drug problem we have here in Suffolk County?

**DETECTIVE SERGEANT BUSWEILER:**

Yes, sir, absolutely. Not only is it a tool used by drug dealers, it's a tool that's used by many, many criminal elements. It provides anybody that's using it a pretty good level of anonymity. As we spoke about before, if we have a case that involves a pre-paid cell phone, it's pretty much a deadened investigatively. Once we request the records for that, we do not know who owns the phone, we don't have the subscriber information. As you know, from being on the job, we can get the toll records, but we're not going to get the subscriber information, and that is the single most important piece of information reference a phone is the subscriber, who owns the phone, not who he's calling. It will definitely help us in our investigations and way beyond just drug dealing.

**LEG. MURATORE:**

Including, you know, with everything that's happening to the Department, you know, where so much is being taken away, with a little piece of paper, we can give you a tool here that will really make you make -- do the job easier and better.

**DETECTIVE SERGEANT BUSWEILER:**

Yeah, absolutely. That's what we're looking for, we're looking for a resource, and we're not looking for something special. We're looking for you to bring these phones in line with what's evolved over 100 years of Judicial and Legislative review, that's all we're asking.

**LEG. MURATORE:**

And I don't think it's going to affect the budget, I don't think it's going to cost any money.

**DETECTIVE SERGEANT BUSWEILER:**

I can't speak to that, sir.

**P.O. LINDSAY:**

Legislator Viloría-Fisher, and then Legislator Schneiderman.

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

Thank you for being here, and I understand your arguments. However -- or your position, I should say. However, if somebody goes out and shoots something, it's usually not with a gun for which they've registered and two forms of I.D. And I think if criminals are going to be using cell phones for criminal activities like drug deals, they're probably not going to be the people who are going to show two forms of I.D. and register when they get that cell phone. They're probably going to get that cell phone the same way they're getting their drugs, which is in an illicit manner; Wouldn't that generally be the M.O.?

**DETECTIVE SERGEANT BUSWEILER:**

I think there's a little bit of validity in what you're saying there, but I think the more obstacles we put in people's way, the harder we make it for them. We shouldn't be enabling them to conduct their business.

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

But, you know --

**DETECTIVE SERGEANT BUSWEILER:**

And, obviously, the bigger picture -- I mean, I can relate that argument that you're talking about to the gun laws. You know, we have very tough gun laws here in New York State. Should we reduce

them to the level of Georgia or one of the states, you know --

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

Then are you saying that phones are weapons?

**DETECTIVE SERGEANT BUSWEILER:**

Well, I'll say --

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

Okay. I don't equate them to gun laws, because I don't believe telephones are weapons. And you earlier said something about 100-year-old tradition and evolution. Didn't -- couldn't criminals have used in the past generation, before cell phones, public telephone booths?

**DETECTIVE SERGEANT BUSWEILER:**

Yes, they could.

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

And that would have given you the same information that a throw-away phone would give you now, the location from which the call came.

**DETECTIVE SERGEANT BUSWEILER:**

That's correct.

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

So I would equate these non-contract cell phones to the phone booth of the past.

**DETECTIVE SERGEANT BUSWEILER:**

Okay.

**P.O. LINDSAY:**

Legislator Schneiderman, and then Kennedy, and then Browning.

**LEG. SCHNEIDERMAN:**

Again, on the issue of two forms of I.D., you said before that the rationale was to make it equal with regular phones or regular cell phones. But what I was really looking for was the law enforcement answer. I mean, is there a reason, in terms -- the idea here is to give law enforcement a tool so that they can track the individual who purchased that phone. Is there a reason why two forms of I.D. -- one form, one photo I.D., like a license, wouldn't that be enough to at least give you a picture of the person who purchased that phone? I think it's kind of a critical issue, because I think, you know, there was some concern about some people who may not have two forms of I.D., might, from an economically -- you know, economic standpoint may not be able to produce that, yet we're shutting them out of this market. Would Law Enforcement be able to still have a potent tool with just one photo I.D.?

**DETECTIVE SERGEANT BUSWEILER:**

Well, obviously, if it's a good I.D., yes. Okay? But I think the rationale behind two forms of I.D. is that it's harder to fake two forms of I.D. than it is one, I think. Again, I don't know the genesis of the -- or the --

**LEG. SCHNEIDERMAN:**

If you're going to fake one, I guess you could fake two as well.

**DETECTIVE SERGEANT BUSWEILER:**

A little harder, sir.

**P.O. LINDSAY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. And thank you for being here, Sergeant. I was initially concerned with this bill, and the sponsor did do a significant change to put the impartial entity in between, as far as the subpoena aspect to access the information. But I did -- many of us have focused on the use of the cell phones in illicit drug trade. But I believe that there's also an element of use of phones in the terrorist activities. And a cell phone, from the little bit that I've seen or read, actually can be an instrument that's utilized in some significant mayhem. It can be an element in a bomb, can't it?

**DETECTIVE SERGEANT BUSWEILER:**

Yes, sir, it can be the triggering device for an explosive, yes, that's correct.

**LEG. KENNEDY:**

So, to my way of thinking, that yet another reason why in this time that we're in right now we would want to be able to give you folks as much opportunity to have identifying information in order to thwart that in the first instance or to check out, that's all. Thank you.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

I just wanted to respond to Legislator Schneiderman's question about the two forms of I.D. I think, as I've studied this a little bit, that -- so this doesn't become a documented or undocumented, or whatever kind of law, I think for your child to enroll in a school in New York, you have to show two forms of I.D. It could be a lease agreement and something else, any other kind of thing with your name, it doesn't have to be a photo I.D. So I think that was just trying to make it a standard type of thing, so -- and I don't think that's too difficult to get a bill with your name on it, so.

**P.O. LINDSAY:**

Legislator Montano. Does anybody have any other questions for the Detective, or do we want to just --

**LEG. MONTANO:**

Yeah, I just --

**P.O. LINDSAY:**

Okay. Go ahead.

**LEG. MONTANO:**

Just a very -- very quickly. Just for informational purposes, do you know how many establishments in Suffolk County sell these pre-paid cell phones?

**DETECTIVE SERGEANT BUSWEILER:**

No, sir. No, I do not.

**LEG. MONTANO:**

But I imagine that it's numerous, is it not? They're sold in bodegas, they're sold in 7-Elevens, they're sold all over the place; am I correct?

**DETECTIVE SERGEANT BUSWEILER:**

That 's a very --

**LEG. MONTANO:**

Aside from Suffolk -- aside from Nassau and New York City, and, from what I heard earlier, online. So --

**DETECTIVE SERGEANT BUSWEILER:**

Yeah, that's a fair assessment.

**LEG. MONTANO:**

The question I have, then, is, with all of the issues that, you know, are surrounding some of the districts in terms of the killings, how do you -- how does your department intend to, if this were to pass, basically enforce it, get the word out to each of these establishments that this law is in effect and they're required to do that? Have you worked out a plan for that yet, or --

**DETECTIVE SERGEANT BUSWEILER:**

No, sir, I have not.

**LEG. MONTANO:**

Or do you have the manpower, the person power to actually go out there and get this -- it's going to be the responsibility of the Police Department, is it not?

**DETECTIVE SERGEANT BUSWEILER:**

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

**LEG. MONTANO:**

Excuse me?

**DETECTIVE SERGEANT BUSWEILER:**

I don't know the answer to the logistics of how the law is going to be enforced.

**LEG. MONTANO:**

Well, then maybe I can ask the sponsor. Do you know how it's going to be enforced?

**LEG. BROWNING:**

Well, I think -- well, first of all, the business owner has to notify the Police Department that they're selling the pre-paid cell phone.

**LEG. MONTANO:**

How are they going to know --

**LEG. BROWNING:**

And I think, like --

**LEG. MONTANO:**

How are they going to know to --

**LEG. BROWNING:**

Okay. Let me finish.

**LEG. MONTANO:**

-- to notify them.

**LEG. BROWNING:**

Well, I think what the police can do, which is done often, and I've done in my district when the businesses were selling bongs, and the police go out and randomly check to make sure that they are

not selling them illegally.

**LEG. MONTANO:**

So --

**LEG. BROWNING:**

Going back to 7-Eleven, we had a 7-Eleven store owner and a representative of 7-Elevens came here. I believe it was Jack that asked the question, "Well, how many do you sell in a week?" And he said, "Well, I sell about two or three a month." So we do have many of these stores that sell them and they say it's more out of convenience, but they make more money on the minute cards that fills the phone.

**LEG. MONTANO:**

Right. But, if I may redirect the question, my question simply is do you have a plan? Because I think we've stated that, or it's presumed and probably well-known that there are numerous, numerous establishments that are selling these pre-paid phones. So how are you going to get the word out to all of these establishments that they need to register with the Police Department; is that what we're saying? You know, do you have a plan in place, yes or no?

**DETECTIVE SERGEANT BUSWEILER:**

No, sir, I don't have a plan in place.

**LEG. MONTANO:**

Okay. Thank you very much, appreciate it.

**DETECTIVE SERGEANT BUSWEILER:**

No problem.

**LEG. BROWNING:**

I would like to answer. We also have nine months. If this bill passes, there's nine months before the data system can be finished and set up to allow us the time to do that.

**LEG. MONTANO:**

To do what, though?

**LEG. BROWNING:**

To do the notification and make sure --

**LEG. MONTANO:**

Well, who's going to do --

**LEG. BROWNING:**

-- that the message is out there.

**LEG. MONTANO:**

Who is going to do the notification?

**LEG. BROWNING:**

Well, clearly, the industry -- the industry doesn't want to do it. They haven't wanted to do anything about it.

**LEG. MONTANO:**

No. But, Legislator Browning, my question simply is who is going to do it? Is it going to be the Police Department that's doing this?

**LEG. BROWNING:**

I believe we can get them to do that.

**LEG. MONTANO:**

All right. But it's been stated that they don't have a plan to do this, and we don't know how --

**LEG. BROWNING:**

It's okay, we can work with them on that.

**LEG. MONTANO:**

Thank you very much.

**P.O. LINDSAY:**

Okay. Anybody have anything else for the Detective? Yeah, okay, Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you, Mr. Presiding Officer. Detective, thank you for coming here today. I understand that you view this as a tool, another weapon in your efforts to fight criminals.

**DETECTIVE SERGEANT BUSWEILER:**

Yes, sir.

**LEG. D'AMARO:**

And I agree, I think it would be a tool. But my question is, is it effective? Is it effective enough to warrant this type of -- or to pass this bill, when the flip side, we've heard a lot of testimony about victims of domestic abuse who might be put at risk, not being able to have two forms of I.D. to get a phone. We've heard about various segments of our population not having access to the proper I.D. in order to get to a phone. So there's a balance here to be struck. So what I want to ask you is how would you use this? How do you use this in your activities if you're investigating? How do you implement this?

**DETECTIVE SERGEANT BUSWEILER:**

Okay. Just to give you one example as it relates to domestic violence, let's, for the sake of argument, say that we have a woman who's claiming to be getting harassing phone calls from somebody. She's fairly sure she knows who it is, but she gives us the number. We're able to -- we're able to, you know, to get the number of the instrument. But now, from both an investigative and a prosecutorial perspective, it's going to be very, very hard to find out who, in fact, was making those harassing phone calls to that victim. And even if we do find it out, now we have to make a link from that person to that particular instrument.

**LEG. D'AMARO:**

Well, no, I think you misunderstood me.

**DETECTIVE SERGEANT BUSWEILER:**

Okay.

**LEG. D'AMARO:**

When we talk about victims of domestic abuse, I think the testimony we heard is that the victims themselves will not be able to have access to the phone. All right? So I'm talking more about -- we're talking more about, you know, capturing criminals. Not that the scenario you gave, it wouldn't be a crime, it would be. But just so it's a little clearer, we've been talking, let's say, like in an illicit sale of drugs, for example, okay, where someone is conducting sales over this phone. How does this help you?

**DETECTIVE SERGEANT BUSWEILER:**

Okay. Well, the first thing we would do reference a narcotics investigation, okay, let's just for the sake argument say one of our undercover agents makes a drug sale off of a person and he gives him the cell number, "Listen, if you need anymore stuff, give me a call." Well, usually on that first buy, we don't know who we're buying from, okay? It's an unknown subject, you're introduced to him, he's, you know, Joey, Joey's going to sell you some drugs. So the first thing that we would do in that kind of an investigation is, since we have his number, we now request a subpoena, subpoena the service provider to find out who the subscriber information is, who is paying the bill on that phone. Nine times out of ten, that's the person who's holding the phone. But even if it's not, it's certainly a lead to find out the identity of the person who's using that phone. Because let's, for the sake of argument, say it comes back to Mrs. Jones of 123 Main Street, and then we look in the database and we find out that she's '88 years old. Well, certainly, that wasn't Mrs. Jones that we purchased the drugs off of. But now we do some further research and we find out that Mrs. Jones has a son who's 40 years old and he sort of fits the description. So I'm not sure if I'm making myself clear.

**LEG. D'AMARO:**

Yeah. No, understand.

**DETECTIVE SERGEANT BUSWEILER:**

Essentially, it would just be, you know, falling back, piece by piece by piece, based on the initial subscriber information. If we don't have the subscriber information, we're at an investigative dead end.

**LEG. D'AMARO:**

Right. And what I want to ask you, then, is -- and I understand that rationale. Even though someone may steal a cell phone or appropriate someone else's phone, it might lead you in the right direction, I understand that. But in your investigations, how often do you hit the brick wall where it's one of these pre-paid situations.

**DETECTIVE SERGEANT BUSWEILER:**

Okay. Well --

**LEG. D'AMARO:**

Pre-paid phones.

**DETECTIVE SERGEANT BUSWEILER:**

I can't give you strict numbers, because my function in the Department is we handle all the requests to track phones that are pretty much known. We don't get a lot of requests out of my office to do work on phones that are not known. So, you know, those cases are intake by crime control and by the Precinct Detective Squads. We work with some of the major cases and things like that. I'm sorry. Could you just --

**LEG. D'AMARO:**

Well, no. You know, so you really don't, you yourself don't really deal with that on a daily basis where you're investigating these calls that lead to these pre-paid cell phones?

**DETECTIVE SERGEANT BUSWEILER:**

Well, no. That -- let me just rephrase that, then. We're finding it to becoming more and more --

**LEG. D'AMARO:**

Okay.

**DETECTIVE SERGEANT BUSWEILER:**

-- of our investigations. We're running into pre-paid cell phones more and more.

**LEG. D'AMARO:**

So criminals are aware that their phones can be traced.

**DETECTIVE SERGEANT BUSWEILER:**

That's correct.

**LEG. D'AMARO:**

Because they're going to the pre-paid phone.

**DETECTIVE SERGEANT BUSWEILER:**

Yes.

**LEG. D'AMARO:**

Well, if they're aware of that and they know that the police are now savvy enough or have the technology and the ability to get those records and find out who's using or buying that phone, if we require I.D., are those same criminals going to give, you know, their official driver's license when they buy the phone? I mean, they're already circumventing the law by using the pre-paid phone, knowing that they shouldn't use their own.

**DETECTIVE SERGEANT BUSWEILER:**

Okay. Well, I believe the philosophy behind the whole concept is, as long as somebody with good I.D. buys the phone, it's going to provide us with a lead. So, will the drug dealer himself not buy the phone? Possibly. Is he going to get a proxy to buy the phone for him? Maybe. But even he gets a proxy, now you've at least given me a lead. Let's say he gets his girlfriend to buy it. I have at least a lead to work backwards from, whereas if there is not subscriber information, we're at a dead end.

And if I can just add to that, there are constant adjustments on everybody's part, the bad guy and the good guy, in terms of the cell phone advances and things like that. I did ten years of Narcotics and one of the initial problems that we had with Nextel phones to Push-To-Talk, and they fought very hard to not allow us to wiretap the Push-To-Talk. And eventually, law enforcement was given that ability to wiretap the Push-To-Talk feature on a Nextel phone. Yeah. Was there an adjustment on their part? Yeah? But now they've gone back to using them. You know, they have to resort to using something. Okay? So will they get a proxy to buy a phone? Yeah, that's a possibility. But at least we'll have a workable lead, whereas, right now, with the anonymous phones, we have none.

**LEG. D'AMARO:**

A workable lead, but, if you know, how effective of a lead is that?

**DETECTIVE SERGEANT BUSWEILER:**

I couldn't give you a hard-and-fast under how effective it is. I can tell you this, it's better than anonymous. It's got to be better than anonymous.

**LEG. D'AMARO:**

Well, from a law enforcement perspective, it probably is. But again, you know, when I look at the balance here and the trade-offs of what some perceive as giving up, or there are negative aspects to imposing this type of legislation, you know, I'm not -- what I'm trying to get from you, and I'm having just difficulty putting into words, is, you know, if we put this on the books, is it a tool, is it a lead? Yes, it is. But just is it effective enough to warrant doing this when we have organizations telling us that, you know, victims of domestic abuse may not have access to phones and things like that? I'm trying to figure in my mind, is this an effective enough tool for you to catch, let's say, drug dealers, okay, where it warrants voting in favor of it, when the downside, there are many

downsides to putting this type of legislation on the books?

**DETECTIVE SERGEANT BUSWEILER:**

Yeah. My personal opinion, yes. My professional opinion, yes.

**LEG. D'AMARO:**

Well, but you can't really tell me how effective of a lead it is, though. That's what I'm trying to get at here. I want to make that value judgment myself.

**DETECTIVE SERGEANT BUSWEILER:**

Okay. If you're telling me that you've given me valid identification, I have a valid subscriber to the phone, okay; I think that's an invaluable lead.

**LEG. D'AMARO:**

I agree, sure.

**DETECTIVE SERGEANT BUSWEILER:**

Because I'm going to have somebody to go to talk to. I'm going to say to that person, "Who did you give that phone to?" And they're going to have to come up with some kind of believable excuse as to why they don't -- why they no longer have the phone, if somebody else is, in fact, using it.

**LEG. D'AMARO:**

Okay. I don't know how -- you know, the disconnect I have is that I don't see -- if someone's a criminal and they're aware that they're trying to circumvent the law, and they don't want to get caught, I just find it very hard to believe that the cell phone they're going to conduct business on when they go to buy it, they're going to give the proper I.D., or not some fictitious I.D., or something like that.

**DETECTIVE SERGEANT BUSWEILER:**

Well, the example that I gave you about the Nextel Push-To-Talk, again, the bad guys all know now that law enforcement has the ability to wiretap the Push-To-Talk feature. They stopped for a while. They've gone back to it because it's convenient for them to do that. You know, they have to conduct business somehow, they have to communicate and they will -- you know, if we put these laws in place, they're going to have to buy a phone. They're not going to stop using phones.

**LEG. D'AMARO:**

Okay. Thank you. I appreciate your perspective.

**P.O. LINDSAY:**

Okay. We've got a long, long list. Legislator Cilmi, you have a question for the Detective?

**LEG. CILMI:**

Yes. Hi, Detective. How are you. So explain to me exactly how this is going to work. Do all of these pre-paid cell phones have serial numbers?

**DETECTIVE SERGEANT BUSWEILER:**

I'm sorry.

**LEG. CILMI:**

Yes?

**DETECTIVE SERGEANT BUSWEILER:**

All those cell phones, every cell phone has what they call, and for a generic term, it's an EIN number, an electronic identification number, and that's the number that relates to the hand set.

**LEG. CILMI:**

So do you anticipate, then -- I mean, if a store owner sells a phone and the store owner opts -- and I'm not sure if this is the current state of the bill, but as I recall, the store owner has the option to either retain the record themselves or transmit the record to the Police Department, correct?

**LEG. BROWNING:**

(Nodded yes).

**LEG. CILMI:**

So, if the store owner opts to retain the record themselves, that EIN number is not available readily to the Police Department. Now, I can imagine if the Police Department was capturing all of these records, I would assume that the Police Department could somehow figure out how to -- how to -- how to digitize those EIN numbers, so that when you found a phone on a crime scene, for example, you could plug the EIN number into a computer and the information as to where that phone was purchased would pop up. But, if the store owners themselves are keeping those records, how are you going to trace the phone that you've purchased, or that you found, rather, back to a particular store?

**DETECTIVE SERGEANT BUSWEILER:**

Okay. I'm the tech guy on this end, so my understanding of it, and maybe Legislator Browning could fill you in a little bit, but my understanding of the bill would be that there would be a central database where, although the store owner would keep the paper copy, at some point in time, it would be entered into a centralized computer database, much along the lines of the current database that we use for pawn dealer, jewelry dealers. When you sell gold, you have to provide identification, and that's how we find out, you know, whether a ring or a watch, or something like that, who pawned it, who sold it.

**LEG. CILMI:**

If I may, then, ask the sponsor, is that -- if I was a store owner, could I just keep the records, the paper record of the identification myself, or do I have to enter it -- based on this bill, do I have to enter it into some sort of a database?

**LEG. BROWNING:**

No, you don't. If you -- you have an option. I spoke to some small franchise stores that sell -- like AT&T, Verizon type stores, and many of them keep those types of records for IRS purposes. And I spoke with them and they said it wouldn't be a problem for them to just add that to the records that they currently keep. That's why I put that in there, because they found it would be a little harder for them to submit it through a data system. Now, they do have a choice. If they want to submit it to the data system, they do have a time period where they can destroy the records. But again, law enforcement won't be looking for those records. The problem is, is that when you buy that cell phone in the store, they're not taking your information.

**LEG. CILMI:**

I understand.

**LEG. BROWNING:**

If you commit a crime with that phone, they can track it to -- sometimes maybe to that specific store or the group of stores that that batch was sent to, and once they get to that store, they can find the purchaser. So that's what those records would be for. However, they have to have a subpoena to get that record.

**LEG. CILMI:**

Right. But so my question, then, to -- again, to the Detective, is if the store owners are maintaining the records and not digitizing the records in any way, and there's a crime scene and a phone is

found, the detectives, I would imagine, would plug the EIN number into a system and see if the number pops up somewhere. In many cases, based on what I'm hearing, that number wouldn't pop up anywhere, because it doesn't necessarily have to be entered anywhere; is that correct?

**LEG. BROWNING:**

When they track that phone, they'll know the batch of stores or the store that it was purchased from. Then they can go to the store with their subpoena and get the records.

**LEG. CILMI:**

How do they do that? Do they -- who would you call to find out -- if you have an EIN number, who do you call to find out which store sold that phone with EIN number?

**DETECTIVE SERGEANT BUSWEILER:**

Okay. And we've done this already on other cases. Let's say for the sake of argument it's a Nokia phone, we would call Nokia and give them all of the numbers that are on the phone. And, like Legislator Browning said, for the most part, they're able to track that phone, at least to a region, a central place, a central wholesaler. We would then go to the wholesaler and say, you know, "Where did this phone go to?" And, for the most part, they should be able to tell us. You know, they might not be able to tell us the exact store, but at least whoever owns a series of stores, that phone went to that -- you know, to that retailer.

**LEG. CILMI:**

So, I mean, you could do that now, right?

**DETECTIVE SERGEANT BUSWEILER:**

Yes, that's correct.

**LEG. CILMI:**

And without this legislation you can do -- you can track the phone back to a specific store if what you're saying is correct.

**DETECTIVE SERGEANT BUSWEILER:**

Yes, that's correct, sir, and we've done that. But once we've gotten to the store, we're still at the dead end, because there's no subscriber information kept at the store.

**LEG. CILMI:**

Okay. Thank you.

**P.O. LINDSAY:**

Anybody else for the Detective? Legislator Horsley, you want to debate the bill, or you want to ask the Detective a question?

**LEG. HORSLEY:**

No, this -- well, it carries along with Legislator Cilmi's questions, and now you answered most of my train of thinking as well. I'm concerned now. You had mentioned before that there are many, many stores, you don't know how many stores are -- actually sell these phones.

**DETECTIVE SERGEANT BUSWEILER:**

No, sir.

**LEG. HORSLEY:**

Are we talking, do you think, in thousands? Is that -- because you've traced them back, so, obviously, you know the types of stores in which we're dealing with. We're dealing with not only 7-Elevens, as Ms. Browning is talking about, but bodegas, delis, and all sorts of other locations

throughout Suffolk County, so it could be thousands.

**DETECTIVE SERGEANT BUSWEILER:**

Yeah, I guess that would be a fair assessment, because they're also sold by the service providers. You go to a Verizon store, they sell the pre-paids.

**LEG. HORSLEY:**

They also sell them, right.

**DETECTIVE SERGEANT BUSWEILER:**

So a thousand outlets would not be unreasonable.

**LEG. HORSLEY:**

Yeah. I think I'm following the train of thought going back to, you know, how do we -- how do we assess, you know, the capability of a small business owner. And you've dealt with them before, say your local bodega your local deli who may have sold it. You know, they've got a kid at the counter, and stuff like that, looking for this type of detail from a customer, and then if that person doesn't -- if that person doesn't get the right information that is required, that person could be fined \$1,000. Do you think that that is a reasonable concern, that we might be putting that store owner in jeopardy because of -- because of the inadequacy of a very small business owner? I mean, I just wanted to get your feel of it.

**DETECTIVE SERGEANT BUSWEILER:**

Yeah, certainly it's a concern, but I think there's a bigger picture to be had. I mean, I think there's a greater good concept that needs to be considered. They're all legitimate concerns, absolutely, but I don't think there's any that's insurmountable.

**LEG. HORSLEY:**

And you feel the technology is there to bring that information -- and that goes back to Legislator D'Amaro's concerns about -- I don't know quite how to put it in words, but, you know, is the good worth the end result of this, you know, that we are putting these store owners in jeopardy for fine if they don't handle this correctly. And is it -- you know, is that that weight on the local store owner, is that going to catch the bad guys? I guess that's --

**DETECTIVE SERGEANT BUSWEILER:**

Yeah. I honestly feel it's going to be a very extremely valuable investigative tool for us. Are there going to be bugs in the system? Yeah, probably. But, certainly, we can make adjustments as we go along. I think the example to look to is currently how we treat the other remaining 79% of the cell phones that are out there and all of the land line phones that are out there. Privacy is protected, it's a hundred year evolution. So pre-paid cell phones are only around 20 years, less than 20 years.

**LEG. HORSLEY:**

Okay. Thanks.

**LEG. BROWNING:**

Bill, maybe I can answer the -- you know the Sudafed bill --

**P.O. LINDSAY:**

Is there anymore questions for the Detective.

**LEG. CILMI:**

I just have one.

**P.O. LINDSAY:**

All right. If you have a question for the Detective, I'd like to finish with him so he could sit down.

**LEG. CILMI:**

Sure, just very quickly. The EIN number that you spoke about, is that readily visible on the packaging, or is it something that's unique that's inside the phone itself?

**DETECTIVE SERGEANT BUSWEILER:**

It's certainly inside the phone, and depending on the manufacturer, sometimes they're on the outside of the carton.

**LEG. CILMI:**

So it may or may not be on the outside of the package.

**DETECTIVE SERGEANT BUSWEILER:**

That's my understanding of it as of right now.

**LEG. CILMI:**

Okay. Thanks.

**DETECTIVE SERGEANT BUSWEILER:**

It's not always on the outside of the carton, but it's always on the inside of the phone.

**LEG. CILMI:**

Thank you very much.

**P.O. LINDSAY:**

Okay. Thank you very much, Detective, for being very patient and being with us all day, and answering all these questions. Thank you very much.

**DETECTIVE SERGEANT BUSWEILER:**

Thank you, sir.

**P.O. LINDSAY:**

Okay. Legislator Barraga wants to -- he hasn't spoke yet. And I'll bring it back to you, Legislator Browning, and then I want to say something. Go ahead.

**LEG. BARRAGA:**

Well, first, I'd like to commend Legislator Browning for all the work and effort she has put into the bill. We've discussed this legislation several times, and there's been quite a bit of testimony with reference to its benefits from a police perspective as it pertains to terrorism and drugs. Also we've covered in depth, I think, the challenges that different retailers will face if this particular piece of legislation is implemented. My problem, though, with the bill doesn't have anything to do with that. I will not support the bill based on the provisions as it pertains to domestic violence and abuse.

Now, I have heard, as you have heard this morning, there was a lady here from a particular group, she didn't feel it would have much of an effect on her group. There are others who represented domestic violence victims who said this particular piece of legislation would have a negative effect on the people they serve. When I hear something like that, I have to really look, as most of you do, to my own experience in this particular area. I've been in elective office for 34 years, and in that 34-year span of time I must have had anywhere from 30 to 40 women come in to see me who were victims of domestic violence. Some of the stories I have heard are absolutely horrendous. Their lives are a living hell. They are married in some cases to men that I know in my community, who when you meet them, they're great guys, but they're living Satans. Most of the time, when you

Speak to these women, they come in, they're seeking help, but when you offer help, in the end, because of family obligations, like children, often they go right back to the living hell they left 15 to 20 minutes before they came in to see you.

The idea that they can have a pre-paid cell phone, you know, without giving I.D., but having this phone as a fail-safe mechanism, so when this individual comes at them, either physically or emotionally, or threatens their lives, at least there's something there, if they can get away just for two or three minutes to make the call, someone can return and come to that residence and be of help and assistance from a police law enforcement perspective.

I think, when we sit here, we often hear generalities from those who represent people in domestic violence cases, but as I sat in my office, I hear the particulars. I mean, I remember one -- all sorts of stories. I'm just sitting here just thinking of one that I remembered where a lady came in and she was in her late thirties, a very attractive woman, married to a terrible individual. And she began to tell me the stories, one of which was that one guy, this guy came home, and he wasn't a drunk and he wasn't a druggie, he was just a mean, mean guy; went in, got into an argument with her, threw her on the bed, took out a shotgun, loaded up the shotgun and stuck the barrel up her vagina and threatened to kill her. And as I sat there and I listened, you know, I was amazed, but, you know, you don't show any reaction. And in the end, you know, we advised her where she had to go for help, but she had four children and she went back, right back to the same guy. And I remember being in Macy's about three months later and she was behind the counter, working part-time, and she looked at me and I looked at her and I knew her living hell was continuing. A cell phone for that type of person I think is absolutely needed, when their life is being threatened, and that happens a lot to these women.

So, in this particular case, although I commend the sponsor for all the work she did, I really have to vote against it, because my own experience indicates that if there is something out there, in this case a pre-paid cell phone they can lay their hands, that they can grab. When their life is being threatened, they have to have that phone. If they go out and try to purchase a phone from a local store, and a lot of these women are timed. You're going to go to King Kullen, be back in 30 minutes. If you don't be back in -- if you're back in 35 minutes, you get a beating, you're in trouble. And, you know, if they go out, right now and able to get the phone, but under this law have to give two means of proof, guess what happens, the husband goes down to 7-Eleven, "Hey, Tom, Joanne was just in the other day." "Oh, really? What did she" -- "Oh, she bought a pre-paid cell phone." "Oh, really? Oh, that's okay." And Tom goes home and beats the living hell out of her, because now he knows she's got the phone, she's got it. These are all great guys until they shut the doors in their own homes.

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

**P.O. LINDSAY:**

Okay. Legislator Browning, do you -- I have you on the list.  
Do you want to --

**LEG. BROWNING:**

I believe Sara had a question.

**P.O. LINDSAY:**

Oh, I'm sorry.

**LEG. BROWNING:**

If you want to go ahead, Sara?

**LEG. ANKER:**

I just wanted to add to Legislator Barraga. I think we need to look at what your issue is with domestic violence the other way where the violator is now part of the criminal element that we're trying to fight against crime, and it could be a man or it could be a woman, but domestic violence, that it does relate to the cell phone prepaid issue. And in combatting that issue of the not having the freedom of this prepaid cell phone, my answer to that would be to creating legislation to provide that prepaid cell phone to people who desperately need them.

My perspective as a woman, and also understanding the issue of domestic violence, that in relationship to this legislation, this legislation would provide the way out. It would catch the criminal element that's creating these horrible situations. And it's not -- you know, not just domestic violence, but drug issues, heroin, you know, any other violent, you know, terrorism, as Legislator Kennedy had mentioned.

But I understand your concern and I would really like to work with you on this specific issue. But in relationship to the legislation we're discussing now, I see what you're saying, the freedom of having that ability to escape in a way that will prevent the identity, but it also will play back. And it will also prevent catching those horrible people that are creating the crime, and that's why I'm working with this legislation. So thank you for your comments.

**P.O. LINDSAY:**

Okay. Legislator -- did you want to talk now?

**LEG. BROWNING:**

Yeah, I think if everybody's done.

**P.O. LINDSAY:**

No, Legislator Viloría-Fisher wants to talk, I want to talk. Go ahead.

**LEG. NOWICK:**

And I want to talk.

**P.O. LINDSAY:**

Okay. Go ahead.

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

When I first saw this legislation, I just had an open mind about it. And I saw how hard Kate was working on it, I saw her meetings with people from different supermarket chains and retailers, and I really hadn't thought about it that much until after I saw Legislator Browning meeting with people. And I happened to be walking in my district, in Port Jeff, and I passed by a small store that sells these prepaid phones, and it's owned by a young Dominican immigrant family who is working to try to achieve the American dream and they have a small business there. And I stopped by and I talked to the young woman who was working at the counter and I asked her who comes in to buy the phones, and she said, "Well, you know, people of all ages." And I told her about, you know, the fact that there might be legislation to provide -- to ask for the two ID's, and I said, "Other than the obvious question, which is people who are undocumented immigrants, who else do you think would be affected?" And she said, "Well, you know, there are a lot of poor people who can't afford to buy a phone, and sometimes women who are documented immigrants, residents, don't have those two forms of ID readily available."

A lot of women in particular who come from undeveloped countries don't have driver's licenses right away, it takes a while, and for men, too. You know, you come to a country, you may be here legally but it takes a while to get a driver's license, and very often women don't get the driver's licenses right away, they don't have the two forms of ID right away. Many older people have trouble coming

up with those two forms of ID and don't have them available and they can't afford the contract and maybe one of their kids is telling them, "Get a cell phone, I want to be able to reach you, I want you to carry it with you." And she said young people come in and don't have a driver's license yet and they're buying a phone. And I felt I really couldn't support this legislation because of that, because I felt that the most vulnerable people were being denied a convenience that those of us who have privilege take for granted.

And then I had an emotional pause because my daughter Stefani, some of you know, there had been somebody who was stalking her and her roommates and he actually lit their propane tank at the house they were sharing on fire, and he had stalked them by phone. And Stefani said, "You know, Mom, they had trouble finding him because he had a prepaid phone, so they didn't have that," and that made me feel bad because I was opposing something that would have made it easier for the Police to have caught the person who actually could have caused a tragedy. Two blocks had to be evacuated when this occurred and we received a call at night from our daughter, thank God nobody was hurt, but they did eventually catch the perpetrator.

So it -- I started looking at this from a very personal point of view and I was -- I didn't plan to share it, but I was just sharing this with Tom. I was married to a man who had mental illness, and there was never physical violence but there was a lot of psychological violence. And when I told him I wanted to divorce him, the first thing he did was report our credit cards stolen, hid my car and froze all of our bank accounts. I'm a person with resources and education, and it was a devastating, devastating thing to face. And really, all I had at that point was one form of ID, my driver's license and my library card; I probably could have gone and gotten my -- if I had had a car that particular day, I could have gotten my Social Security Card out of my bank vault. But just having that happen, and it was something that I -- it was a hurdle over which I was able to go fairly quickly; as I said, I had resources, but I felt very alone. And I cannot imagine women who are going through the kind of hell that Tom just described which is orders of magnitude higher than what I went through when my ex-husband did this to me, and not having a way to be able to communicate in a free way for help. And you can't legislate a way to make a woman feel that she can go and get away to communicate with other people. Because even if she wants to go to one of the agencies to get a phone for nothing, she has to get there and it takes a lot of courage to get there.

What I think that Legislator D'Amaro was asking the Detective, and then Legislator Horsley, was let's assess the good and the consequences. The man who threatened my daughter and her roommates was eventually caught. Okay? There's -- when you look at this evidence, yes, I'm sure it's important evidence, but it's within a whole series of evidentiary issues that would be addressed by the good Detectives. Terrorists can use a cell phone to detonate a bomb, but do you think that the terrorist who is going to use a cell phone as a detonator for a bomb is going to present two forms of ID at their local 7-Eleven? Please. A heroin dealer is not going to be using the phone for which he got -- a stupid kid, like the one who, you know, threatened my daughter and her friends, probably would have had a cell phone that he had gotten, you know, had two forms of ID, but not somebody who is a mobster or a terrorist. I mean, you're talking about a terrorist, you're talking about a global person, he's going to get a cell phone from wherever he comes from. And remember what those terrorists went through. My God, they took flight lessons here, they had pilot licenses and you're telling me you're worried about them having a cell phone?

You know, Ben Franklin said, "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety." When you're providing two forms of ID at that 7-Eleven, you have some part-time person taking two forms of ID. One of the largest threats that we're facing globally is identity theft and you're exposing yourself with two forms of ID for someone to have in any little storefront.

So Kate, I know you've worked hard on this and I know that the Police see how it could help them in their investigations, but I have to tell you that it just doesn't rise to the level of real human impact that it can have on people, real human impact. And the people who are being impacted are the most vulnerable. And we can look from our seat of privilege and say, "Well, we can do this or that"; let's try to walk in their shoes and understand vulnerability. Thank you, Mr. Chair.

**P.O. LINDSAY:**  
Legislator Nowick.

**LEG. NOWICK:**

I have to tell you, I was about to start talking about this legislation and say that -- before you spoke and before you spoke, Tom -- and say that if this isn't one case that I'm really betwixt and between. Because I agree, I understand the need for the drug problem, I get that, I've been very, very active in that, I get it. However, I have been over the years hearing about women being in just this situation that you have spoken about and they are truly, truly victims. And to ask these people to give two forms of identification to two people behind the counter who really don't care about their privacy because -- Legislator Barraga, if the husband comes in and says to the man behind the counter at 7-Eleven, "Did he come in and buy some" -- "Here's twenty bucks. Did my wife buy something in here?" They're going to sell that person out.

This is such a hard decision. It is so right, Legislator Browning, but in this case what you have just spoken about is truly what I believe, there is a problem with giving -- asking for two forms of identification. The victims that you speak about, yourself maybe included, they're not always as strong as you. They will fall under the radar screen. And you hear all the time about victims when there's orders of protection, it doesn't work that way necessarily. These people are frightened to death. So I have to say you took me over to the other side.

**P.O. LINDSAY:**

Okay. I'm going to -- I want to say something and then I'll turn it over to you. Our Police Department's asking for a tool. God knows we don't give them enough resources to do their job now. The last time I heard, we're down 80 Detectives, and they're asking for a tool to help us solve crimes. We're talking about how intelligent criminals are. You think that guy that went into that drugstore on Sunday had any intelligence at all when he killed those four people? I don't know whether he had it on a prepaid cell phone or not, but, I mean, there's a perfect guy that if ever anybody did have one, it would probably be a guy like that because he's a druggie; he doesn't think.

The whole debate about forms of ID; God, we have to produce -- I went to Shea -- I went to Citifield, they asked me for ID to buy a beer.

*(\*Laughter\*)*

I said, "I'll be happy to give it to you." You know what I mean? But, I mean, it's something that's part of our life, whether it's right or wrong. If you buy beer, you buy wine, if you sell jewelry, people are always asking for ID of who you are. And now all of a sudden to buy a cell phone we're afraid that those ID's will be misused or something. God, I probably give out ID's all the time.

And as far as the domestic violence, that's a two-edge sword. I know a woman that was in an abusive relationship and left her husband and got an order of protection, and she was harassed by someone using a prepaid cell phone. She knew it was her ex-husband, they could never track him down because there is no way of tracking a prepaid cell phone, and he terrorized her, terrorized her for years. So, you know, I'm going to support the bill. I think if the Police Department asks us for a tool, we have to give it to them. Thank you.

**LEG. BROWNING:**

Thanks, Bill.

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

DuWayne wants to speak. Legislator Gregory.

**P.O. LINDSAY:**

Legislator Cooper, you used all your time with dogs.

*(\*Laughter\*)*

**LEG. COOPER:**

I'm sorry, I'll be really brief.

**LEG. BROWNING:**

That's my point.

**LEG. COOPER:**

I just want to say, Bill, you had mentioned and a couple of other speakers had mentioned that we have to present ID to buy beer or buy wine, but, you know, this goes beyond presenting ID, this requires that the stores maintain and retain that ID, keep it in a file somewhere. And I'm just concerned that because of the problem of identity theft, what if someone broke into a store and stole the file with a thousand copies of the ID that had been presented by individuals that bought the cell phones? I think that that's a really -- I think it's a real problem with the legislation. If there was a way for the information to be retained off-site in all cases, maybe that would address that concern. But again, it's not presenting the ID, my concern is over maintaining the files of the copies of the ID.

I, for one, am very conflicted about this bill. It's very well intentioned. Legislator Browning has made a tremendous effort on this legislation, has worked very hard to build support. Cogent arguments have been made on both sides, but I'm not there yet, I still have some concerns that I have to work over in my mind. So I know, Kate, you'll be speaking now, but I am going to be supporting tabling this measure because I, for one, need a few more weeks to digest this.

**P.O. LINDSAY:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. Just to piggy-back on some of Legislator Cooper's statements. And I recognize and I appreciate the efforts of the sponsor, I understand her intentions. They're well meaning, but I just can't support it, this bill. I do support the intentions, just the application of the law, of the legislation I just can't support. Because I think if we look at -- you know, we heard the arguments about domestic violence victims, but I think also we have to consider our low income people, our poor people.

I was just on a New York State website, because I know in past discussions, you know, it's been passed around that, well, you don't have to have a driver's license, you can have a non-driver's ID and there's a whole list of different forms and even just to get your New York State ID, many of which most people don't have, one is a passport, I just got a passport last year, but it's \$135. You know, that's \$135 less out of your pocket, whether you make \$100,000 a year or you make \$19,000 a year. A person making \$19,000 a year is going to pay \$135 for an ID, that's not necessarily the first thing on their mind. You know, they could use six months of phone service, you know, for one ID, or certainly food on their table.

You know, when you -- and I think it was Legislator Fisher, Viloría-Fisher that mentioned that, you know, we have to put ourselves in their shoes. You know, I've seen people with those circumstances and, you know, their world is totally different, their perspective is totally different than some of us. And, you know, what we deem a priority or, you know, an insignificant inconvenience is a big deal to them. So we have to really take a look at that.

And also the ID theft thing is really something that we, you know -- that's a concern that I have, I mentioned it early on. I think you might have addressed it in the bill, and if not, you know, my concern is there's no penalty to the store owner and you changed that.

**LEG. BROWNING:**

There has been a penalty if anyone shares that information.

**LEG. GREGORY:**

Okay. So --

**P.O. LINDSAY:**

Wrap it up, come on.

**LEG. GREGORY:**

Okay, but I still have some concerns. I mean, we talked about -- I think there was an investigation just six months ago about a 7-Eleven owner who was a part of a terrorist network. So, you know, we could potentially be handing over information to, you know, a terrorist; that's not to generalize but, I mean, that's practical. We don't know these people, and to give our information to them is, you know, concerning. So that's all I have to say.

**P.O. LINDSAY:**

Legislator Browning, you want the last word? Because I'm going to call the vote.

**LEG. BROWNING:**

Oh, my God, yes. ID theft, we have pawnshops, scrap metal, there are many ways that we have to use ID. In fact, my husband went to CVS to buy cold medication and we had to go and he had to show ID in order to get issued Sudafed. We passed that many months, many years ago. So that is -- I think to continually talk about ID theft -- every time you use your credit card, you face ID theft. Domestic violence organizations, the Suffolk County Coalition was here, RETREAT was here supporting this legislation; they said it would do more good than bad, I think we have heard that from them. There were people who were here claiming to be domestic violence organizations and they represented the organizations; no, they did not. It was very clear today that they find that this is better for them than anything.

All of us have dealt with people with domestic violence. I shared with Lynne a close family member who is going through it right now, so I know exactly -- you know, for anyone to think that I'm minimizing or not respecting the issue of domestic violence I think is outrageous. Like I said, I have someone very close to me who's dealing with it right now, being harassed, being stalked. I know what she's going through and I hear it every day on a weekly basis from her, what's going on. Orders of protections are not working.

She has a prepaid cell phone, but she doesn't continually buy; she's got one prepaid cell phone and she fills it up with the minute cards. A 7-Eleven store owner, he said most likely he won't sell them again. Many of these stores may not sell them again because they don't want to keep the records, but the 7-Eleven store owner said he only sells two to three a month, but he says the minute cards is where he makes his money and he'll continue to sell those. So that's the issue with that.

I'm -- the driver's license issue, I'm an immigrant, I came here as an immigrant. I had my green card and within six weeks I got my license. I had to go take my driving test, I had to learn to drive, I had to get my license and I did it within six weeks. So for somebody to say it's not possible, absolutely it's possible.

I'm sitting here listening to how much conversation about saving puppies and saving dogs, but we don't want to save our children. These phones are being used as a tool for drug dealers. I have women in my office who have lost their children and these drug dealers are continuing to use prepaid cell phones; they buy them and they drop them and they buy new ones, that's why law enforcement cannot keep up with them. So in the meantime, these drug dealers are continuing to sell the drugs to our children and our kids are continuing to die.

When you talk about low income families. If you have someone who is low income -- and believe me, I get many of these people walking into my office every single day -- DSS will pay for that license. I assisted a constituent of mine who moved back up from Florida and she was trying to get a job as a driver's assistant; through DSS, she was able to get the license and they paid for it. So to say that they cannot get an ID. If low income is \$19,000, they're probably getting food stamps, they're getting some kind of social service and they get an ID card from Social Services. Even some undocumented people have ID cards from Social Services if they need some kind of assistance.

There's a Federal Program that offers free cell phones if you're that low in your income. If you receive any kind of Social Service, food stamps, Medicaid, there's a program called Safe Link; if you're not aware of it, I'll be happy to give it to you.

Georgia tried to do this in 2007, and I have to tell you, the industry has done a fantastic job of telling you why this is a bad idea, and there's some people still in this room who are tiding their message and that's really a shame. Because they care about the bottom line, their concern is those drug dealers who are buying those phones and dropping them and then buying another one and dropping them, they're making so much money on drug dealers who are buying prepaid cell phones. So you have to think about who are we doing this for? Are we doing it to save the industry money, to allow them to continue to make profits, or are we going to work to save our kids?

You hear about Gilgo Beach, you've heard about the Craig's List murderer, and every day we hear about kids in our districts dying from heroin overdoses and their drug dealers, I guarantee you each and every one of them are use phones. I don't think -- a cell phone is to me a tool to commit crime. It has become a tool to commit a crime. If I want to buy a gun, I'm a law abiding citizen, I can buy that gun, but I have to show ID, and so does the criminal. Yes, the criminal may still use it, but these phones are just too often being used to commit the crimes.

I'm really shocked at the fact that we've spent so much time sitting here listening about dogs and protecting dogs, yet when it comes to a bill to protect our children and to prevent drug dealers from continuing to do their drug trade, it just shocks me. Mexico, they register prepaid cell phones. Why do they do it? Because of the drug trade and the human trafficking. So it's okay for them but it's not okay for us. So it shocks me, again.

People talk about Nassau County. Nassau County has an interest. I've been in conversation with representatives in Nassau County to get this bill passed in Nassau also. Senator Schumer has the bill, yes, he does, and I'm going to continue to work with him to push it on a Federal level. Wayne, just today we did a press conference with Lynne about the energy drink and you said how sometimes things start on the local level. This is something that we should be doing here, is making this happen on the local level because the industry has fought this tooth and nail. And I will tell you, if we get a State bill, they're going to fight tooth and nail on the State level to prevent that from happening. So we need to set a trend. We've done it on the cell phones, on the hands-free cell

phones, not smoking in bars, there's many laws that we have passed here in Suffolk County and we have led the way and I think we need to lead the way here in Suffolk County with the prepaid cell phone and to show that this is not a tool that can be used to commit crime.

And I think if anybody, law abiding citizen wants to buy a prepaid cell phone, they're not going to object to showing ID when they know what this is about. And again, store owners who want to sell them, they'll continue to sell them. If they don't want to keep the records, they're not going to keep the records. If this bill passes, it will take nine months to set up the data system. And I have pledged with the domestic violence organizations and with anyone else to make sure that that message is out there as far as the prepaid cell phone is concerned. And we'll work with churches, we'll work with community groups, we'll work with the libraries, we'll work with everybody that we have to to make sure that everybody is aware that this is going to be a requirement and the domestic violence victims, organizations want to continue to work with me on this to make sure that the message is out there for maybe somebody who hasn't yet come and said, "I'm a victim." And we want them to know, we didn't always have prepaid cell phones. What did the victims do before that?

So all I can ask is that you pass the bill, do what's right about the children in our communities, about people who are being murdered in our districts. And again, you want to talk about cost? When you do not have a lead, how much money is spent on an investigation because they don't have the proper leads? And this is another way that law enforcement can shorten the amount of time that they have to spend on an investigation. I'm sure if the Gilgo Beach incident, if those prepaid cell phones were registered, they just might now have somebody. And I don't think there's anything much I can say. I've spent a year on this. The family members who came to my office and told me about their children and handed their kids prepaid cell phones over so that they could see the phone numbers of their drug dealers so that law enforcement could see them, you know, it's going to be very sad when I have to go back to tell them that, you know, we spent about three hours talking about dogs and saving dogs, but your kids aren't worth anything. It's really a shame.

**P.O. LINDSAY:**

Okay. Mr. Clerk, what do we have, just a motion to approve; am I correct?

**MR. LAUBE:**

You have a motion and a second to approve and you have Legislator Cooper's motion to table.

**P.O. LINDSAY:**

I really would like this issue to go up or down.

**LEG. ROMAINE:**

Yes, absolutely. We have enough information.

**P.O. LINDSAY:**

I mean, how much -- would you -- you still want to stick with the tabling?

**LEG. COOPER:**

I was doing it to try to help Kate, but I'll -- if you want me to withdraw it --

**P.O. LINDSAY:**

Do whatever you want. Do we have a second to the tabling?

**MR. LAUBE:**

Negative.

**P.O. LINDSAY:**

Negative. Does anybody want to table it? Second it?

**LEG. D'AMARO:**

You know what? Just very quickly. I'm going to second it only because I had asked the Detective -- we're all weighing the pros and cons here and I asked the Detective how effective this is in other jurisdictions and I really don't think I got an answer so I'd like that opportunity.

**P.O. LINDSAY:**

Okay.

**LEG. D'AMARO:**

So I'll second the motion to table.

**P.O. LINDSAY:**

We have a motion and a second to table. Roll call.

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

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

No to table.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

No.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

No.

**LEG. EDDINGTON:**

No.

**LEG. ANKER:**

No.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

No.

**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. ROMAINE:**

No.

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

No.

**P.O. LINDSAY:**

No.

**MR. LAUBE:**

Six.

**P.O. LINDSAY:**

So the tabling fails, so to approve. Roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. COOPER:**

No.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

No.

**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. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

No.

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

No.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seven.

**P.O. LINDSAY:**

Okay, it fails.

*1289-11 - Adopting Local Law No. -2011, A Charter Law to ensure transparency in the County budget process (Cilmi).*

**LEG. CILMI:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cilmi.

**LEG. COOPER:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Cooper. Do I have seconds to either one?

**LEG. ROMAINE:**

Second to approve.

**P.O. LINDSAY:**

Second to approve.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second to what, to table?

**LEG. D'AMARO:**

No, to the approval.

**P.O. LINDSAY:**

Oh, we already have a second on the approval.

**LEG. D'AMARO:**

Oh, sorry. I'll third the approval.

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

I'll second the tabling.

**P.O. LINDSAY:**

You second the table?

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

Yes.

**P.O. LINDSAY:**

Second the table by Legislator Viloría-Fisher. Okay. Any discussion? The tabling goes first. Roll call.

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

**LEG. COOPER:**

Yes.

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

Yes.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

Pass.

**LEG. GREGORY:**

Pass.

**LEG. HORSLEY:**

Pass.

**P.O. LINDSAY:**

Hold it, hold it. Stop the roll call.

**LEG. HORSLEY:**

We're confused.

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

Do people not know what bill we're on?

**P.O. LINDSAY:**

Come on, guys, get with the program. 1289, Legislator Cilmi's bill on Charter Law to ensure transparency in County budget process, to make the budget process open to the public as we go through our negotiations. Okay, where are we?

**LEG. STERN:**

You can come back to me.

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

Hold it, this isn't the one where we vote on each amendment?

**LEG. CILMI:**

No.

**MR. LAUBE:**

You're voting to table.

**LEG. KENNEDY:**

Can we get an explanation, Mr. Chair?

**P.O. LINDSAY:**

Sure. Counsel, would you please give an explanation of the bill?

**MR. NOLAN:**

This would amend the Charter to require that the Budget & Finance Committee prepare and sponsor all Omnibus budget amendment resolutions. All meetings of that committee related to the preparation and discussion of debate of an Omnibus budget resolution would be open to the public.

**P.O. LINDSAY:**

And there would be no Working Group, it would be done by the Budget Committee. Okay. Could you redo the roll call, please?

**LEG. ROMAINE:**

Yes, this is to table.

**LEG. MONTANO:**

To table.

**P.O. LINDSAY:**

To table.

**MR. LAUBE:**

To table.

*(\*Roll Call Continued by Mr. Laube - Clerk\*)*

**LEG. COOPER:**

Vociferous no.

**P.O. LINDSAY:**

No, you just voted yes.

**LEG. COOPER:**  
Vociferous yes to table.

*(\*Laughter\*)*

**P.O. LINDSAY:**  
Forget the vociferous; just tell us yes or no.

**LEG. COOPER:**  
Yes.

**LEG. D'AMARO:**  
I'll do the vociferous no.

**MR. LAUBE:**  
Legislator Cooper?

**P.O. LINDSAY:**  
He said yes to table.

**LEG. COOPER:**  
Yes to table.

**MR. LAUBE:**  
Just to get it on the record again, yes to table.

*(\*Roll Call Continued by Mr. Laube - Clerk\*)*

**LEG. D'AMARO:**  
No.

**MR. LAUBE:**  
Viloria-Fisher? Sorry, we're going the wrong way. Stern?

**D.P.O. VILORIA-FISHER:**  
Actually, I think you meant to say Cooper then Viloria-Fisher, and I'm still a yes.

**MR. LAUBE:**  
Gotcha. Stern?

**LEG. STERN:**  
Yes to table.

**LEG. GREGORY:**  
Yes to table.

**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.

**P.O. LINDSAY:**

Yes to table.

**MR. LAUBE:**

Twelve.

**P.O. LINDSAY:**

Okay. *1316-11 - Creating a Commission to recommend a system of public campaign financing for County elections (Cooper).*

**LEG. COOPER:**

Motion to approve.

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

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper, seconded by Legislator Viloría-Fisher. Okay, any debate?  
Roll call.

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

**LEG. COOPER:**

Yes.

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

Yes.

**LEG. D'AMARO:**  
Yes.

**LEG. STERN:**  
Yes.

**LEG. GREGORY:**  
No.

**LEG. HORSLEY:**  
Yes.

**LEG. NOWICK:**  
No.

**LEG. KENNEDY:**  
Yes.

**LEG. BARRAGA:**  
No.

*(\*Laughter\*)*

**LEG. CILMI:**  
No.

**LEG. MONTANO:**  
No.

**LEG. EDDINGTON:**  
Yes.

**LEG. ANKER:**  
Yes.

**LEG. MURATORE:**  
No.

**LEG. BROWNING:**  
No.

**LEG. SCHNEIDERMAN:**  
Yes.

**LEG. ROMAINE:**  
No.

**P.O. LINDSAY:**  
Yes.

**MR. LAUBE:**  
Ten.

**LEG. COOPER:**  
Thank you.

**P.O. LINDSAY:**

1315 was tabled earlier. Okay, let's go to the --

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

What was the call?

**P.O. LINDSAY:**

It passed. *Introductory Resolutions for June 21, 2011:*

Okay, page nine, we're on the second resolution, Operating Budget, *1522-11 - Amending the 2011 Operating Budget to support the Veterans of Foreign Wars Suffolk County Council (Kennedy)*.

**LEG. KENNEDY:**

I'll make a motion approve, Mr. Chair.

**LEG. NOWICK:**

I'll second it.

**P.O. LINDSAY:**

Okay, we have a motion and a second. I'm not going to make a tabling motion, but I'm going to vote against it, not that I have anything against what you're trying to do or the purpose of it. It goes back to I voted against Legislator Romaine's addition to the budget with Cornell, I voted against Legislator Montano's addition to the budget. We can't do this, guys. We can't keep adding to the budget.

**LEG. KENNEDY:**

Mr. Chair --

**P.O. LINDSAY:**

We're broke. We are broke. You had discretionary money to assign; what happened to that?

**LEG. KENNEDY:**

We have done that, as a matter of fact, Mr. Chair; each and every one of us have. And in response to your pleas for consistency, I admire it. But I will point out to you that in the 2011 Operating Budget, there was only 21,000 that was allocated to the Veterans Hardship Fund.

**P.O. LINDSAY:**

So why didn't you use some of your discretionary money to make them whole?

**LEG. KENNEDY:**

Well, what I would say to you with that, Mr. Chair, is that my discretionary money in particular, as a matter of fact, wound up the lion's share going to food pantries and soup kitchens.

**P.O. LINDSAY:**

Very admirable.

**LEG. KENNEDY:**

I'm pretty much all committed.

**P.O. LINDSAY:**

Very admirable.

**LEG. KENNEDY:**

But let me go one step further and tell you why I did bring this forward. Because in my opinion, we have many programs that have many requirements and we have a bureaucracy that folks will write forever about. But in this case we have volunteer veterans who use the funds prudently and take care of veterans for the most basic of means in an expeditious fashion. We have a valid offset, we are not taking the budget beyond what the parameters are, and it is a simple mid-year request to address what is a need that was brought forth from the Veteran Administrative of the funds.

**P.O. LINDSAY:**

We all had discretionary money. I have allocated a lot of my discretionary money to other causes that are worthy causes, but I sought discretionary money from my colleagues. We've been trying to raise money to keep the drop-off day care center in the courts alive because they were going to close July 1st. I allocated \$5,000, Legislator Montano allocated \$5,000, Legislator D'Amaro allocated \$5,000, we ran out of money. Now I'm asking the DA if he has any discretionary funds with his forfeiture money that he could assign to this. We're trying to live within our means. And it isn't a valid offset. I mean, I could go through the budget and find a line that we haven't totally consumed yet this year, but to say that it's any kind of surplus is disingenuous. We have a hole that nobody knows how to fill. And maybe I'm more passionate. Let's just go up or down. It isn't against the purpose.

**LEG. KENNEDY:**

I --

**P.O. LINDSAY:**

I admire the purpose. That's why every Legislator had discretionary funds to put towards what they thought was important.

**LEG. KENNEDY:**

Again, I appreciate the sentiment, Mr. Chair. And as a matter of fact, I'll talk to you, I may have three grand left that I can go ahead and commit towards the day-care center. Every one of us --

**LEG. KENNEDY:**

Why don't you give it towards these people?

**LEG. KENNEDY:**

Because they're looking for 10,000.

**P.O. LINDSAY:**

Okay, that's a start.

**LEG. KENNEDY:**

As a matter of fact, it's mid-year, they went to 21,000. And as I said, they're putting oil in tanks, they're putting food in refrigerators, they're doing the things that none of our \$2.6 billion bureaucracy seems to be able to have the ability to do before these guys run out of everything. That's all.

**P.O. LINDSAY:**

Okay. I don't want to really go on any further with the debate, but Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Yeah, I had a question in the Budget & Finance Committee that I asked BRO and I don't think they had the answer then, so maybe they have it now, in terms of the DPW rent line. I was told there isn't money in DPW rent line, because this came up in conjunction -- in relationship to a clinic in East Hampton, the County Medical Clinic. And I was told that, you know, as they started charging rent

now for the first time to the County that we didn't have the money, so I'm trying to figure out whether we have money in the DPW rent line, which is what is offsetting this resolution. Gail, did you hear that?

**MS. VIZZINI:**

This was a savings associated with Legislator Cooper's move from the Huntington area to the Vanderbilt Museum. We were paying about \$4,500 in the Huntington market and I believe we're paying 2,500, so I was able to cobble together for the remainder of the year the 6,800. The other -- I mean \$3,000, you know, that's about two months savings.

**P.O. LINDSAY:**

Okay. Rather than debate this anymore, Legislator Kennedy wants to change it to a tabling motion?

**LEG. KENNEDY:**

Yeah, I'm going to withdraw my motion to approve. I'm going to move to a motion to table. One of my colleagues just approached me, we'll try to get creative to see if we can plug this ten grand in another way. And if we haven't been able to be successful, we'll come back to it in the beginning of August. So I'll make the motion to able.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Does anybody smell anything burning?

*("Yes" said in unison)*

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

It's Lynn's heater.

**P.O. LINDSAY:**

Is that your shoes, Ms. Nowick?

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

It's her alligator shoes, they're on fire.

**LEG. KENNEDY:**

We've got lizard for dinner.

*(\*Laughter\*)*

**LEG. NOWICK:**

We have no money but it's freezing in here.

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

That's right. What a waste of energy.

**LEG. NOWICK:**

I went into the County Clerk's Office, it's twice as cold, but we have no money.

**P.O. LINDSAY:**

Okay. *Budget & Finance, Information Technology (Continued):*

*IR 1550-11 - Tax Anticipation Note Resolution No. -2011, Resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$140,000,000 Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied for County purposes or returned to the County for collection for the Fiscal Years Commencing January 1, 2008, 2009, 2010 and 2011, and to prescribe the terms, form and contents, and provide for the sale and credit enhancement of such notes. (County Executive).* I am going to make a motion to approve.

**LEG. GREGORY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Gregory, for the purpose of discussions. Could you -- Ms. Vizzini, don't we normally do this in January, or am I talking about the wrong notes here?

**MS. VIZZINI:**

No, we would typically do this the first meeting in August. It is -- you know, it is to our advantage to approve this now, it addresses our severe cash flow problem.

**P.O. LINDSAY:**

Okay. Okay, so we're doing it a little earlier than normal.

**MS. VIZZINI:**

Yeah, it's a little -- the authorization last year was for the 140; although we did only borrow 120, this year we expect to borrow the full 140.

**P.O. LINDSAY:**

Okay. Anybody have any questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1557-11 - Amending the 2011 Operating Budget and authorizing the operation of the John J. Foley Skilled Nursing Facility (Browning).*

**LEG. KENNEDY:**

I'll make a motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Kennedy. Legislator Browning?

**LEG. BROWNING:**

Sorry.

**P.O. LINDSAY:**

Do you want to second that?

**LEG. BROWNING:**

Yes, a second.

**P.O. LINDSAY:**

Okay, seconded by Legislator Browning. Any discussions? This is to keep the place going for the rest of the year until we can figure out what we're going to do with it. Yes, Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Just one question to the Budget Review Office. This is allocating 10.9 million, I just want to know, for the record, where that funding is coming from in our budget.

**MS. VIZZINI:**

The appropriations are in the nursing home fund, 632. It was the transfer to the General Fund. In order to keep the nursing home operational, we're diverting those appropriations to personnel and the other line items that you see in the resolution.

**LEG. D'AMARO:**

So it's funds that are already in the budget and already within the realm of somehow being used for the nursing home.

**MS. VIZZINI:**

It was -- these are the discretionary expenditures. It was intended to be transferred to the General Fund, but it's a -- it would be an expense to the nursing home. From the budgetary point of view, they are appropriations.

**LEG. D'AMARO:**

It was intended to be transferred from the General Fund --

**MS. VIZZINI:**

No, to the General Fund.

**LEG. D'AMARO:**

To the General Fund when they were realized.

**MS. VIZZINI:**

Yeah, but this resolution, there's actual real revenue backing up the appropriations now.

**LEG. D'AMARO:**

Well, that's my question.

**MS. VIZZINI:**

Yeah. Well, anticipating your question, we're taking the appropriations, but they are backed up by increased Medicaid revenue, adults in public institutions and some Medicare revenue from the continued operation.

**LEG. D'AMARO:**

Which is not what was backing them up -- backing up this line when it was put in the budget.

**MS. VIZZINI:**

No, the proceeds from the sale were backing that up.

**LEG. D'AMARO:**

Right.

**MS. VIZZINI:**

So the resolution has balanced.

**LEG. D'AMARO:**

So in effect -- right, for budget purposes it balances, but as far as actually funding this line, we're -- there is real revenue coming in to do that.

**MS. VIZZINI:**

For the operation of the nursing home.

**LEG. D'AMARO:**

Right. Okay. Thank you.

**P.O. LINDSAY:**

Legislator Cilmi.

**LEG. CILMI:**

Yeah, just a question. The -- we had "X" amount of money in the budget for the sale of the facility from this year, correct; how much was that?

**MS. VIZZINI:**

I think the net was in the \$20 million area. The sale was going to be around thirty-two five, 35, something like that.

**LEG. CILMI:**

Okay.

**MS. VIZZINI:**

Then there was escrow for debt service, etcetera, etcetera. The net was closer to somewhere between 16 and 20.

**LEG. CILMI:**

So can you describe this resolution, then, within that context?

**MS. VIZZINI:**

Okay. The purpose of the resolution is to keep the nursing home operational for the end of -- through the end of the year until a policy decision can be made as to whether the business -- it will be sold as a viable business or it will be some sort of private/public partnership or some other policy decision in 2012. This just takes it through the end of 2011.

**LEG. CILMI:**

But -- so but the budget anticipated \$20 million, roughly, from the sale of this facility.

**MS. VIZZINI:**

Correct.

**LEG. CILMI:**

This is taking how much money exactly, this resolution? What's the total of this resolution?

**MS. VIZZINI:**

The budget would have closed the nursing home.

**LEG. CILMI:**

Right.

**MS. VIZZINI:**

And realistic or otherwise, there was expected revenue of \$20 million from the sale of an empty building.

**LEG. CILMI:**

Okay.

**MS. VIZZINI:**

From the budgetary point of view, we need appropriations in the nursing home fund to continue to run it. There are appropriations. This -- these are discretionary appropriations, they would have been a payment to the General Fund backed up by the sale of the empty building.

**LEG. CILMI:**

Okay.

**MS. VIZZINI:**

That's not happening. I mean, it could happen.

**LEG. CILMI:**

Right.

**MS. VIZZINI:**

So if we continue to run the nursing home, the \$10.9 million of the expected 14 -- we're only taking 10.9 of the 14 that's there. By operating the nursing home, the nursing home is somewhere around 75% reimbursed by Medicare, Medicaid, adults in institutions. So we can balance the expense with revenue that will come in from Medicare, Medicaid and adults in institutions.

**LEG. CILMI:**

So that money --

**MS. VIZZINI:**

There will be no transfer to the General Fund. The General Fund will be short because we have not yet sold the -- you know, closed it, sold the empty building or sold the nursing home; that's another budget problem.

**LEG. CILMI:**

Short by how much?

**MS. VIZZINI:**

The \$14 million that was intended to be transferred to balance the General Fund.

**LEG. CILMI:**

All right. So this money that's in this resolution, what's backing up this money, or is that adding to the shortage?

**MS. VIZZINI:**

What is backing up the 10.9 million in appropriations is Medicaid, Medicare and adults in public institutions; three sources of revenue that will more than cover the 10.9 million.

**LEG. CILMI:**

So what shortage will still exist then?

**MS. VIZZINI:**

Well, the way the budget was constructed, it was expected to close the nursing home, sell the asset and get revenue. If you did that, the General Fund was balanced on the proceeds of that revenue.

**LEG. CILMI:**

So if I understand correctly, we're still short the \$20 million.

**MS. VIZZINI:**

Correct.

**LEG. CILMI:**

Okay. Thank you.

**P.O. LINDSAY:**

Does anybody else -- you want to talk, Legislator Kennedy?

**LEG. KENNEDY:**

Just to add to what Gail is saying. The 10.9 million that's reflected in this resolution in essence is the rebasing that went on with Medicaid that was not even defined when the budget was assembled last Fall. So it is genuinely, I don't want to say found money, but money that is coming by virtue of the fact that we operate the John J. Foley nursing institution.

**MS. VIZZINI:**

Our rate of Medicaid reimbursement has improved since we did the 2011 budget, so we have a little bit more that way.

**LEG. KENNEDY:**

Right. And the balance of this funding is coming from the fact that each day we continue to have 204 residents that reside at John J. Foley, and there is reimbursement that's being derived for providing the care for them in those beds.

**MS. VIZZINI:**

Yes.

**LEG. KENNEDY:**

Okay. And so it's not as if that money could go to the Police District or Public Works or some other place. It comes to us by virtue of the function that we've provided by providing the home and the residence for them.

**MS. VIZZINI:**

Yes.

**LEG. KENNEDY:**

Okay.

**MS. VIZZINI:**

This resolution is balanced.

**P.O. LINDSAY:**

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

**LEG. ROMAINE:**

Recuse.

**MR. LAUBE:**

Sixteen (Recused: Legislator Romaine - Not Present: Legislator Cilmi).

**LEG. COOPER:**

Mr. Chair?

**P.O. LINDSAY:**

Yes?

**LEG. COOPER:**

Before we go to the next resolution. To apologize to my colleagues for the two hour public hearing on the puppy mills and to apologize in advance for the next public hearing on puppy mills, I want to treat everyone to pizza. So I'm going to order like five pies for all my colleagues and all the Aides. So what do you want? How about like four regular cheese and one pepperoni?

**LEG. STERN:**

Mushroom.

**LEG. COOPER:**

Wait; who just barked? No pizza for you.

**LEG. MONTANO:**

Garlic, garlic.

**LEG. COOPER:**

Okay, I'll take care of it.

**P.O. LINDSAY:**

Whatever you say, Jon. Thank you.

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

Thank you, Jon.

**LEG. MONTANO:**

I just sent Bob out for all the candy he could buy with all the singles.

**P.O. LINDSAY:**

*1568-11 - Extending existing one percent sales and compensating use tax for the period beginning December 1, 2011 and ending November 30, 2013, pursuant to authority of Section 1210 of Article 29 of the Tax Law of the State of New York (County Executive).*

This is -- we do this, what, biannually?

**MR. LIPP:**

Yes.

**LEG. ROMAINE:**

Every two years.

**P.O. LINDSAY:**

Okay.

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

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

**LEG. CILMI:**

Tim, I'm here.

**MR. LAUBE:**

Eighteen.

**Economic Development, Higher Education & Energy:**

**P.O. LINDSAY:**

***1480-11 - To appoint Andriani L. Mikolaitis as a member of the Suffolk County Citizens Advisory Board for the Arts (Gregory).***

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Gregory.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1484-11 - To reappoint Frederic DeFeis as a member of the Suffolk County Citizens Advisory Board for the Arts (D'Amaro).*** Legislator D'Amaro.

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro. Do I have a second?

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1554-11 - Approving and authorizing a contract to promote convention business and tourism in Suffolk County (County Executive).***

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

Motion.

**LEG. COOPER:**

Motion to approve.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Cooper, second by Legislator Horsley. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Next one, *IR 1560-11 - Amending prior capital authorized appropriations for the renovation to the Physical Plant Building/Warehouse (CP 2165)*. (Presiding Officer Lindsay), I'm going to make a motion to table because Counsel just informed me that there's something wrong with the Bond Resolution we have to tweak. We have a motion to table, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1561-11 - Appropriating funds in connection with Infrastructure - College Wide (CP 2149)* (Presiding Officer Lindsay). Motion by Legislator Horsley. I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution, *1561A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$5,150,000 bonds to finance a part of the cost of infrastructure improvements for Suffolk County Community College - College Wide (CP 2149.110 and .310)*, same motion, same second. Roll call.

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

**LEG. HORSLEY:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**MR. LAUBE:**

Eighteen.

**Environment, Planning & Agriculture:**

**P.O. LINDSAY:**

Okay, *1229-11 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Zoumas property) Town of Riverhead (SCTM No. 0600-075.00-03.00-004.000) (Romaine).*

**LEG. ROMAINE:**

Motion.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Romaine, second by Legislator Schneiderman. On the discussion, Legislator Barraga, did -- no? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. BARRAGA:**

No, I'm opposed.

**MR. LAUBE:**

Sorry about that; seventeen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

Okay. *1308-11 - Approving Master List V and planning steps for the acquisition of environmentally sensitive properties known as East Quogue Partners, LLC. (Schneiderman).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Second by Legislator Romaine. Legislator Schneiderman, did this get a rating? What is the rating on this?

**LEG. SCHNEIDERMAN:**

It was well above the threshold, I think 36 is my recollection.

**LEG. ANKER:**

Thirty-seven?

**LEG. SCHNEIDERMAN:**

Thirty-seven.

**P.O. LINDSAY:**

This is a big acquisition, right?

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

Four hundred acres.

**P.O. LINDSAY:**

Four hundred acres.

**LEG. SCHNEIDERMAN:**

This is with partnership with the Town of Southampton; you heard Supervisor Anna Throne-Holst who was here earlier.

**P.O. LINDSAY:**

Okay. Is all of this property under development pressure?

**LEG. SCHNEIDERMAN:**

There's a -- yeah, there's an 82-lot subdivision that is in the works for it.

**P.O. LINDSAY:**

Okay. I'm going to vote for the planning steps. That doesn't necessarily -- I want to see what the numbers come in at, all right?

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

Mr. Chair?

**P.O. LINDSAY:**

Yes, Legislator Viloría-Fisher.

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

If I may, I just wanted to mention that what Legislator Schneiderman did was he introduced this not as a parcel but as a Master List. So that the Planning Department, during the planning phase, can look at different pieces of it and treat them as separate parcels under different programs. So they can, you know, be a little bit more creative and trying to find a way for us not to spend the same amount of money on all 400 acres, because some of it is Pine Barrens, so there's different value, so this gives them a lot of latitude.

**P.O. LINDSAY:**

Okay. We have a motion and a second to approve the planning steps. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

***1482-11 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Flandhampton Holdings LLC property - Reeves Bay - Town of Southampton - (SCTM No. 0900-147.00-02.00-028.001) (Schneiderman).***

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

Jay?

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

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

Second.

**LEG. ROMAINE:**

Second.

**LEG. CILMI:**

On the motion?

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher. On the motion, Legislator Cilmi.

**LEG. CILMI:**

Yes, question for Budget Review. My understanding is that this is a little more than a half an acre of property at a cost of approximately \$330,000, which says to me that we're spending about a half million dollars an acre for this property; is that accurate?

**MR. LIPP:**

Yes. And the average from last year was 114,000 per acre. Obviously some properties are more expensive, some less, depending upon the location.

**LEG. CILMI:**

But this is roughly 500% of the average from last year in terms of a cost per acre? Roughly.

**MR. LIPP:**

Roughly.

**LEG. CILMI:**

Is there any reason for that, other than the Hamptons? That's all the information I need. Thanks.

**LEG. SCHNEIDERMAN:**

It is water front, this parcel. If I may, this is part of an area, the Reeves Bay area, it's all along the Peconic Estuary, which is a Federally protected estuary area. It's been, you know, a high target for preservation, both locally and County-wide, as well as Federally. So this is part -- we've been doing other parcels in this area, it's part of a block.

**P.O. LINDSAY:**

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

**LEG. CILMI:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**LEG. MONTANO:**

Opposed.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

***1490-11 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law --***

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

West end.

**P.O. LINDSAY:**

-- *No. 24-2007 (Carpenter Farm Property) Town of Huntington (SCTM No. 0400-080.00-02.00-022.000) (Stern).*

**LEG. STERN:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro. Do we have a rating on this?

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

The rating was 21.

**LEG. ANKER:**

Twenty-one.

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

But that's --

**LEG. HORSLEY:**

It's west end.

**P.O. LINDSAY:**

Go ahead.

**LEG. STERN:**

Thank you. This is going to be a partnership with the Town of Huntington. This acquisition was approved by their Open Space Committee, so this is something that we'll be doing together.

**P.O. LINDSAY:**

Okay.

**LEG. HORSLEY:**

Here-here.

**P.O. LINDSAY:**

Okay, we have a motion and a second.

**LEG. CILMI:**

On the motion?

**P.O. LINDSAY:**

On the motion, Legislator Cilmi.

**LEG. CILMI:**

Yeah, I'm sorry. Budget Review, could you tell us, if you include this resolution, how much money have we spent just now in the past five minutes on open space?

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

She doesn't know.

**MR. LIPP:**

This is planning steps, so we're not spending it at this point.

**LEG. CILMI:**

Okay. All right, well --

**MR. LIPP:**

In this case here. And also, for the record, it's not the General Fund.

**LEG. CILMI:**

I understand.

**MR. LIPP:**

In this case here it would be Quarter Cent.

**LEG. CILMI:**

Here's my point. I have --

**P.O. LINDSAY:**

To answer your question, this would be the first acquisition. Everything we've done is planning up til now.

**LEG. SCHNEIDERMAN:**

No, no.

**LEG. CILMI:**

Well, no, we just spent --

**LEG. SCHNEIDERMAN:**

Reeves Bay was an acquisition.

**LEG. CILMI:**

Yeah, the one where we spent half a million dollars for the --

**P.O. LINDSAY:**

Right, but that's the only thing that we've approved --

**LEG. CILMI:**

Okay, that's fine.

**P.O. LINDSAY:**

-- or authorized, everything else is planning. That's all I was pointing out.

**LEG. CILMI:**

No, thank you. I just want to ask my colleagues for some help with something. I have this Brownfield piece of property, as we all probably do or most of us do in our districts, in Islip, it's a junk yard. The back-taxes on the property exceed \$300,000, including interest and penalties. The

property is nowhere near worth that much money. It's a blight on the community, it's a safety hazard for sure, and it's potentially a health hazard because the property is contaminated.

The Health Department sent me a letter today that indicated that the testing and initial clean-up on the property is about \$130,000. Inasmuch as the contamination on the property is potentially affecting drinking water, can -- can all of you help me in finding some money to get this property cleaned up? And we can talk about it privately afterwards. I just wanted to make that remark publicly. Thank you.

**P.O. LINDSAY:**

Can we acquire the property yet through tax liens?

**LEG. CILMI:**

We are afraid to acquire the property because we're scared of what the cost might be to clean it up environmentally. We can acquire it, we're afraid to acquire it.

**P.O. LINDSAY:**

To acquire it --

**LEG. CILMI:**

And so we're ignoring the --

**P.O. LINDSAY:**

To clean it up, if it's only \$120,000, it's probably worth it to acquire it.

**LEG. CILMI:**

I agree, we should have acquired it decades ago.

**P.O. LINDSAY:**

Legislator Romaine.

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

But actually, if you acquire it, Tom, and we do a Phase I and then it requires a Phase II, you know, we probably wouldn't go through the contract if it required a lot of remediation.

**LEG. CILMI:**

But if I may, through the --

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

We could talk privately, but I think it would be problematic.

**P.O. LINDSAY:**

Okay.

**LEG. CILMI:**

If I may just quickly respond. If it does, in fact, require a Phase II, that's indicative of some sort of significant contamination.

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

Yes.

**LEG. CILMI:**

To ignore that is wrong, and we have been ignoring it for 20 years plus, to the tune of \$350,000 of back taxes, interest and --

**P.O. LINDSAY:**

I don't want to debate on a bill that ain't before us.

**LEG. CILMI:**

If I may just make the quick point. My point is that we have contaminated properties in Suffolk County and we have to find some way to deal with those properties, because if we don't we're ignoring potential public health risks and we're ignoring risks to our environment. And if we find all of this money to support open space purchases to protect our drinking water, then we should be working equally as hard to find money to remediate these properties.

**P.O. LINDSAY:**

Legislator Romaine, just real quickly. I don't want to debate the bill --

**LEG. ROMAINE:**

Could not agree more with my colleague. For us to allow something to threaten the health and safety of a neighborhood because no one else wants to clean it up and we have a tax lien on it. I support Legislator Cilmi. Thank you.

**P.O. LINDSAY:**

That's wonderful. Let's get back to the agenda.

IR 1490-11 - Authorizing planning steps for the -- did we do this one yet? We didn't do this.

**MR. LAUBE:**

I have a motion and a second.

**P.O. LINDSAY:**

We have a motion and a second that we haven't -- then we got waylaid, okay. Is there any more debate on this; no? All right. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (ACTUAL VOTE: Seventeen - Opposed: Legislator Barraga).

**P.O. LINDSAY:**

*1521-11 - Amending Resolution No. 1378-2007, amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget And Program, and appropriating funds in connection with an Aquatic Invasive/Nuisance Species Eradication in Canaan Lake, N. Patchogue and Upper And Lower Lakes, Yaphank (CP 8710)(Browning).*

**LEG. BROWNING:**

Motion to approve.

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

Second.

**P.O. LINDSAY:**

Motion by Legislator Browning. Seconded by Legislator Eddington. Any discussion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1537-11 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 -Landing Road Property – Town of Brookhaven (SCTM Nos. 0200-027.00-03.00-001.001, 0200-027.00-03.00-001.002, 0200-027.00-03.00-001.003, 0200-027.00-03.00-001.004 and 0200-027.00-03.00-001.005) (Anker).* Legislator Romaine, this is your reso.

**LEG. ROMAINE:**

No, it's not.

**P.O. LINDSAY:**

No?

**LEG. ROMAINE:**

No, no.

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

Sara Anker.

**P.O. LINDSAY:**

Oh, I'm sorry, Legislator Anker.

**LEG. ROMAINE:**

It's Sara Anker's.

**LEG. ANKER:**

Yes. I'll make a motion to approve.

**P.O. LINDSAY:**

That's what I was looking for. Motion by Legislator Anker. Second by Legislator Eddington. Do we know what the --

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

Is this your first bill?

**P.O. LINDSAY:**

-- what this rated?

**LEG. D'AMARO:**

Thirteen.

**LEG. ROMAINE:**

Thirteen.

**LEG. ANKER:**

Can I elaborate?

**P.O. LINDSAY:**

Go ahead.

**LEG. ANKER:**

No, it doesn't -- it has a lower rating, but it also is a parcel that's attached to a Suffolk County Park near Mt. Sinai Harbor, so. And the rating -- and it's something we might want to review, it has a zero when it comes to wildlife and habitat. This parcel is connected to a very large parcel which is a Suffolk County Park. So again, I'm not sure how the rating was created, but it's really an important piece in the area.

**P.O. LINDSAY:**

Okay.

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

And actually, Mr. Chair, at committee when we looked at the rating, and I questioned Planning on the rating, I said I think we need to go back and look at some of these and they concurred that, you know, if they went back and took a look at it, that the rating should have been higher.

**P.O. LINDSAY:**

Okay.

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

And so we encouraged Legislator Anker to make a motion to approve.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, just the same point, that the Planning Department said this is one of those instances where you need to look beyond the four corners of the rating, we've done that in the past. It's contiguous to a County Park and they recommended the acquisition as well.

**P.O. LINDSAY:**

Okay. And it's planning steps. Again, I'm willing to go along with the planning steps, I'd like to see what the final rating is and what the cost is.

**LEG. BARRAGA:**

Is this your first bill?

**LEG. ANKER:**

Yes.

**LEG. BARRAGA:**

Boy, did I know that.

*(\*Laughter\*)*

**P.O. LINDSAY:**

And I almost gave it to Legislator Romaine; I mean, how cruel of me. I'm sorry, Legislator Anker. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1538-11 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - New Hope***

***Revival Church Property - Town of Brookhaven (SCTM No. 0200-876.00-03.00-001.000) (Browning).***

**LEG. BROWNING:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Browning. Second by Legislator Muratore.

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

Yes. And Mr. Chair, again, this was another one that had a low rating but it's right next to Wertheim National Wildlife Refuge. This is where we had did our -- we had did; I can't even get my grammar right anymore. Where we had done the long-term planning on marsh land restoration, it was on the Wertheim, and so this is a really important piece. And it was recommended by Planning that we approve it for planning steps and they think that they'll see more value in it as they move along.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***IR 1539-11 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Old Neck Creek Property - Town of Brookhaven) (SCTM Nos. 0200-855.00-02.00-001.000, 0200-856.00-01.00-001.000 and 0200-856.00-04.00-002.000) (Browning).***

**LEG. BROWNING:**

Motion.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Browning, second by Legislator Romaine. What was the rating here?

**LEG. D'AMARO:**

Twenty-seven.

**P.O. LINDSAY:**

Twenty-seven? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Opposed: Legislator Barraga).

**LEG. ROMAINE:**

Would the Clerk please list me as a cosponsor?

**MR. LAUBE:**

You got it.

**P.O. LINDSAY:**

*1548-11 - Reappointing member of the Council on Environmental Quality to represent Historic Preservation interests (Mary Ann Spencer). (Viloria-Fisher).*

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

Motion.

**P.O. LINDSAY:**

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

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, *1470-11 - Establishing a policy of fair and equitable budget reductions at County Health Centers (Browning).*

**LEG. BROWNING:**

Motion to approve.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Browning to approve, seconded by Legislator Kennedy. I would like to -- just to put on the record, that we still don't have any definitive answer from the state on our dispute with them over the Article 6 money. And I'm not going to say anything derogatory, but --

*(\*Laughter\*)*

But if we don't get any more money from the State and we share this pain over all ten health facilities, we could destroy the whole system; just so everybody knows that. The bill makes -- has a condition that anticipates that we're going to get some help from the State with this problem, but if it doesn't come through we might have to revisit this.

**LEG. MONTANO:**

Question.

**P.O. LINDSAY:**

Yes, Legislator Montano.

**LEG. MONTANO:**

Is -- maybe to Counsel. Is this the bill, or to the sponsor, that excludes the County Health Centers? You just want to --

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

Yes.

**LEG. MONTANO:**

It excludes Brentwood and some others; am I correct, Legislator Browning?

**LEG. BROWNING:**

It excludes the County Health Centers as far as asking them to do any kind of give-backs because the County workers have done lag payrolls, they've done pay freezes, they have done their fair share. But --

**LEG. MONTANO:**

So are they impacted financially under this bill?

**LEG. BROWNING:**

We're all going to be impacted financially by this, by the fact that --

**LEG. MONTANO:**

No. But, I mean, if it exempts it --

**LEG. BROWNING:**

-- we have no money.

**LEG. MONTANO:**

If it exempts the County Health Centers, what does that mean? Are they exempted from further cutbacks?

**MR. NOLAN:**

The resolution states that it -- the policy will be if there's going to be cuts to the health centers, the County's six health centers, that it's going to be shared equitably.

**LEG. MONTANO:**

Amongst the six.

**MR. NOLAN:**

Amongst the six as opposed to one center getting cut 40%, another one getting cut 10%, that it will be more equitable in terms of the cuts. All the centers will share the cuts in an equitable fashion and that will be the policy of the County.

**LEG. MONTANO:**

All right, I'll yield to Legislator D'Amaro.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Along that line, George, or to Kate also. Doesn't the bill -- by saying equitably, though, have built into it some discretion, a mechanism where the Health Department, in implementing the bill, can avoid closing any one of the health centers?

**LEG. BROWNING:**

Right.

**MR. NOLAN:**

Well, that's the --

**LEG. D'AMARO:**

It doesn't mean equally.

**MR. NOLAN:**

Right, exactly. The first RESOLVED clause states that it rejects reductions that will force the closure of any center. When you talk about -- it doesn't say equally in terms of cuts, it says "equitably", so that one won't take 40% and another one will take 10% or 8% or 12%.

**LEG. D'AMARO:**

Okay. All right, thank you.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

Yeah, I just wanted to get some clarification because I believe that the Health Commissioner said that he was against this.

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

He's here.

**LEG. EDDINGTON:**

And that if we do this, that we'll disable all the centers.

**P.O. LINDSAY:**

That's the point that I was making, Legislator Eddington. If we don't get any relief from the State, this policy that we're adopting could destroy the whole system.

**LEG. EDDINGTON:**

Wouldn't this then be --

**P.O. LINDSAY:**

But the alternative is the Executive's plan where he wants to close and defund another one altogether. So this is to spread the pain rather than lose two. And it's a little bit still up in the air, unfortunately, and it isn't because of lack of effort. I know there has been two or three in-person meetings, there's been weekly conference calls that primarily the Executive Branch has initiated, although our Budget Review Office has been involved in it with every meeting, and it's very frustrating, we can't get an answer.

**LEG. EDDINGTON:**

But if we vote on this, we're disregarding what the Commissioner said, his recommendation.

**LEG. BROWNING:**

No, no.

**P.O. LINDSAY:**

Well, I'll let the Commissioner speak for himself, but if we --

**LEG. EDDINGTON:**

Oh, I didn't see him.

**P.O. LINDSAY:**

Right now, the Executive's original intent was to close the North Brookhaven Center, and there's a time line on that. You know, we passed a bill two weeks ago to put the last of the discretionary

money we have in our operating budget, and that's the pay-as-you-go money, into the pool to keep it alive for another 30 days. Because if Stony Brook, who operates North Brookhaven, needs time to notify the people that are going to get laid off. So this kind of suspends the closure and talks about equal pain across the board.

**LEG. EDDINGTON:**

Yeah, and I hear that. But, you know, I understand the County Executive's concern is finances, that's why I'm glad that the Commissioner is here because his concern is human beings.

**P.O. LINDSAY:**

Well, the only thing that I could say, I wish -- I couldn't exactly define it that way. We still, if we don't get any help from the State, still might have to go back and cut off some of North Brookhaven or Dolan or something else to save the rest of the system. Yes, Dr. Tomarken, do you want to weigh in on this?

**COMMISSIONER TOMARKEN:**

I just want to say a couple of words. One, even if we closed one health center --

**LEG. MONTANO:**

Could you speak louder, Doctor?

**COMMISSIONER TOMARKEN:**

Sorry. Even if we closed one health center or two, it has a ripple effect through the other health centers. They become over burdened with patients, they can't meet their access and availability criteria, patients wait longer. If we do this and we -- and if we close the health center, it will never be opened again, most likely, it's very, very difficult. So my goal is to try to keep all these health centers open by hook or by crook for the next six months, and if we have to reduce services to three days a week or whatever. If we can keep them open, that would be my preference and that would be, I think, a better solution. So that's the position we're taking.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you, Dr. Tomarken. I appreciate that very, very much. I know we had a lot of discussion in the committee about this. I know, as Legislator Eddington did indicate, at one point you were concerned about how to spread this reduction out over all the health centers without impacting the entire system. But it sounds to me like it's even worse if we don't do that because then once one or two of them fall, it's very unlikely they'll ever come back on-line anyway.

**COMMISSIONER TOMARKEN:**

Right.

**LEG. D'AMARO:**

So it seems to me that what this bill is trying to do is work within what you're trying to do and that is keep them all up and running until we get into our budget for next year.

**COMMISSIONER TOMARKEN:**

Exactly.

**LEG. D'AMARO:**

Okay. Thank you.

**P.O. LINDSAY:**  
Legislator Romaine.

**LEG. ROMAINE:**

Yes. Based on what you said, Dr. Tomarken, I'm going to support this bill but with great trepidation, trepidations that our Presiding Officer has expressed. Because essentially what we have is this ship of health has sunk, we now have a life boat that will support four health centers and we have six health centers in that lifeboat. And you've all seen the movie Lifeboat and you know the decisions that we have to make. What I'm praying is that we don't have to make this decision, but I understand your concern that if one of these health centers or two of these health centers close, they will never open again.

So I'm going to vote to support this with the commitment that the Presiding Officer has put on record, that should State aid not be forthcoming, we will revisit this issue. Because we have a life boat now with six health centers in it, but that life boat, as it currently is constituted, can only support four. So without State aid, this is an issue we may and we should revisit if that aid is not forthcoming. Thank you.

**P.O. LINDSAY:**  
Legislator Browning.

**LEG. BROWNING:**

Yeah, I guess Ken Crannell is here, I'd like him to talk. I don't know how much you can say. I know they've been working hard on negotiations with the State. Do you want to go ahead and --

**MR. CRANNELL:**  
Sure, Legislator.

**LEG. BROWNING:**  
What can you tell us?

**MR. CRANNELL:**

Absolutely. First of all, I'd like to thank all of the Legislators around the horseshoe. You know, we've been working collaboratively. I think, you know, in this instance, you know, the problem is something that was caused by the State, and I think we all appreciate the value of our health centers. We're all trying to, you know, get our arms around the magnitude of this loss of State aid and how to deal with it.

You know, first of all, you know, originally the plan that was advanced by the County Executive recognized there was such a large amount of lost, you know, and based upon the input that we were getting from the professionals in the Health Department, you know, the judgment call was made that maybe the right approach was to defund the Dolan Health Center and to close the Coram Center, you know, using Legislator Romaine's lifeboat analogy, that, you know, maybe it made more sense to preserve the whole system.

But I do want to be clear, you know, based upon the information that we have today, I really want to be careful about using specific numbers, this is a settlement negotiation that we're in. I can say, you know, on the record that it's been done, with BRO on every call in every meeting that we've had. So, you know, certainly both the Executive and Legislative Branch are privy to the information. But I want to be honest with you. You know, the way we see it, we've got to effectuate the savings in the budget. If this resolution were to pass, it would result -- from the information that I have right now, of a cut that could be approximately 20% amongst the -- you know, to each of the six health centers of their total budget. So it's about a 20% reduction based upon the information that we have today. The way that this resolution is crafted is that if any additional money were to be

forthcoming from the State, it would be used equitably to reduce that 20% amongst -- to each of the individual health centers.

**LEG. HORSLEY:**

So you're for it?

**MR. CRANNELL:**

Excuse me?

**LEG. HORSLEY:**

You're okay with it?

**MR. CRANNELL:**

Yeah, Legislator. I think that, you know, where we are, you know, we had a plan that we advanced. If it's the decision of the Legislature to move forward in this fashion, you know, we'll move forward. You know, Legislator, personally I share some of the same reluctance that the Presiding Officer has. I mean, these are very large reductions and I don't want the record to reflect anything else. I mean, this is a 13 and a half million dollar reduction against six health centers, it's massive. And, you know, I haven't had any feedback personally from the various health centers, but I can imagine, you know, they're going to be conservative numbers of this size. You know, but if that's the will, if that's the policy call of the Legislature, we'll move forward and begin this change.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Actually that's music to my ears, because I was very, very concerned about the closure of the Coram Health Center. I really believe that that would have resulted in a real health crisis in northern Brookhaven. And, you know, I'm concerned because I'm seeing some of my local hospitals having crisis of my own. St. Charles Hospital I believe just laid off over 35 people because of the Medicare reimbursement, the Medicare and Medicaid reimbursements that are lower and they just can't meet the debt.

But Dr. Tomarken -- and thank you, Ken, for the work you've been doing on this. Dr. Tomarken, you had mentioned at the committee meeting that if we were to go this route, that your concern was that we would not be providing the delivery of service to the public at the level which would be deemed acceptable by I guess the powers at be, the Suffolk Health Plan, etcetera, and that we would suffer perhaps -- I'm trying to remember the terms you used but I can't. But how are we avoiding that with this legislation, or are we?

**COMMISSIONER TOMARKEN:**

Well, yeah, that's the question. If the numbers turn out to be in the neighborhood of what Mr. Crannell has indicated they might be, then it's a risk we have to take. We don't know. We have to work with him, we have to work with the State, we have to explain to them the situation. And, you know, we're -- I don't think our situation is terribly unique, I think everybody who's delivering health care is under the financial constraints, ours are very, very severe, and we hope that we can make it work. I have no guarantees. And I think as the Presiding Officer indicated, we might have to revisit this, depending on what the final number is if we get anything from the State. And so I can't guarantee anything. It is a risk, but it's a risk in either direction. And I think that --

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

But we're all taking the risk together.

**COMMISSIONER TOMARKEN:**

Right. And I think that it's the least painful risk, as I see the options as they are today.

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

Thank you.

**P.O. LINDSAY:**

Okay, Legislator Anker.

**LEG. ANKER:**

As part of your strategy and figuring out how we can keep all the Health Centers, have you reached out to other hospitals, particularly Mather Hospital and St. Charles, for the Elsie Owens Health Center?

**COMMISSIONER TOMARKEN:**

When you say reach out, I'm not sure, in what manner do you mean; do you mean in contractual?

**LEG. ANKER:**

Yeah. I guess Stony Brook University is the hospital that's supporting them right now, they're -- they don't have the funds available. I'm curious to find out if other hospitals in the area would be willing to look into taking this hospital as a partner.

**COMMISSIONER TOMARKEN:**

We have no formal arrangements or working groups with them, so we don't -- we haven't reached out because we have contractual relationships with all these hospitals and we have to deal with them in that context right now. But if a hospital came to us and said, "We'd be interested in running one of your health centers," we would certainly be more than happy to talk with them. But we haven't --

**LEG. ANKER:**

Okay, but that would be possible; if another private hospital was interested, that would be a possibility?

**COMMISSIONER TOMARKEN:**

It's a possibility.

**LEG. ANKER:**

Okay, thank you.

**MR. CRANNELL:**

If I could just add to that. The current contract with Stony Brook University is through June 30th. You know, we've been -- the current contract with Stony Brook is through June 30th, we've been operating, you know, with extensions, there hasn't been a formal contract in some time. So, you know, there's always opportunities to look at other hospitals.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I'm going to support this as well. You know, in some ways it's like the revenue sharing bill; this is an equitable approach, we all take the hit.

*(\*Laughter\*)*

And so for me, being on the East End, to protect my clinics from being singled out the way some of you have had your clinics singled out, I'm going to stand together and say whatever happens, let's let it happen to all of us equally.

**P.O. LINDSAY:**

You're the greatest.

*(\*Laughter\*)*

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

How many hundreds of acres was that, Jay?

**LEG. SCHNEIDERMAN:**

Four hundred.

**P.O. LINDSAY:**

Okay. We have a motion and a second to approve; am I correct?

**MR. LAUBE:**

Yes, you are.

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

Yes.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

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

Cosponsor, Tim.

**P.O. LINDSAY:**

1485 --

**MR. LAUBE:**

Seventeen -- no, 18.

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

**P.O. LINDSAY:**

I'm sorry. **1485 - To extend the deadline for the Heroin Opiate Epidemic Advisory Panel (Nowick).** Legislator Nowick.

**LEG. NOWICK:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Nowick.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen -- 18.

**P.O. LINDSAY:**

*1524 - Accepting 100% Federal grant funds from the United States Environmental Protection Agency passed through the New York State Department of Environmental Conservation to the Department of Health Services for the State Pollutant Discharge Elimination System (SPDES) Water Quality Management Planning Program and authorizing the County Executive to execute any related agreements (Co. Exec.).*

Do I have a motion?

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

I'll make a motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*I.R. 1551 - Authorizing reformation of contract with Suffolk Y Jewish Community Center (Kennedy).*

**LEG. KENNEDY:**

I'll make a motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy.

**LEG. COOPER:**

I'll second.

**P.O. LINDSAY:**

Second by Legislator Cooper. I'm going to make a motion to table.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Second by Legislator Eddington. On the tabling. I don't object to the County Executive reforming this contract if a mistake was made. Why do we have to -- why do we have to do this for him? That's the question that's always been here. If they made a mistake with this contract, let them reform the contract. It amounts to \$700,000.

**LEG. KENNEDY:**

On the motion to approve, Mr. Chair. That may be the case. As a matter of fact, there may be inherent authority there on the part of the County Executive to have the County Attorney go forward and to institute the modification. What I have seen, what I've read with the contract and with the Comptroller's report, the County Attorney and the County Executive seem to be steadfast that they will not take the action unilaterally, and therein lies the dilemma, that they're refusing to act, and they are putting it to us.

This bill, as you know, has gone through a number of versions. It is specific to the Suffolk Y only. It is something that, after careful consideration and review of all of the documents and matters associated with it, genuinely is what's known as mutual mistake. The outcome, were this to be enforced -- and even the Comptroller, as you know, is now in agreement with the bill with the way it is. It would work a hardship on an agency that has done nothing more than do what we ask all agencies to do, which is to go ahead and to fund-raise, hold car washes, bake-offs, all the other things that we encourage agencies to do. So, in an effort to try to bring some finality and to allow the agency to go forward, that's why I introduced the resolution and that's why I make the motion to approve.

**P.O. LINDSAY:**

I'm not going to further debate it with you. My position remains the same. If it's the Executive Branch's mistake and they want the contract reformed, let them reform it, don't put it on us to reform it. Okay. We have a motion to table and a motion to approve. Roll call. On.

**MR. NOLAN:**

On the tabling.

**P.O. LINDSAY:**

The tabling.

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

**P.O. LINDSAY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. COOPER:**

No.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

No.

**LEG. GREGORY:**

No.

**LEG. HORSLEY:**

No.

**LEG. NOWICK:**

No.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

No.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

No.

**LEG. ROMAINE:**

No.

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

No.

**MR. LAUBE:**

Four.

**P.O. LINDSAY:**

Motion to approve.

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

**LEG. KENNEDY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Abstain.

**LEG. EDDINGTON:**

No.

**LEG. ANKER:**

No.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

No.

**MR. LAUBE:**

Thirteen.

**P.O. LINDSAY:**

*I.R. 1563 - Establishing standard work day and reporting requirements for elected officials (Presiding Officer).*

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

Motion.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher, seconded by Legislator Cooper. Legislator D'Amaro.

**LEG. D'AMARO:**

Just asking for an explanation of the bill, please.

**P.O. LINDSAY:**

Well, this goes back to an edict that came down from the State last year where we had to keep our records, our time sheets for -- I think it was a three-month period. And along with that, at the time, the County Attorney told us that we'd have to eventually pass legislation to -- I don't know what the heck the legislation does. And it kind of fell on the side and we just have learned recently that we do have to do this.

**LEG. HORSLEY:**

Is this a joke?

**LEG. MONTANO:**

Question.

**P.O. LINDSAY:**

I wish it was a joke because it's stupid.

**LEG. MONTANO:**

Question.

**P.O. LINDSAY:**

I mean, I don't think there's anybody here that puts in a six-hour day. I mean, it's the most ridiculous thing in the world, and it comes from -- I don't -- don't let me saying anything, I'll just get in trouble, all right?

**LEG. D'AMARO:**

Bill, if I can just --

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, maybe to our Counsel. It's setting a minimum from pension calculation requirements, is that what it does?

**MR. NOLAN:**

That's basically what it does, yeah.

**LEG. D'AMARO:**

Okay. All right.

**MR. NOLAN:**

You have to establish, you know, a standard or a minimum workday for electeds. We -- this was drafted last year with the County Attorney. She was involved in the issue, and then originally told us we had to pass this type of resolution, so we're doing it.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Yeah. George, the exclusion is, if you're no longer with the New York State Retirement System, you do not have to do this.

**MR. NOLAN:**

Correct, exactly.

**P.O. LINDSAY:**  
Legislator Nowick.

**LEG. NOWICK:**  
I think there is also another exclusion, because at the time that this came out from the Comptroller, right, I did call and they said the Tier I employees also are not part of this. And I don't know if that is in the legislation or it comes from the Comptroller.

**P.O. LINDSAY:**  
I don't think it has anything to do with the resolution we have to pass whether you're Tier I, whether you're --

**LEG. NOWICK:**  
Well, what does the resolution actually mean? I'm sorry, but I didn't understand what you were saying.

**P.O. LINDSAY:**  
The resolution was given to us by the State, telling us that we have to pass this in order to keep our people in the pension program.

**LEG. NOWICK:**  
So what you're doing is just setting the day, the six-hour day?

**MR. NOLAN:**  
Six hours is a minimum workday. The other piece that we did last summer, the Legislators all did, was kept a log for three months, showing how many hours they worked during that period. They filed it with the Clerk of the Legislature. So that was piece number one, this is piece number two. We have to do it. I think everybody agrees. Well, then there's going to be -- if we don't it, then I think there'll be a pension issue. You don't want to go there.

**LEG. MONTANO:**  
I don't get this.

**P.O. LINDSAY:**  
Legislator Muratore.

**LEG. MURATORE:**  
I notice on the resolution under Jack Eddington, it's in highlighted letters, not in NYSLRS; what does that mean?

**D.P.O. VILORIA-FISHER:**  
He's not in the New York State --

**MR. NOLAN:**  
I guess he's retired, you know, so there's a couple of Legislators --

**LEG. MURATORE:**  
Well, why isn't that in mine, also? I'm not in the State -- I'm not in this pension system.

**MR. NOLAN:**  
You're right, they probably should be there as well.

**LEG. EDDINGTON:**  
Does that mean I don't have to work six-hour --

*(\*Laughter\*)*

**P.O. LINDSAY:**

Does anybody have any other questions?

**LEG. KENNEDY:**

We can't vote on this if it's not --

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

No, it's not correct, right?

**LEG. KENNEDY:**

Not correct.

**MR. NOLAN:**

Well, this was something that they asked us to pass last year.

**P.O. LINDSAY:**

No. What they're saying is the reso is incorrect, because --

**MR. NOLAN:**

I would suggest passing the resolution and doing a technical correction in August. I think that would be the thing to do.

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

Because Tom wasn't on the Legislature.

**LEG. KENNEDY:**

Can I ask a Counsel?

**P.O. LINDSAY:**

Go ahead.

**LEG. KENNEDY:**

What was the exact correspondence? Because I have to tell you something, I object to this. I told you that I objected to it before. I'm probably going to vote no on it. And the Constitution of the State of New York says that I'm entitled to my pension benefits that I paid into for the last damn 35 years, and I'm not going to go ahead and agree to something that shows that I do six hours when I've been here since 9:30 this morning. And the number of days in a calendar year that I don't wind up doing something with Legislative work I can count on one hand.

**MR. NOLAN:**

I don't blame you for being ticked, you know, because --

**LEG. KENNEDY:**

Do State Legislators do this? Do Senators and Assemblymen do this?

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

I think everybody does.

**LEG. KENNEDY:**

Do they?

**MR. NOLAN:**

It seems to me they would have to, because, basically, anybody who doesn't complete time sheets, and specifically the Comptroller sent out newsletters on this, you know, and it comes down to pensions.

**LEG. KENNEDY:**

But Legislator Nowick is saying that there is exemption for Tier I's. Now I'm a Tier II. Are Tier II's exempt from this as well?

**MR. NOLAN:**

I don't know about the -- the thing with the Tier I is the first I've heard of it. They told us to pass this resolution, County Attorney has told us to pass the resolution.

**LEG. KENNEDY:**

Then I'll abstain.

**MR. NOLAN:**

If you don't want to pass the resolution, don't pass the resolution.

**LEG. KENNEDY:**

I'll abstain and contact the retirement system.

**LEG. NOWICK:**

George, if I may, I actually did get a letter from them, because I figured this might come up at some point.

**P.O. LINDSAY:**

Okay. But regardless of who is not in the system or who is exempt, that they're Tier I, they're telling us we have to pass this thing. And I understand your frustration with it. I think this is -- it's just so indicative of the State and the hypocrisy. They're great at telling us what we have to do. You know, I -- we filled out the time sheets like they said, so pass the resolution so we don't have a problem with it. We have a motion and a second. All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

Abstain.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1479 - Authorizing use of Smith Point County Park property by Mastic Beach Fire Department (Inc. For public safety services fund drive (Browning)).*

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1483 - Authorizing use of Raynor County Park by the Lake Ronkonkoma Heritage Association (Muratore).*

**LEG. MURATORE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Muratore. Do I have a second?

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1491 - Authorizing a custodial license agreement with Independent Group Home Living Program Foundation for TWA Flight 800 Memorial, Smith Point Beach County Park (Shirley) (Co. Exec).*

**LEG. EDDINGTON:**

Motion to table.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Motion to table by Legislator Eddington, seconded by Legislator Romaine?

**LEG. ROMAINE:**

Absolutely.

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

Why? Why are you tabling this?

**LEG. EDDINGTON:**

Mr. Presiding Officer?

**P.O. LINDSAY:**

Please.

**LEG. EDDINGTON:**

This agreement hasn't been seen by anybody but The Executive Branch. The IGHL hasn't seen it, I haven't seen it, so that I don't know how we could agree to an agreement that no one has seen.

**P.O. LINDSAY:**

Okay. All right. That's fair enough. We have a motion and a second to table. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1517 - Authorizing use of Indian Island County Park by Birthright of Peconic, Inc. for its Walkathon Fundraiser (Co. Exec.)*

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Who was -- second by Legislator Browning. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1518 - Authorizing use of the Long Island Maritime Museum by the Cystic Fibrosis Foundation for their annual "Sayville Run/Walk and Barbecue" fundraiser (Co. Exec.).* I'll make a motion.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1519 - Authorizing the use of Cedar Beach County Park by Event Power for its Mighty North Fork Triathlon Fundraiser (Co. Exec.).* Somebody --

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1562 - Dedicating the Methodist Church of Manorville to the Suffolk County Historic Trust (Romaine).*

**LEG. ROMAINE:**

Motion.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Romaine, second by Legislator Browning. On the question. What does this mean? Does this mean we have another historic structure to maintain?

**LEG. ROMAINE:**

It means we currently own it.

**P.O. LINDSAY:**

We already own it.

**LEG. ROMAINE:**

We already own it, and because of its historic nature, it's being transferred to the Historic Trust.

**P.O. LINDSAY:**

Okay.

**LEG. ROMAINE:**

Believe me, they haven't spent any money on it.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1093 - Naming the Suffolk County Police Department range "The Stephen J. Clark Memorial Range" (Co. Exec.).*

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning, seconded by Legislator Stern. Legislator Stern, it went through the naming --

**LEG. STERN:**

It went through the Sitings Committee and it was approved.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*I.R. 1224 - Approving rates for Roncalli Freight Company, Incorporated (Presiding Officer).* Motion by Legislator Barraga, I'll second it. All in favor? Opposed? Abstentions?

**LEG. D'AMARO:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1453 - Establishing a central phone number for SCAT Bus Services (Cilmi).*

**LEG. CILMI:**

Motion to table.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*I.R. 1473 - To rename the intersection of County Road 16 and County Road 93 as "Officer Robert Helmke Intersection" (Kennedy).*

**LEG. KENNEDY:**

I'm going to make a motion to table, Mr. Chair, but I'm going to ask that it remain on the agenda. There was some confusion at the last Siting Committee meeting. Some members of the Administration questioned what the nexus of Officer Helmke's service to the County of Suffolk was. He was highly decorated, spent nine months on a pile, and died as a young man of a rare cancer. So we've modified the resolution to highlight that nexus and I fully expect it will be able to go through at the next Siting Committee meeting.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. *1487 - Authorizing a public hearing for the authorization of approval to alter rates for North Ferry Co., Incorporated (Presiding Officer).*

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1516 - Authorizing an intermunicipal agreement with the Village of Babylon for drainage improvements to County Road 96, Great East Neck Road in the vicinity of Evergreen Street (Co. Exec.).*

**LEG. HORSLEY:**

Motion.

**LEG. GREGORY:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Horsley, seconded by Legislator Gregory. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1536 - Amending the 2011 Capital Budget and Program, transferring funds from the Assessment Stabilization Reserve Fund, and appropriating funds in connection with improvements to Suffolk County Sewer District No. 21 (SUNY) (CP 8121) (Co. Exec.).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher. Second by --

**LEG. SCHNEIDERMAN:**

Second.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

-- Legislator Horsley. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1559 - Naming the Veterans Plaza in Raynor Beach (County) Park in honor of Robert J. Molinari (Kennedy).*

**LEG. KENNEDY:**

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

**LEG. CILMI:**

Second.

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

A motion by Legislator Kennedy, seconded by Legislator Cilmi. I'll ask the question; did this go through Sitings.

**LEG. STERN:**

This went through Sitings and was approved.

**P.O. LINDSAY:**

Just for the heck of it, could somebody tell me who Robert Molinari is?

**LEG. KENNEDY:**

Yes, Mr. Chair. As a matter of fact, Mr. Molinari was a member of the AmVets Post on Church Street in Ronkonkoma. He was a World War II Veteran, served in the Army Air Corps, went on and served extensively with the post in the community; was a member of the Ronkonkoma Civic Association, the Ronkonkoma Chamber. We filed quite a bit of background on him and it's a meaningful, I think, and appropriate --

**P.O. LINDSAY:**

Okay.

**LEG. KENNEDY:**

-- way to recognize our Veterans Plaza at Raynor Park.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1284 - Approving a list of Title Insurance Companies as designated by the Division of Real Property Acquisition and Management (Co. Exec.).*

**LEG. KENNEDY:**

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

**P.O. LINDSAY:**

Motion by Legislator Kennedy.

**LEG. MONTANO:**

I'll second it.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1372 - A Local Law to prohibit County elected officials from collecting two public salaries (Muratore).*

**LEG. MURATORE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Muratore.

**LEG. ANKER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Anker.

**LEG. EDDINGTON:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Eddington.

**LEG. EDDINGTON:**

Yeah. And I notice that the sponsor took out the term "double-dipping", which I guess is just a term, but I'm not clear. Don't we have something like this, if I could ask our attorney? Can you do this now?

**MR. NOLAN:**

We can do it now. We don't have it on the books yet.

**LEG. EDDINGTON:**

Okay. So that to make it clear, this isn't a person that's like getting -- like I'm getting a retirement from New York State Teachers Retirement and I've got this job, so --

**MR. NOLAN:**

You're okay.

**LEG. HORSLEY:**

No teachers, right?

**LEG. EDDINGTON:**

Are you shaking your head --

**MR. NOLAN:**

That's fine.

**LEG. EDDINGTON:**

Yes or no?

**LEG. CILMI:**

It's a salary, that's not --

**MR. NOLAN:**

Right, paid salary.

**LEG. EDDINGTON:**

Oh, okay, so --

**MR. NOLAN:**

If you're collecting a pension, you can hold a job in County government and so forth.

**LEG. EDDINGTON:**

Okay. But I couldn't work for the Town of Brookhaven or Patchogue Village, or anything like that --

**MR. NOLAN:**

Correct.

**LEG. EDDINGTON:**

--while I'm doing this.

**MR. NOLAN:**

Yes.

**LEG. EDDINGTON:**

Okay. Thank you.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1507 - Sale of County-owned real estate pursuant to Local Law 13-1976 Glen Belostock and Ann DeMarco (SCTM No. 0800-019.00-07.00-036.000) (Co. Exec.).*

**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:**

Eighteen.

**P.O. LINDSAY:**

*1508 - Sale of County-owned real estate pursuant to Local Law 13-1976 Anna Wintour (SCTM No. 0200-971.00-01.00-011.001) (Co. Exec.).*

**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:**

Eighteen.

**P.O. LINDSAY:**

*1528 - Authorizing the sales of surplus property sold at the May 11, 2011 Auction, pursuant to Local Law No. 13-1976, as per Exhibit "A: (Omnibus Resolution) (Co. Exec.).*

**LEG. MONTANO:**

I'll make a motion.

**P.O. LINDSAY:**

Motion by Legislator Montano. Do I have a second?

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

I'll second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1552 - Authorizing the reconveyance of County-owned real estate, pursuant to Section 215, New York State County Law, to the Estate of Laura DeSario (Barraga).*

**LEG. BARRAGA:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Barraga.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. That concludes the regular file. All right. Let's go to the vetoes. Let's start with the Capital Budget. I am going to make a motion to -- some of the Capital Budget was vetoed, some of it was not. I take -- I'm going to make a motion to take all of the vetoes in the Capital Budget as one vote and to vote on them together, and I'll make a motion to override the vetoes.

**LEG. SCHNEIDERMAN:**

Second.

**MR. NOLAN:**

That's just the vetoes in Budget Amendment No. 1, which was the omnibus? Do we have a -- do you want to take the stand-alones at the same time?

**P.O. LINDSAY:**

Yeah. No, just in Budget Amendment No. 1. Do I have a second?

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Schneiderman.

**LEG. D'AMARO:**

Excuse me. What's the motion, please?

**P.O. LINDSAY:**

The motion is to take -- this is -- all has to do with the Capital Budget. There was -- the whole -- everything that we approved was not vetoed in totality, it was here and there, this one, that one. What my motion is, to take all of the vetoes in Budget Amendment No. 1 in one vote, and I'm making a motion to override that veto.

**LEG. D'AMARO:**

Shouldn't those be done by two separate motions?

**MR. NOLAN:**

Yeah, we always do it as two separate motions, yeah.

**P.O. LINDSAY:**

Okay. So I'll make a motion to take all of the vetoes in Budget Amendment 1 and to treat them as one, one vote.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**LEG. D'AMARO:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay, it passed. Now I make a motion to override Budget -- the vetoes having to do with Budget Amendment No. 1. Do I have a second?

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

Second.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Who made the second?

**LEG. MONTANO:**

Well, Vivian and I did.

**P.O. LINDSAY:**

Okay, Legislator Montano. As soon as we're done with this, we'll break for a few minutes to get a slice of pizza. All right. Okay. So we have a motion and a second to override the vetoes of Budget Amendment No. 1. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. All right. Let's break in the middle of the Capital Budget and have a slice of pizza. For you folks in the audience, we'll be five minutes, because I'm going to drag them back here eating pizza.

*(\*The Meeting Was Recessed at 8:28 P.M. and Resumed at 8:32 P.M. \*)*

**P.O. LINDSAY:**

All right. Let's go, eat and work. Roll call, Mr. Clerk.

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

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

(Not Present)

**LEG. ANKER:**

Here.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Here.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**  
Yeah.

**LEG. NOWICK:**  
Here.

**LEG. HORSLEY:**  
(Not Present).

**LEG. GREGORY:**  
Here.

**LEG. STERN:**  
(Not Present).

**LEG. D'AMARO:**  
(Not Present).

**LEG. COOPER:**  
(Not Present).

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

**P.O. LINDSAY:**  
Here.

**MR. LAUBE:**  
Thirteen.

**P.O. LINDSAY:**  
Okay. We're up to *Budget Amendment No. 2*.

**LEG. ROMAINE:**  
Motion to override.

**P.O. LINDSAY:**  
Motion to override by Legislator Romaine. It's improvements to the Red House at Inlet Pond Park.

**LEG. SCHNEIDERMAN:**  
Second.

**P.O. LINDSAY:**  
Is there a second? Second by Legislator Schneiderman. Any discussion? Motion to override. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Eighteen.

**P.O. LINDSAY:**  
Okay. Three, building -- *Budget Amendment No. 3*, 1766, building for Wildlife Rescue and Education Marine Science Center.

**LEG. ROMAINE:**  
Motion to override.

**P.O. LINDSAY:**  
Motion to override by Legislator Romaine.

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

**LEG. SCHNEIDERMAN:**  
Second.

**P.O. LINDSAY:**  
Second by Legislator Vilorina-Fisher. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Eighteen.

**P.O. LINDSAY:**  
*Four*, safety improvements to County Road 16, Smithtown Boulevard at Gilbert Avenue and Sheppard Lane in the Town of Smithtown.

**LEG. KENNEDY:**  
Motion.

**P.O. LINDSAY:**  
Motion by Legislator Kennedy.

**LEG. NOWICK:**  
Second.

**P.O. LINDSAY:**  
Seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Eighteen.

**P.O. LINDSAY:**  
And five was signed. Legislator Cilmi, our fair-haired -- okay.

*(\*Laughter\*)*

So no action there.

**LEG. CILMI:**  
I'm fair-haired, I'll give you that.

**P.O. LINDSAY:**  
*Budget Amendment 6*, improvement to the Long Wharf at Sag Harbor.

**LEG. SCHNEIDERMAN:**  
Motion to override.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***Budget Amendment No. 7***, improvements to the Board of Elections.

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. Capital Budget's done.

**MR. NOLAN:**

Manila folder.

**P.O. LINDSAY:**

Manila folder. We have a ***Procedural Motion (19)*** here to authorize amendments to the contract with Hudson River Energy Group.

**LEG. ROMAINE:**

So moved.

**P.O. LINDSAY:**

It's for \$28,500. Hudson River Energy Group is the consultant that we hired in the LIPA lawsuit, and there was a delay in billing, and that's why we are where we are.

**MR. NOLAN:**

Can I just put on the record --

**P.O. LINDSAY:**

Go ahead, go ahead.

**MR. NOLAN:**

-- Mr. Presiding Officer, that the \$28,500 was added by a Procedural Motion a couple of years ago. This is really going back in time. Hudson River didn't submit invoices timely. They did some work in 2009, after their contract had expired in 2008. So this resolution would authorize us to extend their contract, going back in time through 2009, and also increasing the amount in the contract, reflect a higher amount that had been approved by the Legislature. We have to do this if we want to get them paid. It will come out of our 456 Account.

I spoke to Budget Review yesterday. I don't believe anything has come out of that account so far this year, so there is money to pay them. And this in connection with the LIPA litigation that was being handled by Irving Like, and this was a consultant that was helping them.

**P.O. LINDSAY:**

My question, does this conclude this? Are we going to get any other bills, or is this --

**MR. NOLAN:**

That would only be if we were taking an appeal on the summary judgment motion to --

**P.O. LINDSAY:**

But there isn't any other delayed bills out there?

**MR. NOLAN:**

Not that I'm aware of, no.

**LEG. D'AMARO:**

Bill.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Just for the record, note my recusal as per my previously filed recusal statement. Thank you.

**P.O. LINDSAY:**

Someone else had a question? Okay. We have a motion to approve and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay. We have *Procedural Motion No. 18* that authorizes a whole group of not-for-profits that we're funding through our CSIs. I'll make a motion. Do I have a second?

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*Introductory Resolution 1609A. It's a Bond Resolution of (the County of Suffolk), New York, authorizing the issuance of \$1,218,500 in bonds to finance the cost of planning, design, development, software, hardware and equipment for the Health Services Electronic Medical Record Program (CP 4036.110 And .510).* We passed this --

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

Motion.

**P.O. LINDSAY:**

-- bill quite a ways back, but got hung up on the bond. Motion by Legislator Viloría-Fisher.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Second by Legislator Browning.

**LEG. KENNEDY:**

On the motion, Mr. Chair.

**P.O. LINDSAY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

I will vote for this resolution based on the fact that Dr. Tomarken assured me that there is Federal reimbursement associated with installing this program. That had been my point all along. I'm pleased to hear that the department has it in place, so I'll now support the bill.

**P.O. LINDSAY:**

The other thing that I'd like to point out is that by bonding this, it frees up a million-two that we can put towards the health care crisis. So we have a motion and a second. Roll call.

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

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

Yes.

**LEG. BROWNING:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. We have another veto here of *Resolution 395 - Adopting a Local Law to protect animals in Suffolk County from abuse (Cooper)*. Legislator Cooper?

**LEG. COOPER:**

I make a motion to override.

**P.O. LINDSAY:**

Motion to override. Do I have a second? Second by Legislator Muratore.

**LEG. BROWNING:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Browning.

**LEG. BROWNING:**

I think it's pretty hysterical that we have this bill to -- which I supported, to create a registry to protect animals, but we cannot vote for a registry for cell phones to protect our children. Thank you.

**P.O. LINDSAY:**

Okay. I'm not going to say anything. We have a motion and a second to override. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

We got still some more business. CNs, red folder. *I.R. 1555 - A Local Law further extending first time homeowner county property tax exemptions.*

**LEG. ROMAINE:**

Motion.

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

I'll second the motion.

**P.O. LINDSAY:**

Who made the motion?

**LEG. ROMAINE:**

(Raised his hand).

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. ROMAINE:**

Tim, please list me as a cosponsor.

**LEG. GREGORY:**

Tim, me, too.

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

Me, too, Tim.

**P.O. LINDSAY:**

*1558 - Authorizing use of property at Francis S. Gabreski Airport by Escape to New York, LLC.*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Horsley. It's a big camp-a-roo. We get about 35 grand for the weekend or something; am I correct?

**LEG. HORSLEY:**

Yes, you're correct.

**LEG. SCHNEIDERMAN:**

Right. Actually, the Shinnecock -- our friends at the Shinnecock Nation are having a concert, a large music festival, and some of the parking and actually housing are going to happen at the airport. So there's going to be a camp set up there and there'll be a bus from Gabreski Airport to the -- to the reservation.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*J.R. 1610 - Advancing funding for the Long Island Philharmonic annual summer concert.* I will make a motion.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

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

I encourage everybody to go. They were great last year.

**P.O. LINDSAY:**

*J.R. -- 307 - Establishing a commission to address State Aid reductions and preserve health services in Suffolk County to extend the reporting deadline.*

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

What is this about? I don't understand this.

**P.O. LINDSAY:**

On the motion. We don't have a motion -- we don't have a -- I'm going to make a motion to approve --

**LEG. COOPER:**

I'll second.

**P.O. LINDSAY:**

-- for discussion purposes; second by Legislator Cooper. Legislator Montano, did you have a --

**LEG. MONTANO:**

Yeah, just an explanation of this. What is it?

**P.O. LINDSAY:**

Maybe, Mr. Crannell, why don't you give a --

**LEG. MONTANO:**

Is this just an extension, Ken?

**MR. CRANNELL:**

Yes.

**LEG. MONTANO:**

Okay.

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

It's just adding --

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*J.R. 1618 - Amending Resolution No. 438 in connection with the purchase and replacement of heavy duty and special equipment County-wide.*

**LEG. KENNEDY:**

I make a motion to approve, Mr. Chair.

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

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Kennedy.

**LEG. KENNEDY:**

And I'm going to ask the Clerk to list me as a cosponsor.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. We got late-starters, and I think that's it.

**MR. NOLAN:**

A motion to waive the rules.

**P.O. LINDSAY:**

I need a motion to waive the rules and lay on the table the following *Late-Starters:*

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

So moved.

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

I.R. 1601, to Ways and Means; 1602, to Public Works; 1603, to Public Works; 1604, to Labor, Housing, and Consumer Protection, and set a public hearing for August 2, 6:30, in Hauppauge. 1605, to Ways and Means and set a public hearing for August 2, 6:30, in Hauppauge. I.R. 1606, to Public Safety; I.R. 1607, to Public Works; I.R. 1608, to Public Works; 1611, to Public Works; 1612, to Public Safety.

**MR. NOLAN:**

And to set the public hearing for August 2nd, 6:30.

**P.O. LINDSAY:**

Okay. And set a public hearing for August 2nd at 6:30 in Hauppauge. 1613, Health and Human Services, and set a public hearing for August 2nd at 6:30 in Hauppauge. 1613, to Ways and Means; 1615, to Public Works; 16 -- there's no 16, right?

**MR. NOLAN:**

Right.

**P.O. LINDSAY:**

1617, to Ways and Means, and set a public hearing for August 2nd, 6:30, in Hauppauge. 1619, to Economic Development, Education and Energy; 1620, to Parks and Recreation; 1621, to Parks and Recreation; 1622, to EPA; 1623, to Budget and Finance, and that's it. We already have a motion, I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Eighteen.

**LEG. ROMAINE:**

Motion to adjourn.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Everybody enjoy your summer break.

*(\*The meeting was adjourned at 8:47 P.M. \*)*

*{ } - Denotes Spelled Phonetically*