

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**ELEVENTH DAY**

**August 2, 2011**

**VERBATIM TRANSCRIPT**

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

**Verbatim Minutes Taken & Transcribed By:**  
Alison Mahoney & Donna Catalano - Court Reporters

*(\*THE MEETING WAS CALLED TO ORDER AT 4:03 P.M. \*)*

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

**P.O. LINDSAY:**

Could I have all Legislators to the horseshoe, please? Okay.

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

**MR. LAUBE:**

Absolutely.

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

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. ANKER:**

(Not present).

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Here.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

(Not present).

**LEG. HORSLEY:**

Here.

**LEG. NOWICK:**

Here.

**LEG. GREGORY:**  
Here.

**LEG. STERN:**  
Here.

**LEG. D'AMARO:**  
Here.

**LEG. COOPER:**  
Here.

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

**P.O. LINDSAY:**  
Here.

**MR. LAUBE:**  
Sixteen (Not Present: Legislators Anker & Kennedy).

**P.O. LINDSAY:**  
Could everyone rise for our salute to the flag led by Legislator Stern.

***Salutation***

We have a very special treat tonight; we're going to have The National Anthem, and one other patriotic song, will be sung by the Island Hills Chorus from Dix Hills.

***Vocal Presentation by the Island Hills Chorus of Dix Hills***

**P.O. LINDSAY:**  
Thank you very much.

**LEG. STERN:**  
Thank you, Mr. Presiding Officer. And welcome, everybody. It is my great pleasure to welcome Sweet Adelines International and the Island Hills Chorus here this evening. What a great job that they do. I have a presentation of a Legislative proclamation. I'm sure my colleagues would agree that all of you bring such great pride to our entire community. And so on behalf of the Suffolk County Legislature, it is my great pleasure to say congratulations and, most importantly, thank you.

***Applause***

***Photograph Taken***

**P.O. LINDSAY:**  
Okay. Now that we heard from the ladies with their beautiful voices, I'm going to ask you to stand again and Legislator Stern will introduce our visiting clergy.

**LEG. STERN:**  
Thank you, Mr. Presiding Officer. It is really a great privilege for me to introduce our visiting clergy today. Reverend Chong Kim is Pastor of Bible Korean Methodist Church of Dix Hills which will be celebrating its 30th Anniversary in November. Reverend Kim was born in South Korea and emigrated to the United States in 1973 at the age of 16. He graduated from high school and college

in Hawaii and was a member of ROTC. He served in the United States Army for six years before being called to the Christian Ministry.

Reverend Kim is a graduate of the University of Arizona and has a Master's in Secondary Education. He graduated from the South Western Baptist Theological Seminary in 1989 and received a Doctor of Ministry Degree from the New York Theological Seminary in Manhattan in 1998. Reverend Kim is married with two adult children. It is, again, my privilege to introduce to you Reverend Kim.

### ***Applause***

#### **REVEREND KIM:**

Thank you, Mr. Stern and the members of the Legislature. It's my privilege to be here. I've never, never dreamed of being in this kind of a situation and environment as an immigrant, Korean/American. And I'm feeling very honored, privileged and I'm very happy to say a blessing for all of us all. So let us bow our heads.

Dear Lord, as we gather to do what you have us to do, we are so moved to bow our heads and humble ourselves to acknowledge that you are our creator and our savior. And we bow down before you for we are well aware that our understanding of this world is so limited, that we are not capable of making right decisions all the time. We don't know what's going to happen tomorrow, let alone many years from now, yet we still have to plan for the future and make important decisions that will have long-lasting effect. So, Lord, because we know how great you are and how humble we are, we bow down before you and ask for your wisdom for you said if any of you lack wisdom, let them ask of God who gives to all liberally and without reproach and will be given to him. Please hear our prayer and give us your wisdom that's as clear as the morning dew sparkling the first light of the day and the courage as strong as an unmovable mountain to make the right decisions in light of truth.

Oh, Heavenly Father, we are so thankful for the wonderful things you have created for us to enjoy, especially this beautiful Island we call our home. We thank you and honor you for those great people who have given all their talents and gifts for the betterment of this blessed community. We confess that it is because we are graced in their untiring efforts that made this land what it is today. Also we confess that only through your continued grace and blessing can we continue to preserve and enjoy living in this beautiful land.

So, Lord, bless your servants today that what they do in this room and whatever decisions that they make in this room today may bring continued peace and prosperity to all who call this community their home. Bless each and every one of the elected officials in this room so that each one may find its work gratifying, uplifting and rewarding, though the work may be difficult and stressful at times. Bless their family members and bless their health. May their homes be filled with laughter and may their sorrows and heartaches comfort, healed and mended, and all that they endeavor to do be richly rewarded.

Lord, we remember how you said although man may plan his path in his heart, it is the Lord who leads his footsteps. So please, Lord, lead every thought and every imagination so that your good and perfect will be done in this blessed land, that your people, they abide in peace and harmony. We pray in your son's name, amen.

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

Thank you.

**P.O. LINDSAY:**

Thank you, Reverend. If I could ask everybody to remain standing for former Senator Cesar Trunzo's wife Lorraine who passed away recently; the funeral will be held Wednesday and Thursday at Michael Grant Funeral Home on Suffolk Avenue in Brentwood. And as always, 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***

Okay. We have a few **proclamations**; first, Legislator Kennedy. Legislator Kennedy, do you have a proclamation?

**LEG. KENNEDY:**

I do, Mr. Chair. Good afternoon, Mr. Chair. Thank you. Today I have the great privilege of being able to invite a number of youngsters from the 12th Legislative District and throughout who competed in the Aquafina Pitch, Hit & Run Competition that we sponsored in conjunction with one of our famous constituents, Buddy Harrelson, a Met from back in 1969. So I have a number of young people who are here with me today and I'm going to ask them if they would please come up and join me at the microphone. And we want to be able to go ahead and acknowledge the important competition that they've done, the individual opportunity to go ahead and compete in both hitting, base running, as well as pitching, and a number of them have had the opportunity to go ahead and progress through our local Suffolk County competitions and they've moved on to -- and I guess they must all be out in the lobby.

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

And maybe they're not hearing me out here. No, that's all right. You know what? What I'll do is I have a number of certificates for them.

**P.O. LINDSAY:**

They're coming, John, they're coming.

**LEG. KENNEDY:**

Are they really? There we go.

**P.O. LINDSAY:**

Yeah, they're out --

**LEG. KENNEDY:**

Come on in, guys. Come on in.

**P.O. LINDSAY:**

They were practicing bunting.

**LEG. KENNEDY:**

Absolutely. As a matter of fact, I understand the Mets are looking for a few good stand-ins.

**P.O. LINDSAY:**

Come on. Come on up here. Go over there and join --

**LEG. KENNEDY:**

Come on, guys. Come on over here. Come on around over here, guys.

As I said, they have competed -- both young men and young women, as you can see competed very well and performed very good on behalf of all of Suffolk County in the Pitch, Hit & Run Competition.

They moved on to regional competitions sponsored by Aquafina, one of only 200 competitions throughout the country. And again, it's an example of the fine young athletes that each and every one of us have in our districts. So I'd ask that we give them some recognition today, give them a round of applause and thank them for coming out.

***Applause***

Good job, guys. All right, now we're going to do the certificates. Thank you, Mr. Chair.

**P.O. LINDSAY:**

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

**LEG. CILMI:**

Thank you very much, Mr. Presiding Officer. If I could ask Senior Probation Officer Christina Curley to join me at the podium?

**OFFICER CURLY:**

Hi.

**LEG. CILMI:**

It's, once again, my privilege to offer a Probation Officer of the Month, Senior Probation Officer Christina Curley, who works in our intensive Narcotics Unit in the Probation Department who was recently on what she thought was a routine home visit to check in on a 22-year old female probationer who was on probation for a misdemeanor drug charge. Officer Curly entered the home believing that the probationer was the sole occupant of the house, and as is sometimes the case, she was faced with a much different situation. Not only was the probationer present, but during the search she encountered four other individuals. All seemed to be fine until officer Curly spotted a plate of cocaine and immediately called for a Police backup. At this point, one of the individuals fled the scene. Fortunately, Officer Curly, along with the assisting officers, were able to apprehend the others. After a more thorough search, several bags of cocaine, bundles of heroin, pills, baggies, spoons and other drug paraphernalia, including 50 hypodermic needles, were recovered, some of which hidden in ceiling tiles. Multiple charges were filed including Possession with the Intent to Sell, which is a Class B Felony.

This situation underscores the risks our Probation Officers take on a daily basis. In this instance, as in many others, it shows how our Probation Department is a key component in our public safety team. Had it not been for Officer Curly's training and experience which led her to decisive action, this situation may have ended much differently and maybe tragically. Officer Curley and all our Probation Officers put themselves in harm's way to protect the public. And it may be -- it may well be that thanks to Officer Curley, lives were saved that day and all of Suffolk County owes you our thanks. Thank you and God bless you. Keep up the good work.

***Applause***

**P.O. LINDSAY:**

Okay. Next I call on Deputy Presiding Officer Vivian Viloría-Fisher and members of the Public Health Nursing Steering Committee will present an update to the Legislature.

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

Thank you, Mr. Chair. Given that this is an afternoon meeting and we don't want to make it a long presentation, I have asked the Chair of our Steering Committee, Dr. Laurel Breen, to give us a presentation on the basic contents of this. Dr. Tomarken is here and he was gracious enough to sit on the meeting -- in on the meetings with us, toward the end particularly because he hasn't been here that long and we've been at this for a long time.

Before she begins, I do want to thank Dr. Jansen-Breen for the time that she has devoted to this. Her leadership as the Chair of this committee has been invaluable, her knowledge as a professional nurse and educator of nurses has been really a great help. Tom is handing out a copy of the report. And I must also add that this is very timely since there has been an RFP issued for the sale of the CHHA, and Dr. Breen will address that as well. Thank you. Laurel?

**P.O. LINDSAY:**

Dr. Breen, would you like to sit up at the table? You would be more comfortable?

**DR. BREEN:**

Yes, thank you.

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

Thank you, Mr. Chair.

**DR. BREEN:**

Thank you, Legislator Viloría-Fisher. And good afternoon and thank --

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

Make sure you are close enough to the mic and press the button.

**DR. BREEN:**

Can you hear me better now?

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

Yes.

**DR. BREEN:**

Thank you, Legislator Viloría-Fisher, and thank you to all of the Legislators for allowing me to be here today.

As Vivian stated, my name is Laurel Jansen-Breen and since September, 2009, I have served as Chair of the Suffolk County Public Health Nursing Steering Committee. The responsibilities of this Steering Committee focused on assisting the Center for Governmental Research, in your report known as CGR, in carrying out an assessment of the Suffolk County Department of Health, Bureau of Public Health Nursing; the report is the one that you have before you.

This completed study, at a cost of \$60,000, provides an overview and cost analysis of the activities of the Bureau of Public Health Nursing; extensive analysis of existing health care patterns and needs in the County; a solid literature review of best practices related to Public Health Nursing; and also presents alternative models of care delivery. CGR spent extended time conducting face-to-face and telephone interviews with many stakeholders and experts in the field to gain their diverse perspectives. These perspectives you'll see across the study itself and represented on all of the pages, or many of the pages I should say.

Completed in July, the report is now broken down into two sections. The most essential summary pages are in the front and an extensive appendix with history, demographics and summaries, along with relevant research related to Public Health Nursing in general and models of practice, are following behind. Within the 27-page summary, the primary issues and challenges of conducting a cost benefit analysis of the Bureau of Public Health Nursing are outlined and recommendations to guide the decision making of the Legislature are included at the end. Major discussions include the unique and change in context of the finances, demographics and health care needs of Suffolk County, bringing with it the need to clarify the mission of the Bureau.

The report also acknowledges the difficulty in assigning monetary values to program outcomes related to the Bureau, meaning not all programs can be valued in dollars and cents, but rather need to be examined from a framework of an underlying philosophy of care aimed at best meeting the health care needs of the County. The importance of recognizing the unique historical role that the Bureau has had in positively impacting overall maternal child health in the County is also highlighted, and the acknowledgement that if the County does not deliver these service, there most definitely would be a reduction in services to County residents. While some progress has been made, the ongoing needs in maternal child health are clearly evident in the charts provided in sections on racial and ethnic disparities, and I would ask you, when you get the time, to look at them on page 62.

As indicated, for the years 2006 to 2008, the black, non-Hispanic infant mortality rate was more than twice the rate for white-non Hispanics in the County of Suffolk. And lastly, the arguments for both the sale and the retention of the child license are outlined; potential short-term, long-term financial scenarios are presented and the difficulty in using only a business evaluation approach are strongly brought forward.

I would like to personally thank the members of the committee. Jack Caffey, Ann Kellet, Len Marchese, Beth Reynolds, Lauretta Wagner and Legislator Vivian Vilorio-Fisher who has helped us extensively. And I would like to thank all of them for their commitment towards obtaining this quality report. I would also like to thank Dr. Tomarken, Dr. Jane Corrarino, Jeana Pasade, Owen Durney and Mona {Ronjas} who were advisory to the committee and were very helpful in so many ways.

I would like the Legislature to know that the extended time and difficulty in delivering this report to you, which we have accepted as a committee, relates primarily to the high standards we held as a committee of the whole to obtain a study that, unlike other studies and those that went primarily unused, set-aside or ignored regarding the Bureau of Public Health Nursing, we were looking for one that could serve as a guide for the important policy making surrounding the future of the Bureau of Public Health Nursing. I think that we have achieved that.

In conclusion, I would like to ask the Legislature to consider and honor both the work of this committee and the timing of this report. When I first accepted the position to chair the Steering Committee, I had no idea that the completion of the report would actually coincide with the issuing of an RFP to sell the CHHA. I am happy to be at least delivering this report to you at a time when decisions, important decisions are still to be made. There's a great deal of weight in this report. I would ask that the \$60,000 investment translate into significant dialogue regarding both the -- excuse me, regarding both the future of the CHHA and the overall future of the Bureau of Public Health Nursing.

Following the acceptance of the report, the overall committee acknowledged a need for time; time to fully interpret and reflect on the recommendations in this report. The committee was in agreement that while current conditions might dictate changes within the bureau, these changes need to be thoughtfully framed. To do this, to think towards a new and innovative model of practice that can maximize efforts while addressing costs, will take time and an environment where the full potential of the Bureau in the CHHA can be considered. I ask you to provide us with this time and to not foreclose any opportunity. The residents of the County deserve this return on their investment. Respectfully, Dr. Laurel Jansen-Breen. Thank you.

**P.O. LINDSAY:**

Doctor, if you would take a question from Legislator Romaine.

**LEG. ROMAINE:**

Some very brief questions. One, will this report also be available in e-mail format?

**DR. BREEN:**

Certainly.

**LEG. ROMAINE:**

And if you could e-mail that to my colleagues, I think that would be good.

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

Actually, Legislator Romaine, my office will be sending that out to everyone. Thank you.

**LEG. ROMAINE:**

Thank you. Secondly, at our Budget & Finance Committee meeting on May 31st, which our Chairman is over there, Legislator Gregory, the Commissioner of Health testified that this report would be available to us to weigh and consider before any RFP was issued. So you're not the only one surprised by the issuance of the RFP by the County Executive; I assume our Commissioner of Health is equally as surprised since he testified to the contrary.

And lastly, I do have a resolution pending that will give this Legislature an opportunity to weigh-in before any award of any RFP is done and it is this type of report that we will weigh very heavily. I want to thank you for your efforts. We're going to consider this very carefully. And this Legislature will make that decision, it will not be made unilaterally, whether we're going to sell our Certified Home Health Agency license at any time in the future. And I understand some of the health issues involved that you discuss and the pros and cons. Thank you again.

**DR. BREEN:**

Thank you, Legislator Romaine.

**P.O. LINDSAY:**

Go ahead.

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

Thank you for your question, Legislator Romaine. And I do want to point out to my colleagues, I was just laughing with Legislator Barraga with all of my different colored notes here, because there's so much information in this report.

There are models that we would like to use as -- that the department would like to look at going forward. Models that have -- that are evidence-based models that have demonstrated that you can run a Bureau of Public Health Nursing and you can run a CHHA and you can provide the maternal and child health care that we do here in Suffolk County that would have a great return on investment, but we have a high bar to meet. And as Dr. Laurel Jansen-Breen said, we want to have the ability to have the time to develop best practices and how we run this.

One of the criticisms in the report was that data was not readily available and managed well within the department, and so that's something that I think Dr. Tomarken would like to wrap his arms around, getting that data so that it's very tight and easily accessible.

I'm not going to -- I promised this would be brief and I think Dr. Jansen-Breen did a great job. If you want to ask me any questions privately or if you want me to direct you to any parts of this, but it's not hard to read the whole report cover-to-cover and I suggest that everyone do it. Thank you. Thank you, Laurel.

**DR. BREEN:**

Thank you. Can I just add that if there's any other questions that anybody would like to ask myself or any other member on the committee, they've asked that we make ourselves available. Thank you.

**P.O. LINDSAY:**

Thank you, Dr. Breen.

**LEG. BROWNING:**

Bill? Bill? I just think our Health and Human Services Committee would like to try and set up that they would come to the committee and do a presentation for us.

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

Okay. Laurel, did you hear that?

**DR. BREENE:**

No, I'm sorry.

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

We can do maybe a more in-depth presentation at the Health and Human Services Committee.

**DR. BREENE:**

Most definitely.

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

Okay, so we'll schedule that. Thank you, Legislator Browning.

**P.O. LINDSAY:**

Okay. Is Leanne Marie Ambrosio in the audience? Leanne?

**UNKNOWN AUDIENCE MEMBER:**

We're accepting for her.

**P.O. LINDSAY:**

Okay, thank you. I am going to give a proclamation to these ladies.

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

You're a health teacher, aren't you?

**MS. BRODERICK:**

Pat Broderick.

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

Yes. Pat's a Health Teacher in the Sachem School District.

**MS. KAHN:**

Oh, the button. It was an IQ test I'm failing rapidly. Martha Kahn from Eastern Suffolk BOCES.

**MS. BRODERICK:**

And Pat Broderick from Sachem High School East.

**MS. KAHN:**

And we regret that the students we're honoring today are not able to be with us, but I'm hoping that you'll allow us to accept on their behalf.

**P.O. LINDSAY:**

Sure. I had heard they were in transit. They're not coming now, no?

**MS. KAHN:**

We haven't heard from them, we figured they'd be here.

**P.O. LINDSAY:**

Okay. Well, let me -- because we're -- this is the last proclamation. I'll give you ladies this proclamation. And what this is all about, it's about tobacco prevention efforts organized by the Sachem teachers in conjunction with the School Health Education Initiative administered by Eastern Suffolk BOCES. And I don't -- you know, I think tobacco prevention is probably the number one thing that we could do to improve the health of our nation, and certainly with our young people. So I'm very proud to present this proclamation. And if you ladies would like to add anything else about the program, it would be good.

**MS. BRODERICK:**

All right, I I'll speak on Leanne's behalf. She's been a student who's been part of Teens as Teachers and worked with middle school/elementary school children educating, character education, the list goes on. They've done an amazing job. She's heading off to college next year and we're very, very proud of her. Thank you so much for this honor on her behalf.

*Applause*

**LEG. EDDINGTON:**

Bill, I think I have one, too, don't I?

**P.O. LINDSAY:**

A proclamation?

**LEG. EDDINGTON:**

Yes.

**P.O. LINDSAY:**

I didn't see it, Jack. Okay. I'll introduce Legislator Eddington for the purpose of a proclamation.

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

Oh, they just got here.

**LEG. EDDINGTON:**

Is this Chris? Mr. Lindsay, you want to join me then? We have your recipient here. Chris, this is amazing what you've been doing. And, you know, as an ex-educator, peer leadership is a very important thing, and you're giving -- giving to your community at your age is a fantastic thing. You see many of the people here have gotten involved in the community and here you are -- how old are you?

**CHRIS:**

Seventeen.

**LEG. EDDINGTON:**

Seventeen and you're already involved in making a difference. So I commend you on what you're doing. Keep up the good work.

*Applause*

*Photograph taken*

**P.O. LINDSAY:**

Okay. Before we start with our Public Portion, I'm going to call one reso out of order and it is -- I'll get you that number; I believe it's on the last page of your agenda.

**LEG. MONTANO:**

1614.

**P.O. LINDSAY:**

1614, appointing member to the Judicial Facilities Agency (Martin R. Cantor). Mr. Cantor is in the audience, and I have no wish to keep him here any longer than he has to. So I'll make a motion to take that reso out of order.

**LEG. COOPER:**

Second.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Kennedy).

**P.O. LINDSAY:**

Seventeen, the reso is before us, ***1614-11 - Appointing member to the Judicial Facilities Agency (Martin R. Cantor) (Montano)***. I'll make a motion to approve.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Montano. Does anyone have any questions of Mr. Cantor? Seeing none, I'll call the vote; all in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Kennedy).

**P.O. LINDSAY:**

Okay, it passed. Thank you, Mr. Cantor, for coming this evening. You're officially back on as a member of the Judicial Facilities Agency.

***Applause***

Okay, we'll go into **Public Portion**. The first speaker is Greg Fischer.

**MR. FISCHER:**

Good day, Mr. Chairman, Ladies and Gentlemen of the Legislature. My name is Greg Fischer, I'm a Calverton resident. I'm here in support of 1624 laid on the table today by Legislator Romaine, my Legislator.

This is about child concealment prevention. This is a hole in the law; it creates a lot of Family Court problems, it creates a lot of problems for the Police. New York State has no concealment statute, but this is something we can enact locally. Most of the neighboring states, California, have very clear concealment statutes and statutes that prevent parental abduction; this state has none.

We passed a similar statute a little over a year and a half ago requiring the Police to honor the Federal Law for reporting concealed children, missing children, abducted children within two hours. There is actually no waiting period for missing children like there is for missing adults. You're really supposed to report instantly, but the Federal Law mandates a two-hour reporting. The Police agencies, even since the enactment of the Local Law, are refusing, absolutely refusing to do this Federally-required entry.

I'm going to hand a document to the Clerk which is a notice upon Chief David Hagermiller of the Riverhead Police Department for an actual child abduction that occurred and concealment that occurred on July 19th, lasted a few days, and Chief Hagermiller and Town Supervisor Shawn Walter both refused to honor the Federal law. They refused to honor the Federal Law, they refused to honor the County Law that you passed. This County needs an Inspector General; some day we'll talk about that. But they refused to honor the Federal Law, they refused to honor the County Law. Here's the document for the Clerk. I did not distribute that to you individually.

This is pattern and practice in Riverhead Town. We now come to you with a request to hold the abductors accountable, the people that conceal the children, hold them accountable, seeing the Police don't seem to get it. So I put in your box today a press release, and I have provided the Clerk with copies as well, and this press release will shock you. It's going to go out from the UK tonight to news agencies around the world, and the subtitle of it is *Depraved Town Supervisor who aided and abetted a child abduction finds himself in a primary election versus the father of the abducted children*. If we pass a law to deter concealment, we also simultaneously pass law to deter government malfeasance, and that's what we have here. We need an Inspector General.

**(\*Beeper Sounded\*)**

But we also need this law, we need to protect these kids. Anybody who conceals children, unless it's for their benefit and we can put provisions in the law for that. If they bring the children to Police, health facilities, we can put affirmative defenses in this legislation. But anybody who conceals children really isn't well, and usually they repeat the pattern. Thank you very much. Thank you for your time.

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

Thank you. Our next speaker is David Tisco; I'm not sure if I'm saying that correctly.

**MR. DAVID TYSKA:**

Good afternoon. My name is Dave Tyska, I live in the Town of Huntington. My concealment of my son started back in June of 2008 when my ex-wife sold the house, moved my son to somewhere in Murphy Spur, Tennessee without my written permission or the Court's. I've been trying to find my son ever since; I don't know if he's alive or dead. I went to the Courts, spoke to Supervising Judge David Freundlich filed papers. The judge told me that the divorce is over two-years old and there's nothing that they can do.

Since that date, I have no idea whether my son is alive or dead, where he is. I talked to the prosecutor, I talked to everybody. I have nowhere else to go. My ex-wife, Maryann Linda Jensen, also did this to her first husband, Allan Bruce Burke, to my step-daughter and my step-son, Harley David Burke and Elizabeth Lynne Burke; they never got to see their father. I didn't know this until after the fact, I was married, had my son, and she's just a repeat offender. And the saddest part about it is my other sons don't know their brother, they haven't seen their brother. They missed out

on their childhood, which really did some really damage to all my kids.

If we can just get somebody so pass a law to protect our families because, you know, if anybody just wants to take their kid and disappear, that's not right to the other wife or husband. I mean, kids need two parents. And we definitely need the children, you know, to know both parents, because my mother passed away from lung cancer and her dying wish was to see her grandson one last time; she didn't get that wish. I told her I would try to make change because no family member needs to die without seeing their grand-kids, their kids. And even myself, I'm a severe diabetic and I've almost died a couple of times the past four years. I may not be so lucky the next time and my son is going to always think that I abandoned him, and that's nothing a parent should have to live on their shoulders. If there's any information you guys can give me or help me, because I need to find my son. Thank you.

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

Thank you, Mr. Tyska. The next speaker is Daniel Tyska.

**MR. DANIEL TYSKA:**

Good afternoon, everyone. Before I get started, I would like to hand out a couple of pictures of the family structure that my Dad and I had with my brother before he was abducted and concealed from us.

I'm here because my step-mother parentally concealed, abducted and alienated my brother David Timothy Tyska from me. Supervising Judge David Freundlich and Andrew Tarantino, Jr. Of the Islip Family Court in Central Islip, New York, violated my Constitutional Rights to see my own brother. My father and I, along with my brother Joseph, have no idea whether he is alive or dead or we have no information on him. Maryann Linda Jensen is not -- has not -- has done this multiple times before. She did this with my step-brother Harley Burke and my step-sister Elizabeth Burke; they never saw their father either.

I want to see my brother and this has hurt me beyond belief. My heart was broken because Islip Family Court Judges allowed my ex-mother -- ex-step-mother to break my Dad's divorce agreement and move basically where we can't even contact him anymore. Please help me to see my brother David. Thank you for your time.

**P.O. LINDSAY:**

Thank you. Barbara Baumgarden.

**MS. BAUMGARDEN:**

I have a few -- can you hear me? Okay. Good afternoon, Ladies and Gentlemen. I would like to pass around a few pictures of my granddaughter and my daughter Sharina Baumgarden, my grand-daughter Andrea Benacourt. The large picture is of Andrea Benacourt when she was eight weeks old. The other three pictures are of Andrea Benacourt and I who is the maternal grandmother, and my other pictures of my daughter Sharina Baumgarten and her child, Andrea Benacourt.

I am here to support the bill of 1624 that was sponsored by Legislator Honorable Romaine; thank you, Sir. My name is Mrs. Barbara A. Baumgarden, I am a constituent, taxpayer of Centereach, New York. My granddaughter Andrea Benacourt was abducted at eight weeks old by this County of Suffolk, Child Protective Services, CPS, Foster Care System, the Unified Family Court, etcetera al, all based on allegations; allegations of falsehoods, falsehoods I believe to be a vendetta against my family.

My daughter Sharina was entered in '05 on false allegations to the Unified Court System, Joan {Gengi} where for based on false allegations, two Court Officers in this County of Suffolk forcibly peeled my daughter's hands off of her baby's car seat with no probable cause. That violated her fundamental parental rights and the child's fundamental child's rights at this point. But due to the illegal removal, my granddaughter, Andrea Benacourt, was put in Foster Care unlawfully. Unlawfully meaning that we have six generations of family. Anyone, besides myself who is the maternal grandmother, could have taken this child into custody to care, control and to said care for Andrea Benacourt. Instead -- I do apologize, Ladies and Gentlemen, I did not have time to make copies, but in a four-page motion as a pro se litigant, which I'm also for 27 years in this County of Suffolk, State of New York, I got Joan {Gengi} recused and Janet DeMarzo, at the time of Commissioner. I will be making copies to be submitted to review. I got them recused from handling the case of Andrea Benacourt within the Unified Court System. May I have this passed around, please? Thank you.

*(\*Beeper Sounded\*)*

I will be making copies for everyone. After the recusal, due to the pending Federal lawsuits, the Baumgarden's v. The County of Suffolk, etcetera al, this is a repeating practice of abductions. I had an abduction occurred against my two daughters back in the 90's wherefore the cases were successfully won. You have an ex-wife that's dead. I survived everything with four innocent children. The negligence and gross negligence on the handling of Child Protective Services, the Foster Care System, the County of Suffolk and the County Attorney's Office wherefore. They have given orders to free my grand-daughter for adoption. I am here to beg for you all for your understanding. My grand-daughter was never an abandoned child, wherefore she's not free for adoption. I have been fighting excessively the past six years. I have inserted every avenue throughout this County pleading, begging everyone to listen to the abductions, to the negligence, gross negligence, false allegations, but most of all the concealment of records, wherefore there was no currently bills on the floor to protect our children. It's an ongoing pattern of abuses, the discretion of power. We must have change now for our children. I beg you, as a parent, as a grandmother, I am a grandmother of four children, Andrea Benacourt is not my only grand-daughter. Our family has been deprived of her biological family rights, her heritage, but most of all the love, care and control that we could have gave Andrea. She is now damaged. She is now six-years old. My fight and plight continues. Our fight continued to the Appellate Division wherefore they placed the blame back on the County of Suffolk, Child Protective Services and the County Attorney's Office wherefore I had an attorney say that my grand-daughter's free for adoption. We must have the -- County of Suffolk needs an Inspector General immediately, immediately to oversee all of these negligent issues that where people misunderstood the ramifications, how a child can be removed illegally, placed in Foster Care and entered into the court system. Once that happens, we -- the parents --

**P.O. LINDSAY:**

Ms. Baumgarden, you were out of time a long time ago. Okay?

**MS. BAUMGARDEN:**

I know. But I would ask for you to honor and pass the 1624 wherefore Honorable Legislator Romaine, we need, I beg you, an Inspector General in this County of Suffolk, I beg of you. And please look into my case. I beg you to rescind an illegal adoption. I beg you just like my grand-daughter begged me at three-years old behind the doors of the County of Suffolk Welfare Child Protective Services. A child begged me at three-years old. I have 20 rolls of film which I make -- will be making public internationally. At this moment we don't care about money, books or nothing. The damage -- the irreparable harm that is done to all these children. If anyone is a parent, mother, grandparent, please listen.

**P.O. LINDSAY:**

Barbara, you're out of time.

**MS. BAUMGARDEN:**

Thank you so much.

**P.O. LINDSAY:**

Thank you. Lance Reinheimer.

**MR. REINHEIMER:**

Thank you. I'm Lance Reinheimer, I'm the Interim Director of the Suffolk County Vanderbilt Planetarium and Museum and I'm here to speak in favor of IR 1621.

1621 appropriates an additional \$250,000 for the planetarium renovations. I'm here today because this is critical to the concept and the need for the museum to have a planetarium and secure its revenue streams. 1621 appropriates and uses as an offset the Legislature's offset project which is 1755. To date, only \$100,000 has been appropriated from that Capital Project, so there's -- after this there would be \$1.6 million left for other projects that the Legislature deems is necessary.

The request today is a result of our meeting with Public Works two weeks ago with {Konicker Minalta} and the contractors. It reflects Public Works' most recent estimates as to what it's going to cost to do the technological upgrades to the planetarium. Without these upgrades, Public Works is looking at alternates, which in layman's terms are deletes. They're looking for what they can cut out of the project in order to keep it within budget.

Several areas are slated for cutting from the planetarium, and it's critical for visitor experience, for our revenue stream that these pieces remain in it. Two of them is -- the first one is the pit for the planetarium projector, this allows the cradle of the projector, star projector to go below the site lines. This is important for the planetarium for use as other venues, other revenue sources, concerts, educational seminars and musical events and plays. And part of this concept is we have adaptive seating in the front, we can expand the stage area so that the planetarium can be used as other venues which will create other revenue sources for the museum and allow the planetarium to be used year-round for other things besides planetarium shows.

In addition to that is \$50,000 for cove lighting, and cove lighting is important to provide the ambient lighting needed for public safety for entering and exiting the planetarium, but it's also part of the planetarium show and the creation of the various skies and sunsets.

In addition, this money also provides an additional \$50,000 for roofing. The original estimate for the roof was \$100,000; the Legislature appropriated those funds earlier this year. And since that time, when the contractor came back and looked at the roof, there was additional damage that happened in February and additional work that needs to be done that increased that \$50,000.

***(\*Beeper Sounded\*)***

Those components taken together are 200,000, plus we need an additional \$50,000 for construction contingencies which is normal funding, it allows for unexpected things that come up.

In addition to my remarks, Dave Bush, the Planetarium Supervisor, is here, he's the point man for the museum/planetarium construction and he's liaison between us and Public Works. I know my time is out.

**P.O. LINDSAY:**

Thank you, Lance.

**MR. REINHEIMER:**

I just want to say that by year's end, that the museum will raise over \$500,000 in in-kind donations and new money, and we're real proud of that.

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

Good.

**MR. REINHEIMER:**

Thank you very much.

**P.O. LINDSAY:**

Thank you very much. Dave Bush.

**MR. BUSH:**

Good afternoon, Ladies and Gentlemen. My name is Dave Bush, I have been the Technical and Production Coordinator for the Suffolk County Vanderbilt Museum and Planetarium for the past eleven years. I'm here on behalf of IR 1621. I've been involved with the renovation from day one, and we're all very excited about bringing this new planetarium to the public. It will be a wonderful asset to the community, but I need to let everyone know that it's imperative that the construction be done correctly.

In order for us to have a star projector that works in the dome of the Vanderbilt Planetarium, that start projector needs to be put on an elevator where it goes into the pit underneath the star projector which opens up the site lines for all the participants and visitors that are in the theatre. That allows everybody that's sitting in a seat in the theatre, and we have 236 seats, to be able to see the dome screen above. If the star projector cannot go into the down position, nearly a quarter of the people sitting in the audience will be robbed of the nighttime sky. So not only is it imperative that the projector be in the down position for things like plays and speakers, but also for the general star shows themselves.

Also in 1621 is a reference to the cove lighting. Cove lighting is used to aim lighting up on the dome ceiling. Currently we have small Christmas tree, incandescent light bulbs that we use to create a blue sky. In order to create a smooth blue sky, I personally have to paint over a thousand Christmas bulbs four times each in order to create a starry sky. It pulls away from my time and what I need to do to produce star shows, and with this new LED cove lighting we'll be able to watch the dome in a myriad of colors, over a thousand different colors, simulating not just Earth's atmosphere but the atmosphere of worlds that are within our solar system and also out of our solar system as well; not just aesthetically beautiful, but also serves a purpose for the dome as well. And that's not to mention the safety issues that are incorporated.

If we are to keep our existing cove lighting, it will be cost prohibitive for us to tie in the old lighting into the new system. So essentially, if we don't get the new cove lighting, we will be in the dark. Thank you very much and thank you for your time.

**P.O. LINDSAY:**

Thank you. B. Mitchell.

**MR. MITCHELL:**

Good evening, Mr. Lindsay and the rest of the Legislators. I have a -- I'm here to talk about the Police test that was recently given.

We're on a slippery slope in this County, and throughout the nation basically. How are we going to blend other cultures, for example, having Police Officers know only -- you know, given preference for knowing the language of other, you know, communities, you know, the communities that they're

going to be representing. The communities that are represented by the Police Officers from America should be, you know, adapted English or learning English. One of the examples I have is if a 29-year old person taking the test does well and not familiar with another language other than English, and does well on the test, he might be passed over by someone who has a lower grade in this test.

You know, to be fair, I believe then if the Legislators are representing communities, they should also speak the language of their communities just like everybody else does. We're heading down a slippery slope. We should have English as our primary language. Anybody that wants to learn another language should have the community that they're in teach them the language of English, that's what I believe. And, you know, it's not fair for a person coming -- you know, that grew up in this country to move to the bottom of the list because he only speaks English and he didn't have time to learn the other language; that's not fair. He invested \$100. That's not American, that's just political correctness, that's all it is. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Mitchell. Richard Amper.

**MR. AMPER:**

Good afternoon. My name is Richard Amper and I'm Chairman of the Long Island Environmental Voters Farm. I want to talk to you about the proposal in front of you to alter the Drinking Water Protection Program still again. We believe a vote to mess with the Drinking Water Protection Program without a referendum would represent a very bad vote, a breach of the public trust and a violation of the last referendum on this matter.

It is my opinion that you have been misled by the County Attorney in an opinion sent to you concerning a precedent in the Molinari case which pertains, you may recall, to the determination of the City Council of New York that Michael Bloomberg could run for a third time despite the fact that there had been a referendum that limited terms for Mayors to two. Yes, that is so. And in fact, there were portions of the opinion that suggested that referenda are no more important Legislatively than acts of the Legislature, and that is so.

In this particular case, what the public voted for and voted for each time since the 1987 adoption of the first Drinking Water Protection Program, explicitly provides that in order to change that in any way, a public referendum is required. It's not a question of State law, it's not a question of Bloomberg's opinion or the City Councils, it has everything to do with the fact that you built into the law itself the requirement that it can only be changed by referendum. If you think it's the right thing to do, give it to the public and let them vote on it, as you did the last time you wanted it extended. Approval of this resolution would constitute a bait and switch, moving money around between sewers and the slush fund merely because you can't seem to balance the budget, and the resolution would not, in fact, reduce taxes to citizens.

The Suffolk County Department of Health Services reports a big decline in the quality of drinking water and surface water, says the problem is waste water and the sewers aren't working well enough to protect our water supply. The report also says that the way to ensure quality of water is to preserve the land over our sole source aquifer so as to recharge pure water to the aquifer; the County has been at this for the better part of 40 years. And yet the County Executive has vetoed a planning steps resolution that would protect 425 Pine Barrens acres over the aquifer and permit the construct instead of nearly a hundred cesspools. There seems to be a misunderstanding here; it's not a matter of how many acres you can get for free if you develop the land, you have to decide whether the land is being preserved for drinking water protection as the referendum says and as the law says, or whether it can be used for septic discharge.

Finally, for those of you who can think of nothing but dollars for government, remember that if you don't want to raise property taxes next year, you may prefer to seek an increase in the sales tax; that would require State approval and a mandatory referendum. I'd ask you how do you think the voters will feel when you ask them to approve another referendum for another quarter penny when they remember what you did the last time they voted yes on a referendum. Thank you very much.

**P.O. LINDSAY:**

Richard Murdocco?

**MR. MURDOCCO:**

Hello. My name is Richard Murdocco, the Long Island Pine Barrens Society urges this Legislature to override the veto of the planning steps resolution on the acquisition of the 415 acre property known as The Hills. The purchasing process is still in its early steps and we do not have an appraisal. Killing the purchase process this early on is counter-productive, especially since the Suffolk County Department of Health services is authoring a study that demonstrates a precipitous decline in drinking water quality. Suffolk County Department of Health Services recommends that we buy large tracks of open space for aquifer recharge, and The Hills is a perfect example of properties that should be purchased.

While portions of the site are superficially disturbed, the parcel's function as a recharge area are undisrupted and, if acquired, the amount of contiguous open space that would be created would multiply the land's value to both the environment and the public. The County Executive has explained that his lackluster open space performance is the product of there being no large parcels available for purchase. When offered the opportunity to acquire 415 acres, he promptly vetoed it and has suggested clustering development on the site. Levy has proposed putting almost 100 cesspools into an area that impacts both surface and drinking water. From the Hampton Hills proposal to the present, progressive planners have rejected clustered development and has chosen open space preservation instead.

Thanks to the wildly successful community preservation fund, the Town of Southampton has offered a 50% matching of funds to this County for the purchase. This match provides for the County an enormous bang for its buck. This acquisition -- excuse me. This acquisition is supported by environmental and civic organizations County-wide, regardless of location because of its contribution to drinking water protection. In a poll shared with you and taking in the heart of the recession, 80% of Suffolk County residents think that now is the appropriate time to make open space purchases due to low land prices and an ample supply of willing sellers. This Legislature has always been a champion of land preservation for the sake of drinking water protection. We must not let the poor performance of the current County Executive allow us to undermine this Legislature's commitment to the preservation supported by residents of Suffolk. Please override this veto.

**P.O. LINDSAY:**

Thank you. Jane Fasullo.

**MS. FASULLO:**

Good evening. Members of the Legislature and in the audience, I'm going to be recapping what has already been said, but I'm speaking now in terms of a statement from The Sierra Club of Long Island; it's a national grass-roots environmental organization. And I wish to address two pieces of legislation, both IR 1308 which was vetoed by County Legislator -- excuse me, County Executive Steve Levy, and IR 1549, the Quarter Percent Sales Tax.

Concerning 1308, we encourage the Legislature to override County Executive Steve Levy's veto of this bill. As Mr. Levy himself admits, there were few large parcels of land that still remain available for preservation. This 328 acres is one of them. Its importance lies in its location within the Pine Barrens Region which consists of land designated for the protection of Long Island's aquifer system,

our sole source of drinking water. Long Island's drinking water faces serious threats in both quality and quantity. This parcel has the added advantage of being available now and at half-price to the town because Southampton will be picking up the other half of the cost. You were right to pass this bill in June. Please reaffirm your commitment to protecting this land.

Concerning 1549, we feel your intent to find funding for the purpose of creating a new sewer infrastructure, including outside of the existing sewer districts, certainly has merit, but we are concerned about your means of funding this. The current revision of 15 -- I'm sorry. The version of 1549 -- please forgive me. Oh, assigns 37.5% of the 2011 and 2012 Excess Fund Balance to a reserve fund for bonded indebtedness of the General Fund, or a Retirement Contribution Reserve Fund. This seems inappropriate. But our greatest concern is the method for changing the fund appropriations. The current Drinking Water Protection Act, which extends through the end of 2013, is spelled out in the Suffolk County Charter in Article 12, Section 8; there it clearly states, "After approval by the Electorate, this law may only be amended, modified, repealed or altered by enactment of an appropriate Charter Law subject to mandatory referendum. Accordingly, this action must be brought to a referendum to allow the County residents to make the decision."

**P.O. LINDSAY:**

Thank you. Andrea Spilka.

**MS. SPILKA:**

Good afternoon. Today I'm speaking on behalf of two different organizations; I'm currently the President of the Southampton Town Civic Coalition, and on behalf of -- which is a group of civics west of the canal in Southampton Town, East Quoque being one of them. On behalf of Southampton Town Civic Coalition, I'm asking that you override County Executive Levy's veto of the purchase of The Hills.

You've already heard speakers talk about this. There are few remaining parcels of large land left. We're asking that you purchase this for several reasons, the primary -- primarily for the protection of our drinking water, but also the protection of our health and the health of the residents in the area. I think it's an important purchase and I think it will go a long way to keep the area safe for everyone.

In addition, on a very similar note, I'm speaking today also on behalf of the coalition, but also the East Moriches Property Owners which is a civic organization that covers Eastport and East Moriches in Brookhaven Town. On behalf of both of these organizations, I'm asking that you don't divert the money from the Quarter Percent Drinking Tax. Again, if you must divert it, we're asking that there be a referendum.

As I was driving here today, I passed a Suffolk County Water truck, and on it it said something to the effect, "Don't drink bottled water". And what they're saying is Suffolk County water is really good. Well, frankly, in order to protect Suffolk County water, I really think that the best way to do that is to ensure that you purchase The Hills, override the veto, and in addition, to maintain the integrity of the Quarter Percent Drinking Water Tax. Thank you very much. Have a good night.

**P.O. LINDSAY:**

Thank you. Joan Hughes.

**MS. HUGHES:**

Good afternoon, Ladies and Gentlemen. My name is Joan Hughes --

**MS. LOMORIELLO:**

You have to hold the button, Ma'am.

**MS. HUGHES:**

My name is Joan Hughes --

**MR. LAUBE:**

Hold that down while you speak. Put your hand on the button and hold it down.

**MS. HUGHES:**

Hold it while I'm speaking.

**MR. LAUBE:**

There you go.

**MS. HUGHES:**

Thank you. My name is Joan Hughes and I'm speaking to you on behalf of the East Quoque Citizens Advisory Committee and a consortium of East Quoque Homeowners on the subject of -- I believe it was Resolution 1320 which was recently vetoed by Mr. Levy. It was to begin the planning process to consider the purchase of 415 acres of land in East Quoque. Mr. Levy's veto, we believe, was ill-advised. He apparently thinks that this land can be preserved while it's being developed because the developers can't build on a certain portion of it. That, however, is not the point.

The resolution was simply to initiate the planning process to give you the tools to make your own decision about whether or not this land is worth preserving, and that is what we're asking you to do. Please proceed with adopting this resolution and inform yourselves about whether or not you should buy this land. Southampton Town has already gone through this process and has approved the appraisal of the land and we hope that you will do the same thing yourselves. Thank you very much.

**P.O. LINDSAY:**

Thank you. Nanci Dallaire.

**MS. DALLAIRE:**

Good afternoon. My name is Nanci Dallaire. I have been speaking before this Legislature for years now in defense of the John J. Foley Skilled Nursing Facility where I have watched as decent, deserving citizens have been broken by the broken system that exists in this County, and sadly our country. I believe that if this institution had been treated with the respect that it deserves rather than as a hot potato, we would not need to rescue it today. I will always stand in support of John J. Foley, but I stand before you today as a citizen of Suffolk.

I try not to complain about all that I am required to contribute to live on this beautiful Island. I gladly and proudly pay for my fair share, but I am outraged when I hear reports like the convicted criminal who, while serving her sentence, continued to receive unemployment benefits, and when she was released it was enough to take her family on a trip to Disney. I have been struggling for four years with the fear of losing my employment, and this incompetence is happening? That offends me.

Right now, here in Brookhaven Town, the repaving project has hit a bump in the road, but that paving project at the Yaphank Jail looks like it's right on schedule. So I question, who does this system work for? We as committed County employees have already given up and given back and are now asked to contribute more. Well, I ask, what have the construction crews, concrete companies, electricians, plumbers and pavers working at that jail have been asked to cut back, give up or contribute? We bail out businesses and will contemplate giving them more, but consider cutting -- making cuts that will adversely affect the residents of Suffolk? It will not matter how high they raise the debt ceiling; if our government continues to waste and mismanage while taking vital services away from the taxpaying citizens. Let's remember the Declaration of Independence speaks

of all people being created equal, and we are still endowed with certain unalienable rights. The Constitution guarantees that my government will protect these rights for all its citizens. These two documents clearly reveal the nation's freedom depends on a strong Constitution.

I know changes must be made. I understand reductions are necessary, but drastic cuts to vital services will be dangerous. And abolishing public services is not in the best interest of we, the people. So I ask you, my government, to please protect those rights for us. Thank you.

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

Thank you.

*Applause*

**P.O. LINDSAY:**

Mario Mattera.

**MR. MATTERA:**

Thank you, Presiding Officer Lindsay and all Legislators. Thank you very much for letting me speak today on this very important topic.

The first thing I would like to ask is that the vote yesterday with the Nassau Coliseum was a disgrace. And you know what? This board of Legislators has been -- means a lot to me, because you know what? You guys get a job done. And if this was ever to come to Suffolk, I know this would have never happened. And I'm just going to say, we need the Island, stay on the Island and let's do something with Suffolk County, please.

I'm actually here to speak on 1465, Resolution 1465. I just want to commend Legislator Cooper and cosponsor, Legislator Muratore, for this bill. You know, it went through committee the other day, and on the back of my truck on the sidewalk, I have the back-flows, different sizes. And I was just wondering if the Presiding Officer would allow the horseshoe just to go outside for a couple of minutes, please, just to see what I have in the back of my pick-up truck just to show different sizes. We go from three-quarter inch up to 12 inch, which the 12-inch RPZ's are the size of my truck. So I have a three-inch one to give you a little bit of an idea of what it looks like; is that a possibility, sir?

**P.O. LINDSAY:**

Is anybody interested in going on a field trip?

*(\*Laughter\*)*

**LEG. CILMI:**

I already saw, it's very exciting.

**LEG. NOWICK:**

Go one at a time.

**P.O. LINDSAY:**

Maybe go one at a time. Yeah, we'll -- I'll -- you know, maybe a couple will go out at a time, because we really -- it's a night meeting, Mario, and we've got a long -- a lot of cards. But maybe everybody could just take a walk out there.

**MR. MATTERA:**

I know. Everybody just has to understand something. This isn't like your three-quarter inch to one-inch that's in your home; these actually handle up to 2-inch. Your schools, your hospitals, all

kinds of municipalities, you know, the Dennison Building, this building. And you know what? If you would go out to the truck you would see the size of the three-inch, then you could imagine the one that would be the 12-inch would be the size of my truck, you would understand what we're handling here.

Just to -- I just want to say my name is Mario Mattera, I'm the Business Agent for Plumbers Local 200. I represent approximately 1,200 members, which 80% live in Suffolk and so do I, I'm very proud of that. I'm actually here with two of my colleagues, my brothers in the industry that are professionals; they know a lot about this, they're going to get up and speak on this. And I do sit on the Plumbing Licensing Board, which I'm very proud of also, that this horseshoe actually elected me to sit on with six other plumbing board members, which was -- it was unanimous that this bill was to come forward when we had a licensed plumber come forward.

There are 853 Master Plumbing license holders in Suffolk County which every four years pays \$400 to keep up the license which generates \$341,200 to Suffolk County, that's without the Restricted License holders which cannot touch or install the RPZ units which there's over 600 restricted which handle --

*(\*Beeper Sounded\*)*

That can't be three minutes already.

*(\*Laughter\*)*

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

The timer doesn't lie, Mario.

**P.O. LINDSAY:**

Go ahead. Come on, keep talking, Mario. Wrap it up, though, come on.

**MR. MATTERA:**

The plumber from the health of the nation. Okay?

**LEG. COOPER:**

Doesn't that look like him?

**MR. MATTERA:**

All right, just so you know, you need seven years, you need seven years to work under a Master Plumber before you could take the plumbing licensing test, the Master Plumbing test. And when you pass that after the seven years and you pass that, it's just like you went to college and you got your degree and you passed it, it's a very important day. I know I only have my three minutes and you guys are rushing me, but all I've got to say is that this is --

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

We're trying to get out to your truck.

**MR. MATTERA:**

Let's go to the truck. Just to give you a head's up, this is very important apparatus to the plumbing industry. This feeds the drinking water, our precious drinking water which, you know, we're talking about our drinking water all day long with our land. This protects raw sewage or any chemicals that are -- like with your lawn chemicals, this protects anything back into the plumbing system. You need to be a licensed plumber. You can go and take your test. The last -- as a matter of fact, one of the gentleman went right after the committee meeting, went down there and signed up to go

speaking for the test. It's not a level playing field, these Master Plumbers pay a lot of money. There's 64 licenses on Long Island alone, 64; so you couldn't even imagine, it's not a level playing field. So all I'm saying is it's very important, it was unanimous with the Plumbing Board that this passes, we need this to pass. And I just want to say thank you, guys, very much. And keep the Islanders on Long Island, I know we can do it. Thank you.

**P.O. LINDSAY:**

Thank you, Mario? Where is your truck?

**MR. MATTERA:**

My black one.

**LEG. CILMI:**

Literally in front of the door.

**P.O. LINDSAY:**

In front of the door. Okay, Legislator Vilorio-Fisher is going to go out with another Legislator to look at your valves and --

*(\*Laughter\*)*

-- Legislator Cooper will go with them. And when they come back, I'll -- two more will come out and look, okay?

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

John, he was holding his arm out for me.

**P.O. LINDSAY:**

Keith Gordon.

**MR. GORDON:**

Good afternoon. I'd like to thank you for this opportunity to speak. My name is Keith Gordon, I'm the Training Coordinator of Plumbing Local 200. And since Mario ate up all that time, I'm going to keep it real short. Okay?

What this comes down to to me, as far as the backflow certification, it's a matter of public health safety. These devices are installed in every building that has municipal drinking water, okay? These protect any contaminants from going back into our potable water systems. Being a part of a plumbing system, it only makes sense that these be maintained, tested and certified by licensed plumbers. To have anybody other than a licensed plumber testing and certifying, you know, you're getting the short-end of the deal. You're not having people who are fully qualified. They take a test so that they know how to hook up the gauges and look at the device and say, "Okay, it looks good," but they do not understand fully all the intricacies of a plumbing system. They need to be aware of potential hazards, cross-contamination and prevent any possible contaminants from entering back into the system. A licensed plumber has this knowledge. I feel that it is imperative that, you know, you have this license and this knowledge before you are allowed to certify and test the device that protects the public health. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Gordon. Chris Rugusta. I hope I pronounced your name correctly.

**MR. RUGUSTA:**

Thank you, Mr. Lindsay and Legislators for listening for me -- listening to me. I'd like to thank you for allowing me to speak on this legislation. I am a 4th generation Master Plumber. I've been a

Sayville resident and a Suffolk County resident for 16 years. I have had a Suffolk County Master Plumber's license for eleven years and as such, I have had the benefit of my experience and education also through Local 200, through my comrades who have so gracefully abandoned me.

*(\*Laughter\*)*

I cannot over emphasize the importance of protected one of our most important resources. Drinking water, as you know, is becoming more and more of a -- closer to a commodity and I think it's important that we do everything we could possibly do to protect it. Backflow prevention devices protect the public water supply, and as such there is much responsibility that goes along with the testing and ensuring that the water is safe and potable.

Within this difficult economy, it has become apparent that there are contractors who will test these life safety devices without the experience or consideration of the potential harm that they could cause. As a licensed Master Plumber and as a Suffolk resident, I appeal to your common sense to provide this basic protection to the public water supply. Thank you very much.

**P.O. LINDSAY:**

Thank you very much, Chris. An old friend, Ruth Gaines.

**MS. GAINES:**

Good afternoon, Presiding Officer Bill Lindsay, Deputy Presiding Officer Viloría-Fisher and members of the Legislature. My name is Ruth Negron-Gaines and I'm a social worker and a member of the Jesus is Lord Fellowship Church in Brentwood. And I'm here on behalf of our church and the community in relationship to the consideration of the defunding and cuts of the health centers, and one of the health -- and the health care services which are having devastating impact on our people.

Today health centers serve medications at different sites, including migrant seasonal farm workers, low income people, the uninsured, those with English proficiency and individuals and families experiencing homelessness. This also means the care delivered is culturally appropriate and in languages that many of these communities speak. We are aware that Presiding Officer Lindsay and Legislator Browning, Chair of the Health and Human Services Committee, traveled to Albany to advocate for these important services and we know that they are committed to ensuring Suffolk County residents will not be negatively affected by the harsh and severe State cutbacks, local funding cutbacks and even philanthropic foundation cutbacks.

People in the community are stating that you're looking at closing the doors of some of the health centers entirely. However, you have settled for some -- for raising the minimum fees of uninsured patients, capping the number of uninsured appointments each day and laying off important staff. These changes are leaving people in the area many without jobs and health insurance eligible with no health -- no health care. And for those that are working part-time, that means that they are not eligible for the company's health benefits.

As you know, if it wasn't for the health centers, many of the people wouldn't be seeing a doctor, because without affordable health care centers, they wouldn't have any medical care if they are sick. They can't work, then they end up in the street, because if they can't work they can't pay their bills. So instead of seeking health care at the health center, they go to the emergency room several times when they have, for example, an asthma attack. We estimate that the bill will run there 500 to \$1,000 per visit, and we know that the hospital will never be able to recoup the money because they have no jobs. As we know, when people like this go to the emergency room, especially if it's not an emergency, it drives the cost because the ER is much more expensive than a visit to a doctor. In fact, unreimbursed care to the hospitals can run up into the millions of dollars.

Studies demonstrate that increased funding to health care centers creates additional economic stimulus, both with the center and beyond. How does economic activity occur? First, and most obviously, health centers directly employ people in their communities, including key entry-level jobs, training and other community-based opportunities. The health centers then purchase goods and services from local businesses and expand and build new locations. These health centers and the businesses that have ramped up to serve the centers also must hire new employees. Every dollar spent and every job created by health centers has a direct impact in our communities. As this demonstrates, economic activity expands well beyond the walls of the community center. These dollars can be broken down by direct investment in the health center and the additional indirect effects this funding creates in local communities. Minority communities were among the hardest hit during the recession and are among those recovering the slowest from the deep economic downturn. The combination of high unemployment and rising home foreclosures is especially felt in communities of color. Community --

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

Ruth, can you wrap up, please? You're way, way over.

**MS. GAINES:**

Okay. Healthy kids perform well in schools. And we at the Jesus is Lord Fellowship Church implore you to look upon yourselves and the compassion of the Legislature's ability to continue future funding for the health care centers. We are very concerned that any more cuts will impact the health of our communities. We're asking that you take a look at those not-for-profits that have lucrative fundings for many years. Thank you very much.

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

Thank you.

*Applause*

**P.O. LINDSAY:**

Okay. I'm going to call on Commissioner Lansdale to come and speak. I apologize, we usually let Commissioners go first, but I didn't see your card. Commissioner Lansdale, are you in the audience?

**LEG. ROMAINE:**

She may be in the back.

**LEG. CILMI:**

Oh, here she comes.

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

I saw her.

**LEG. CILMI:**

Here she comes, she's running through the door.

**MS. LANSDALE:**

Good evening. Thank you so much for listening. I'm distributing information that was distributed at the EPA Committee regarding the East Quoque Partners property.

So I'm here to recommend that the Legislature sustain the County Executive's veto of Resolution 531. I have a couple of reasons why the Department of Planning recommends sustaining the County Executive's veto that I'd just like to share with you. One, it's been determined that up to 70% of the parcel, including all of the acreage existing within the Pine Barrens core, can be preserved forever through proposed clustering of the property at no cost to the taxpayer. There's actually a

preliminary plan that I passed out requesting 82 residential lots clustered upon 125 acres to the south of approximately a 415-acre parcel, thus preserving 300 acres of sensitive lands to the north including all of the area within the Pine Barrens core.

The second reason is, contrary to what was stated earlier, the Town of Southampton Board has not formerly committed, at least to our knowledge at the Planning Department, to funding this particular acquisition and partnership with Suffolk County.

The third reason is the Suffolk County Parks Department has stated that they don't wish to manage the property, commenting that they don't have adequate staff to handle in areas such as this with significant ATB use. Also, the Town of Southampton has expressed informally that they would not be interested in managing the property and the town has actually stated in the acquisition resolution regarding the adjacent property known as The Links at East Quoque that they would not manage The Links property.

So, therefore, by preserving 300 acres of the most critically sensitive land to the north of this parcel without expending any taxpayer money, we're actually able to redirect approximately 15 to \$30 million of our finite preservation funding on other preservation projects that cannot be protected by any other preservation tools.

**LEG. ROMAINE:**

I have it. Thank you.

**MS. LANSDALE:**

Thank you so much.

**P.O. LINDSAY:**

I'm sorry to do this to you, but our rules don't allow under the Public Portion for questions.

**MR. NOLAN:**

After Public portion.

**LEG. ROMAINE:**

Oh, this is Public Portion? I thought this was a report from the --

**P.O. LINDSAY:**

She could -- if she hangs around then I'll bring her back up and you can question her, but I'm not going to interrupt the Public Portion for a question.

**MR. NOLAN:**

Ask her to stay.

**LEG. ROMAINE:**

We have a letter that says just the opposite.

**P.O. LINDSAY:**

I'm sorry if you can stick around.

**MS. LANSDALE:**

I'd be more than happy to answer any questions at an appropriate time. Thanks.

**P.O. LINDSAY:**

Thank you. Mary Reid.

**MS. REID:**

I yield and I support the last speaker, MS. Ruth Gaines.

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

Mary, come on up, please.

**P.O. LINDSAY:**

No. Mary, you're relinquishing your time and supporting Ruth; is that what you're saying?

**MS. REID:**

That's what I'm saying, Sir.

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

Oh, okay.

**P.O. LINDSAY:**

You got it. I read your mind. Thank you. Michael Bonney.

**MR. BONNEY:**

Good afternoon, Mr. Chairman and Legislature. Just a few points I wanted to touch on; this is about Resolution 1465, back-flow.

I recently had a discussion with Mr. Peter Blumenauer who's the head Plumbing Inspector over at Consumer Affairs because some questioning came up regarding restricted plumbing licenses and whatnot being perhaps a good idea for doing backflow testing. And upon asking him a bunch of questions regarding requirements for restricted; there's nine restricted plumbing licenses that you can get right now in Suffolk County. They all require seven years of experience in that field, and that's working for a plumber who's currently licensed in that field. So even these testers that were up here saying that, "Oh, we should have a restricted plumbing license to do this kind of work," they don't have any experience even working for another plumber doing it, so they wouldn't qualify to take the test.

Out of those nine restricted plumbing licenses, not one of them is able to touch potable water. That's the cutoff on a Master Plumber; only Master Plumbers can touch potable water. So irrigation, gas guys, people that have licenses to do water mains, they're only allowed to work in the street, they can't work on private property. They're not allowed to shut off the domestic water to a building for any reason. If they have to change a boiler, they're only allowed to shut off the valve that feeds the boiler, they can't go back to the meter and shut the meter; that's strictly set for Master Plumbers. So I just wanted to clarify that.

Next, the issue of cost came up a couple of times. As it stands now, when Suffolk County water sends you your annual inspection notice, in their letter telling you you have 60 days to do your test, there's pricing on it. You can just let them do it. It goes between 75 and 125, and that's once a year. That's from Suffolk County Water. That's if you didn't want to find a contractor and you just said, "Suffolk County, come do my test," between 75 and 125 based upon the size of the device. So thinking that these prices are going to go up to \$300 a test, Suffolk County will do it for 75 to 125. So there's not going to be -- there's not going to be any wild price raising or anything like that, we're just trying to get a legitimate price for our technicians who go out.

Next, I wanted to mention that New York City already has essentially the same law in place that we're talking about right now --

*(\*Beeper Sounded\*)*

-- and it's been that way for many years. And my time is up. Thank you.

**P.O. LINDSAY:**

Thank you, Michael. Amol Sinha?

**MR. SINHA:**

Good afternoon. My name is Amol Sinha, I'm with the New York Civil Liberty Union. I'm here today to urge you to reconsider tabling IR 1546, the amended version of the Funeral Protest Ban in Suffolk County. As amended, IR 1546 would prohibit all demonstrations within 750 feet of a funeral, regardless of whether or not the demonstration actually disturbs the funeral or is even aimed at the funeral. This law needs to be revised, because as it stands it will not survive a legal challenge on several grounds. First, the law will be subject as there is already a State Law that was passed this past term that covers the same legal area. The State Law creates a buffer zone around funerals prohibiting protestors from engaging in disruptive conduct and speech. States are allowed to regulate speech with reasonable time, place and manner restrictions. The State of New York has already done so and has defined what is reasonable in this context. The amended version of IR 1546 attempts to redefine what is reasonable and is a direct affront to the state bill. Therefore, the bill would be struck down as it's subject to preemption.

Secondly, the law prohibits all demonstrative conduct within 750 feet of a funeral; this means that absolutely anything would be subject to the law if it isn't within the buffer zone. A labor union picketing its work -- it's place of work 700 feet from a church would not be able to do so. A local politician holding a rally or a fund-raiser to gain support would be would not be able to do so. A school group or Boy Scouts or Girl Scouts would not be able to hold a bake sale or fund-raiser of any sort. A town would not be able to hold a town fair or parade.

Additionally, if we selectively enforce the law to prohibit the speech that we don't like, we'd be engaging in content and viewpoint discrimination and the law would not stand up to that. This law would prohibit speech on public sidewalks which have been held time and memorial to be public forums available for all speech; therefore, the law would not stand a constitutional challenge as it is overly prohibitive.

In order to avoid the impending threat of litigation which is very real, I urge you to either vote against the bill or hold off on voting so that it can be revised. Legislator Stern, we spoke briefly yesterday about this bill and I would like to continue having this conversation with you for the next month or so so that we can find a balanced approach to this issue. Thank you very much.

**P.O. LINDSAY:**

Thank you. Aaron Virga (sic)?

**MR. VIRGIN:**

Good afternoon, Presiding Officer Lindsay and members of the Legislature. My name is Aaron Virgin, I'm Vice-President of Group for the East End and I reside in West Hampton Beach. My remarks will be brief.

For the record, Group for the East End represents the planning and environmental interests of several thousand individuals, families, businesses and communities within the five towns of Eastern Long Island. Please accept the following comments pertaining the County Executive's veto of IR 1308, the property -- acquisition of the property commonly referred to as The Hills in East Quoque.

We urge you to override the veto for the following reasons. The resolution simply calls for the preliminary steps with the County and the Town to just begin a discussion, regardless of what the Commissioner says. A veto is not necessary to just begin a conversation and have these talks.

At a press conference on July 6th, the day before the Executive vetoed the resolution, the County Executive called for an increased preservation partnership from towns, and in particular East End towns where the East End Community Preservation Funds are beginning to rebound. So this is in complete contradiction. Preservation of these 415 acres are vital to the groundwater recharge area which was covered prior, and while protecting one of the greatest contiguous parcels found left in the Pine Barrens core area. In the County Executive's report released just last month, a commitment to our future investing today to preserve tomorrow, it is noted that today there are fewer than 25 undeveloped parcels of land over 100 acres left in the County, and this is one of them. So this is not one to ignore, this is not one to compromise with developers.

Additional development could result in upwards of 100 septic systems, cesspools that could have a negative impact on already degraded bays and creeks which just last year the State DEC listed many of the areas, water bodies in this area, as impaired -- impaired water bodies, excuse me. Another quote from Mr. Levy on July 6th, prior -- one day prior to the veto; "Regardless of economic conditions of which party has been in office, Suffolk County's commitment to our drinking water, our waterways, our vast open spaces and our active farmlands has been second to none in the nation." Well, this is a compromise. This is a compromise that he should be allowing this Legislature and this County to begin a dialogue with the Town of Southampton.

So The Group has been an ardent supporter of the County's Environmental Legacy Program and the various Open Space legislation that's preceded it. And we thank the County Legislature for its continued efforts to work with not only the Town of Southampton, but many of the other towns in Suffolk County to preserve open space. Thank you for your time.

**P.O. LINDSAY:**

Thank you. Ellen Schuler-Mauk.

**MS. SCHULER-MAUK:**

Good evening. I'm Ellen Schuler-Mauk, I'm President of The Faculty Association at Suffolk Community College and I'm here to talk about the College budget that you will be voting on later this evening.

I know that the Legislature feels very strongly about the importance of Suffolk Community College to the residents of the County. And first of all, I want to thank you for the support that you've given us over the years, and even most recently in terms of the Capital Projects at the college. I'm here tonight to urge you to provide an increase to the college budget from last year's amount. As you know, the State has been cutting back on its support for the community college, and unfortunately the burden of the cutbacks over the past several years have gone into student tuition. And I'm here to indicate that those of us at the college are trying what we can to keep the tuition to a minimum, and at the very least to keep it equal with the tuition at Nassau Community College.

One of the issues that is often raised around this horseshoe when we talk about the college budget is the fact that we have so many of our students -- so many of the residents are going out-of-County, and Suffolk County, under State law, does have to pay the out-of-County tuition. And right now there is an incentive for the -- for students to cross the border and to go into Nassau, and particularly if they're -- Nassau tuition is lower than ours. And so what I'm urging the Legislature to do is to pass a budget that would allow the Suffolk Community College tuition to remain at least equal to Nassau Community College so we take away that incentive and allow our residents to have the same tuition advantage to come to our institution, which we know is the finest institution on the Island.

So, again, I hope that you will approve a budget for us that will allow for that tuition to remain the same. And again, I thank you for your support in the past and I'm sure I'll be thanking you for your support this evening. Thank you very much.

**P.O. LINDSAY:**

Thank you, Ellen. Kevin Peterman.

**MR. PETERMAN:**

Good afternoon. Good evening. I just wanted to thank you, just like Ellen. I'm Kevin Peterman, I'm with The Faculty Association at Suffolk Community College. And again, I was here last week at the Education Committee and some of you had asked some questions about Nassau, and I did e-mail members of the committee the document. At the time people were asking me what was the contribution for Nassau Community College, the County portion; it's \$52 million. And I just wanted to point it out because there were some members of the committee that had that question and I wanted to make sure I gave you that answer.

Again, I also appreciate all the help that you've given the college. But as Ellen mentioned, we've been getting cut, our enrollment's through the roof. We need some support. I know times are tough, but any little bit you can give us is certainly much appreciated. And again, I just want to thank you for your support.

**P.O. LINDSAY:**

Thanks, Kevin. We have Joan -- Jean Fusco.

**MS. FUSCO:**

Joan.

**P.O. LINDSAY:**

Joan; I was right the first time.

**MS. FUSCO:**

My name is Joan Fusco. I live in Sayville and I work in the Brentwood Family Health Center as a Public Health Nurse, and I want to thank all of you in the Legislature for the opportunity to speak before you on behalf of the health center crisis at the moment.

In the 70's I helped start the clinics by going door-to-door as a public health nurse to educate the Regis Park section of Brentwood and Candlewood areas regarding the use of primary care and preventive medicine, a totally foreign concept to many of our patients. A person within the culture of poverty has three priorities; food, rent and laundry. Anything that interferes with that or becomes a problem and keeps them from getting rent money, food or laundry takes them to the emergency room in the culture of poverty. And that's across the world, it's not just our country; I have my Master's in Anthropology. We studied cultures of poverty across the world, they all do the same thing.

The ER is the recognized health care for this group. Our job was to keep people out of the then over-burdened emergency rooms, and we do end up paying for it as taxpayers under emergency Medicaid, especially if a person is admitted with a heart attack or an amputation, which is totally preventable in many cases. To return to this situation is, at the very least, uncivilized, and I sincerely hope the funds can be obtained. I know there's a claw back and all that and the Senate Upstate is closed till September, and I know our hands are tied. But with a 22% cut, it actually becomes 80% in the reality of the clinics and we cannot continue our family practice service. Thank you very much for this opportunity.

*Applause*

**P.O. LINDSAY:**

Thank you, Ms. Fusco. Sonia Palacio-Grattola.

**MS. PALACIO-GRATTOLA:**

Good evening, everyone. I won't take much of your time. Good evening to Presiding Officer Lindsay and all of you at the Legislative body here. I am Sonia Palacio-Grattola, I used to be here a lot years ago, but lately I'm getting much older and all of my colleagues are doing the work for me, I hope. I represent the National Association of Puerto Rican/Hispanic Social Workers, and I want to beg you, really beg you to think about what you're doing to the clinics. To devastate them by taking away that funding, that primary care is going to hurt not only you and your family. Remember, if you have to send someone to the ER room and they have to wait hours and hours to see somebody there because there are so many other people waiting, then your family is going to get hurt. Just think about these clinics were really put there to prevent hundreds of people from going to the emergency rooms of our local hospitals. So think about what you're going when you're cutting those -- the money that's going to come out of these clinics. It's going -- they'll be devastated and the people will be devastated. Thank you very much for listening to me.

*Applause*

**P.O. LINDSAY:**

Thank you very much. I need a motion to extend the Public Portion.

**LEG. BARRAGA:**

Motion.

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

So moved.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen -- Sixteen (Not Present: Legislators Montano & Nowick).

**P.O. LINDSAY:**

Reverend Allan Robinson.

**REVEREND ROBINSON:**

Greetings, Presiding Officer and the Members of this Legislature. My name is Allan Robinson, I am the Pastor of Bethel African Methodist of Hicksville Church in Bay Shore, New York. I stand among you leaders who speak for those who are unable to speak for themselves and to represent those who are powerless and to care for the welfare of our people.

First let me say this. I want to thank all of you for availing yourselves to care and to look out for the welfare of all people, all families, our children. And I commend you for your perseverance to make difficult decisions in this tough economic climate. Today I stand in agreement with the health care center issue along with Ruth Gaines. I'm here on behalf of my church and our community to ask all of you to make every, every effort to continue the funding of our health care centers. Let us continue the mission to be full active in our health care issue and stay away from falling into the trap of becoming reactive to health crisis. May God bless you, may God keep you in your endeavor. Bless us.

**P.O. LINDSAY:**

Thank you, Reverend.

Okay, do I have anybody else in the audience that wants to speak under Public Portion? Please come forward and identify yourself.

**MR. LENHART:**

Good evening.

**LEG. ROMAINE:**

Hold the button.

**MR. LENHART:**

Hello, Gentlemen and Ladies and audience. I'm just distributing today the emergency resolution to pass glass steagal, because there are billions, trillions of dollars in debt to tie up the functioning of government, the public's money and assets to operate and everything. And this money, it's going in to this supporting or this failing Wall Street financial banking complex which is not helping the economy, the real economy of the country and the world. So we -- the LeRouge Group here and others are supporting and urging others to support the glass steagal resolution which is the A Chief 1489 -- HR 1489 in the Congress, United States that we want to get passed and then through the Senate. So that will separate the -- this is what FDR did in the early days of his administration, is try to pull us out of huge depression we were in and we're kind of facing the same thing now. This strategy would be very helpful to keep the money where it belongs so we can operate the government. That's all I have to say. Thank you.

**P.O. LINDSAY:**

Anybody else? Seeing none, I need a motion to close the Public Portion.

**LEG. BARRAGA:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen. Seventeen (Not Present: Legislator Montano).

*(\*The following testimony was taken & transcribed by  
Donna Catalano - Court Reporter\*)*

**P.O. LINDSAY:**

Okay. Commissioner Lansdale, are you still in the room, in the back? Commissioner Lansdale? Okay. Come on. Commissioner Lansdale, we weren't allowed to ask questions under the public portion, but now as a Commissioner, there's a couple of questions from the Legislators. Legislator Romaine.

**LEG. ROMAINE:**

Yes. Supervisor Anna Throne-Holst, Town of Southampton, sent a letter to all of our colleagues by e-mail and by hard copy that indicated her support for overriding this veto and indicated that the town welcomed, and I'm quoting her words, an opportunity to discuss stewardship options as part of our preservation goals at the earliest possible convenience. And I just want to bring this to your attention because I was left with the implication from your words that the Town of Southampton was not strong supporting this planning steps. They are. The supervisor has indicated that to me. And at that point, I'm going to turn it over, with the Presiding Officer's permission, to my colleague Jay Schneiderman who can speak more about this.

**P.O. LINDSAY:**

Would you like Commissioner Lansdale to answer that?

**DIRECTOR LANSDALE:**

Yes.

**P.O. LINDSAY:**

You want to answer that?

**DIRECTOR LANSDALE:**

Yes. Thank you for that opportunity. I just wanted to say that I was unaware of this letter from the town of Southampton.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. ROMAINE:**

Can I ask one question? If you were unaware, why would you make a statement that seemed to indicate, seemed to indicate, that Southampton Town was not in favor of this planning steps?

**DIRECTOR LANSDALE:**

Because we had reached out on multiple occasions to the town to understand their position, even today we have, and we did not receive a phone call back.

**LEG. ROMAINE:**

The Supervisor's letter was e-mailed to all of us and had been sent to the Clerk's Office, so it was available and obviously, in the public domain. Thank you.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

First, Sarah, now that you have seen the letter, does it change your position? That's my first question. Now that you have seen that the town is committed to a 50% partnership -- you know, we have programs like the Legacy Program, you know, which was specific toward 50% partnerships, \$20 million was authorized for that program. And, of course, you know it was said that we can't find partners. We can't use the money because we -- we have a partner here.

I want to point out too that as part of CPF Program, it actually allows money to be used for stewardship up to 10%. And I had conversations with the Supervisor, and they are moving to put in place a program where they have, like, a park ranger-type of function. So I would not say that the town will not steward this property. They are open to stewarding this property, and they've expressed that, that they want to have that conversation. Planning steps doesn't, as you know, commit the County to purchase, it allows us to explore it. We may never get to this point where we actually acquire the property, but it allows us to appraise it -- I understand the Town of Southampton has already done one appraisal -- to see if we can agree on a price, and then come back to this body and then we can make the final decision as to whether this makes sense.

You spoke when you talked before about it's protected through zoning. You know, it's hardly protected when you have 82 houses being constructed. But if you use that argument, am I supposed to go back to the Town of Southampton and say, "You know what? Why don't you zone it half acre, because then I could come back and I could get the money to help you preserve it when there's going to be 800 homes here"? But, no. Town of Southampton has filed the recommendations of the 208 Study, the County's own study for groundwater protection.

**P.O. LINDSAY:**

Legislator Schneiderman, ask a question, a question, a question.

**LEG. SCHNEIDERMAN:**

I will get there.

**P.O. LINDSAY:**

Don't debate the bill. Question.

**LEG. SCHNEIDERMAN:**

I am somewhat flabbergasted that our Planning Director is --

**P.O. LINDSAY:**

I know, but you are debating the bill. Question for the Commissioner.

**LEG. SCHNEIDERMAN:**

Changing the course that the County has been on for a long time.

**P.O. LINDSAY:**

Question.

**LEG. SCHNEIDERMAN:**

I will turn it into a question.

**P.O. LINDSAY:**

I am waiting.

**LEG. SCHNEIDERMAN:**

Okay. So, again, you can make an argument for every town, every parcel that we look at that, "Oh, it can be protected through zoning, just up-zone it and we can get out of the preservation business." But that has not been the County's policy. We have been punishing. So are we changing course? Are you recommending a fundamental course change away from preserving large tracts of groundwater recharge with partnerships that scored very high on the County's own rating system?

**DIRECTOR LANSDALE:**

The policy direction would be set by the Legislature, not by the Planning Department.

**LEG. SCHNEIDERMAN:**

So you are not recommending a course change; is that correct? And this would be consistent with the County's policy through the years; is that correct? And I'll just give you one example, the WJF Property a few years ago which was brought with the County and the State, it was entirely in the Pine Barrens Core, it was millions of dollars from the County and millions of dollars from the State. There was not a single chance that single house would be built on that property. It was just extinguishing Pine Barrens credits, yet there was a big press conference with the County Executive and Governor Pataki talking about that preservation. This piece actually has hundreds of developable acres in addition to that Pine Barrens Core. And it's important to me that I hear from the Planning Director that we are not changing course and this is --

**P.O. LINDSAY:**

Give her a chance to say yes or no. Let her answer the question, yes or no.

**LEG. SCHNEIDERMAN:**

So we're not changing course, right?

**P.O. LINDSAY:**

Do you want to answer that Commissioner? You said no?

**LEG. SCHNEIDERMAN:**

Thank you, Ms. Lansdale.

**P.O. LINDSAY:**

Did you say no?

**DIRECTOR LANSDALE:**

I think that there's an important policy discussion here right now. I believe that it's important to balance both the economic needs of the County as well as the environmental needs for now and future generations. It's part of what is sustainable development. And I think that's an important debate. And I would still, even with the Southampton letter, I would still recommend sustaining the County Executive's veto.

**LEG. SCHNEIDERMAN:**

I'm disappointed to hear that.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Commissioner, thank you for being before us. And I'm trying to take in the department's rationale for encouraging us to go ahead and sustain the vetoes. I believe that you articulated three different points. One of them, clearly, is by the wayside. But I guess you are still counseling that we might not do this by virtue of applying the funding elsewhere for other parcels that somebody might deem more applicable.

I will point out in my days back in the County Clerk's Office, the Town of Southampton is uniquely situated with a CPF Program, as you well know. As a matter of fact, it has the largest amount of funding available, unlike Smithtown, where in my time in, I can never recall a single time where we had match money brought forward for acquisition. Southampton is unique in the fact that it's articulated that it's willing to go ahead and put this up.

**P.O. LINDSAY:**

Do you have a question?

**LEG. KENNEDY:**

I do. I do. My question goes to the statement that the County Executive included in his veto message about the fact that a planning step resolution obligates the County to then go forward and to actually have to make an offer to the owner, and in essence takes us to a place somewhat different than my understanding of what planning steps resolutions have been. If we pass a resolution and we go through a many multi-step process including ETRB Review and for some reason the parcel just doesn't pass merit, I don't think we are obligated. Is that your understanding?

**DIRECTOR LANSDALE:**

Yes. There are many steps beyond the planning steps as you indicated.

**LEG. KENNEDY:**

Okay. Well, that was a good answer. It wasn't quite the answer that I was wondering that I might get. Let's put it this way: I disagree with the County Executive's statement that we're obligated to purchase. But I do think as Legislators we have the right to go ahead and put forward parcels worthy of consideration and merit for each of our colleagues to consider. So in this case, I guess I'd

ask the Planning Department to consider what the body might do as far as the direction the department takes. Can you do that?

**DIRECTOR LANSDALE:**

In terms of -- what is your specific question?

**LEG. KENNEDY:**

In terms of my specific question, if we override the veto, would your department be able to go ahead and work expeditiously towards undertaking the planning steps process?

**DIRECTOR LANSDALE:**

Yes, we will move forward.

**LEG. KENNEDY:**

Good. Thank you.

**P.O. LINDSAY:**

Legislator Anker.

**LEG. ANKER:**

I have a question for you actually -- actually, two questions. What's the investment, the financial investment in proceeding with planning steps?

**DIRECTOR LANSDALE:**

That would be something that I would like to defer to colleagues. It's a multi-step financial investment. There would be several appraisals that would have to be ordered, as well as a Phase I Environment Site Assessment for the property.

**LEG. ANKER:**

Would this be in the 100,000 category or 10,000?

**DIRECTOR LANSDALE:**

I will like to defer to the Real Estate Office for that information. I'm sorry, I'm not prepared to answer that.

**LEG. ANKER:**

Okay. The second question is the letter that we received from the Town of Southampton -- and by the way, I don't think my office received that letter, but

**LEG. ROMAINE:**

Check your e-mail.

**LEG. ANKER:**

Okay. I will double check. But, Sarah, does that letter create a binding commitment that they will work with us to acquire this property? Is there some type of legal binding commitment with that letter?

**DIRECTOR LANSDALE:**

I'd have to look into this letter more to see if this was actually a Town Board resolution or just an opinion expressed by the Town Supervisor.

**LEG. SCHNEIDERMAN:**

If I may. The resolution itself requires a partnership with the Town of Southampton. So we couldn't move forward without it anyway. So whether they've passed a resolution or not, they would have to

pass it before we could partner with them.

**LEG. ANKER:**

Thank you.

**LEG. SCHNEIDERMAN:**

The resolution also allows for a lesser interest. We don't have to buy the whole thing, we could buy portions of it.

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

Thanks for staying here for questions. I think part of my first question is a response to a question from Legislator Kennedy, because I think he asked as part of the planning steps, do you make an offer. And that's the culmination of the planning steps, is it not? So I think the answer to his question was yes. And then he said you acquire it. You don't acquire it until you have a resolution before the Legislature to acquire it. But making an offer to the owner is part of the planning steps. So that part of it was true.

Mr. Amper said something when he was speaking to us earlier. He said that we -- something about 425 Pine Barrens acres. In fact, that was incorrect. How much of the acreage is actually within the Pine Barrens Core?

**DIRECTOR LANSDALE:**

Let me look that up. Hold on. So it's 86 acres, which north of Sunrise Highway, it's within the Pine Barrens Core, and then an additional 7.5 acres to the south of Sunrise Highway.

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

That's in the compatible --

**DIRECTOR LANSDALE:**

It's within the Pine Barrens Core.

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

Oh, that's still within the core, okay.

**DIRECTOR LANSDALE:**

Right. If you look at the map, everything north of the white and green line --

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

I just wanted to know how many acres it was, because he had said on the record that it was 425 Pine Barrens acres, and I just wanted to clarify that. Also, there was another statement by someone about we don't have this kind of acreage within the Pine Barrens that has been saved. Actually, that was part of State Law a number of years ago, that the Pine Barrens Core has -- I mean, it's huge swabs that have been preserved through the New York State Pine Barrens Law, aren't there.

**DIRECTOR LANSDALE:**

Yes, that's correct.

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

Okay. I have a third question. Legislator Anker just asked about the cost of planning steps. And I give Legislator Schneiderman a great deal of credit, because he introduced this as one piece of property, he introduced it as a kind of sub-master list so that the department could address it in steps. So I think that was a very interesting way to approach this and it gave the department more latitude.

But regarding the appraisals, I believe that there was testimony that the town has already had an appraisal. And as we know, before you know before you come to ETRB, because of the cost, there has to be more than one appraisal. Can their appraisal be one of the appraisals, or do we have to have the two appraisals? I'm trying to remember that piece of it.

**DIRECTOR LANSDALE:**

I have to look into that and get back to you on that.

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

Okay. George, do you know -- I have another question anyway.

**LEG. SCHNEIDERMAN:**

I can answer that.

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

I understand -- Counsel is giving us the answer. I just want to go to my next question so we can keep going. Sarah, I don't believe that the letter -- although the letter from the Supervisor is very important, but I believe we need a resolution from the Town Board to have a partnership. You usually do ask us to wait for the resolution for the Town Board before we move forward. I don't think there has been a resolution from the Town Board yet.

**DIRECTOR LANSDALE:**

It's unclear from this letter if there is a resolution or not.

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

Okay. So I just wanted to clarify that agree or not -- you know, one may agree or not, but I don't think that you were misleading us when you said that there had been no resolution from the Town Board. The letter from the Supervisor is not the same, unless she's representing in the letter which I haven't seen, that there has been a resolution. To my knowledge, there has been no resolution from the Town Board. Okay? So I just wouldn't to, you know, support your presentation regarding that. I believe Counsel is getting us information.

**MR. NOLAN:**

I'm looking at Chapter 712. And what it states in there is that there has to be two independent appraisals for a parcel this size. I don't see anything that addresses that question whether we can use a Town Appraisal. It may be somewhere else in the code.

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

I think we can, actually --

**LEG. SCHNEIDERMAN:**

We have in the past done that.

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

-- because I think we have done with Brookhaven Town. I was going to say I know we've used Brookhaven Town, but I just wanted to have that on the record, Jay.

**P.O. LINDSAY:**

Okay, great. Everybody okay now? Commissioner Lansdale? Thank you, Commissioner Lansdale, for hanging around. Okay. I have about eight minutes before we have to start public hearings. And I'd like to go to the part of the agenda about the College Budget being that we have so many people from the college, and at least to get the process started. Do we have the updated that Ms. Vizzini distributed?

**MS. VIZZINI:**

Yes. Ms. Pastore has distributed it; it says, "Revised 8/2/2011" on the top.

**P.O. LINDSAY:**

Okay.

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

I have one that says, "Laid on the table."

**P.O. LINDSAY:**

It's being distributed now. Let me apologize to my colleagues. The reason it's been revised is there has been some talks going on in the hallway. The number we are considering in the resolution is much diminished from the original resolution. And the goal here is to try and match Nassau County's tuition for a couple of reasons that were previously mentioned.

You know, the original intent of the committee and myself was to make sure that we were not the highest in the state in community colleges. And certainly, we don't want to be, in my opinion, we do not want to give Nassau County an edge on us. And one of the reasons for that is what I consider to be a State mandate. There's a State Statute that says that any of our residence that attend a community college out of County that we have to pay for it. And that amounted to \$12 million this year, folks, which I think it an outrageous number.

The vast majority of them have been going to Nassau and FIT in the City, which is another whole issue; why FIT a four-year school is considered a community college. I have yet to figure that out. But I have taken it upon myself to write the Governor, our Governor, who has created a mandate relief committee, to please, on behalf of Suffolk County, look at this issue, because I think it's ludicrous that we are funding other community colleges when we can't fund our own.

And the issue, as far as I'm concerned with this whole reso, is about jobs and about getting our economy going again. And the best way that I know to do that is through education. A trained work force attracts companies and trained workers attract jobs. And my favorite example of that goes back about six years ago when I had the privilege of working with community leaders and the college, specifically George Gatta, who I see in the back to create a Nursing Program. At that time, our local hospitals were importing or recruiting nurses from as far away as Indonesia. They were spending \$15,000 for every nurse that they recruited. And the reason why is that we weren't training nurses for that valuable job skill here, because nursing is a very expensive course to teach, and we were locked in by the State tuition rates. We can't charge more than that.

So we formed a coalition with the hospitals where they subsidized our training of nurses and had opportunities to place their employees in our Nursing Program. And it was hugely successful to the point that we are -- as I said, we train more nurses than any other school in the State. To a lesser degree, that has been emulated with our Culinary Arts School. We've been training people for real jobs here in Suffolk County, local people; our Automotive Training School, our Manufacturing School. These are all career oriented besides our academic training programs.

So we haven't given the college any increase in three years now, and I think it's time to give them a little bit of money that we can stay competitive with our neighbor. And the revised reso, Gail, is -- help me find the number. Okay. What's the number, though? 386. Okay. And what that represents, just so everybody understands, it's an agreement with the college that we would match -- they would come up with savings, administrative savings, and we would match that to bring the number on par with Nassau County. So with that, I am -- Legislator Horsley, do you want to make a motion on this, so we can continue the discussion?

**LEG. HORSLEY:**

I will make the motion.

**P.O. LINDSAY:**

To approve 1711.

**LEG. HORSLEY:**

That's correct.

**P.O. LINDSAY:**

Seconded by Legislator Viloría-Fisher. On the question, yes, Legislator Barraga.

**LEG. BARRAGA:**

Thank you, Mr. Presiding Officer. I don't think there's any doubt in the minds of those who are present here today that when you take a look at the last three years, there really hasn't been a great deal of financial support coming from the County with reference to Suffolk County Community College. There has been a dramatic increase in the number of students at the college. The college deserves some help, some financial assistance.

We're talking about \$386,000, 1%. But for those of us who have been sitting here for quite sometime, especially from the standpoint of my colleagues, I think it's fair to say that, as a County, we are broke. We just don't have the money. I've said that statement and others on this panel have said the same thing. It is difficult to come up with any dollars when you take a look at some of the fiscal restraints and obligations that we have in the future.

Seem to be in a plight where we cannot come to some sort of conclusion with reference to some of the outstanding challenges that we face; increase in pension costs, health care costs, no final determination with reference to the nursing home, the various health clinics that's still up in the air, we're taking a look at the cost associated with -- sooner or later, it's coming within another year -- with the Early Retirement Incentive and what we'll have to come up with in terms of money there.

We don't seem to come to finalization on any issue. We seem to turn around -- and every time we get a bill that calls for an additional appropriation, we are spending money, and there are people here justifying that. We heard this morning in the public portion, somebody came along, they're already getting \$3 million, but they need another \$250,000 for the Vanderbilt Museum.

The whole question of purchasing another 415 acres, yet those same people, those same members will say, "You know, we don't have any money, we're broke," until the next piece of legislation comes along. Now, with reference to the college, it is not a question of the 386,000. We don't have the 386, we really don't. And we'd have to match it the following year. The question is where should that money come from when Suffolk County Community College is sitting on a \$15.6 million dollar Reserve Fund.

There have been statements in the past, which I questioned because I felt they were misleading to the members, which led us to a certain conclusion, which I don't think is appropriate. When it comes to accreditation evaluation -- back in 2007, it was suggested, suggested, by someone from Middle States Accrediting Association that the college should avoid or guard against going into its Reserve Fund to balance its operating budget, a suggestion. Yet, there is no rule, no statute, no recommendation, no requirement on the part of the Middle States Higher Education Commission dealing with this particular issue.

When you speak to them, and I have, they will tell you there are many colleges within their system that are accredited that had to dip into their Reserve Fund because they're freeholders or their Legislature just didn't have the money, with know affect whatsoever on their accreditation. But yet,

that statement, in the minds of members, sort of gives the impression that if we play or go into Reserve Fund, somehow it's going to interfere or modify or do away with the accreditation of Suffolk County Community College. That's not true.

The other statement, which is interesting, and it's been quoted time and time again, there's a National Association of Higher Education Business Offices who say the ideal is to keep 25% of your operating budget, if you're a college, in the Reserve Fund, the ideal. Who are they? Who are these people? It's like the League of Women Voters saying, "You know, we should have public financing of campaigns." They can make any statement they want, but they're not an integral player, they're not the Legislature, they're not the County Executive, they're not the voters to approve something like that. They can make any statement they want.

This Higher Education Business Group, they can make any statement they wish. They are not the accrediting agency, they are not the college. But that statement being made, what happens is they add specific figures. If you have a \$195 million Suffolk County Community College Budget, and you go by their statement, you're sitting there as a Legislator saying, "Well, you know, this should be about \$48 million in this Reserve Fund. We've only got 15. We can't touch, because we're below what we should be." That's the conclusion a member winds up taking based on these two statements; a suggestion not to go near it, as if, if you do, you're going to modify or do away with your accreditation. And the other statement, "Hey, we have to have close to \$50 million in these reserve funds, because this group says it's so."

Now, the proof of the pudding, Nassau County Community College, right next door, they have an operating budget of 203 million, approximately \$7 million more than Suffolk county Community College. I picked up the phone, I said, you know, let's call over there, because it's stated in the documents we have, they had taken a million dollars of their Reserve Fund to help bring their tuition down below \$4000. So I get the Vice President of Finance on the phone, I explained to him who I was and what was coming before the Legislature.

I said to him, "Based on, you know -- thinking to myself, well, if it's a \$203 million Operating budget, their Reserve Fund must be around what, \$50 million to take a million dollars from it. So I said to him, "What's the size of your Reserve Fund?" "It was five million." I said, "You mean 50?" "No, it was \$5 million, but it's going to be less than that now, because we are taking another million dollars." I said, "Well, I guess you are not too concerned about the Middle States Higher Education Commission evaluation." He said, "No. They come in and they evaluate many, many different things." And I said, "Well, when were you reaccredited?" "Oh, just five weeks ago Middle States Commission of Higher Education."

Yet, we stand here and take a look at that. Even if we took \$2 million from the Suffolk County Community College Reserve Fund, it would still be three and a half times the size of Nassau County Community College, which has a higher budget. We shouldn't be giving 386,000 of our County monies to this college. It should come out of the Reserve Fund. It will have no impact on their accreditation. Even yesterday, I happened to flip on Channel 12, and the college said, "Well, you know, the reason we're not going to the Reserve Fund is that we want to get that tuition below 4000." Nothing about that Reserve Fund affecting their accreditation. That's not the case. There's no reason to appropriate this money. The money is there in the Reserve Fund, 15.6 million. Go and take what you have to, it will have no affect on the accreditation.

And you know something? We need that 386,000, because we heard about the cuts, possible layoffs, all of the things that may happen. Some day we're going to be sitting here, if we give them that money, knowing that Reserve Fund was there and we didn't tap into it, we're going to say, "What the hell did we do when more health clinics have to be cut or more layoffs have to take place?" I'm suggesting to my colleagues, Democrats and Republicans, step back on this one. Let's table this. They can use their Reserve Fund to meet their needs.

**P.O. LINDSAY:**

I will be happy to answer your argument in a little while, but we have to break for public hearings at this point.

First up is ***1228 - A Charter Law to establish a 2% Discretionary Spending Cap in Suffolk County. (Cooper)***

And I don't have any cards on this subject. Legislator Cooper.

**LEG. COOPER:**

Motion to recess.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***IR 1247 - A Charter Law limiting annual growth of the County Operating Budget and tax levy to no more than 2%. (Co. Exec.)***

I'll make a motion to recess, seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

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

**LEG. ROMAINE:**

Motion to recess.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1315 - A Local Law to limit the restraint of pets outdoors. (Romaine)***

I do a couple of cards. George Phillips. Is George Phillips in the audience? George Phillips? Going once, going twice. Next, Francis Tate. Please come forward, sir.

**MR. TATE:**

Sir, this is one of those -- this seems to be one of those all-encompassing laws. It was kind of funny, because I've been training dogs for better than 44 years now. And I'm 74 years old and I'm still active. I happen to be a licensed AKC judge as well. I've been a professional dog handler for a number of years, so I'm just not Joe, The Backyard Breeder somewhere.

But when you train a dog, you're not training a human being -- you don't have the patience and time -- to the extent that you are taking something with the intelligence of hopefully 90 to 120, you're dealing with something that has an IQ of about 23 or 24. So some of the things that you have to train have to be done in a quick manner, but in a manner that leaves an impression. Sometimes like the Police Officer who doesn't want to handcuff somebody, but that's the only way he gets control of the situation.

When I first read this law, I thought, geez, they're trying to do two things at once here. They're trying to give you a law about how you should crate your dogs when you do carry them in a car. And I ship my dogs -- I import dogs from Germany, I've bought dogs in, and they have to be able to stand up in their crate. It has to be big enough. There's about six different sizes of crates you can bring in. This is taken care of by the Federal Government. I cannot ship a dog on an airplane without it passing. And I have some pretty large dogs. Some of my dogs weigh 75 to 95 pounds. Twenty four to 26 inches at the top of the wither.

I'm five foot ten and I sleep in a bed that's -- a queen-size bed with my wife, and we probably have less square footage than we offer our dogs in crates sometimes. I often wonder. I know that any dog run I have in my house is -- even the smallest run I think is about eight by ten, and that's better than my six by six bed that I share with my wife. However, it's my dog, and some people decided he had to have more room than I do.

But the one thing that bothered me most with this leash and chain law, For example, my dogs aren't allowed to eat, drink or lie down when walking with me. They're rarely allowed to do that, that's why we call it going for walk. Dogs at dog shows are usually walked about -- before being shown so they can defecate in other locations other than their crates. Human children are allowed to poop and pee in their diapers and playpens, carried in their mother's arms. Will we begin fining all mothers that break this law in public? Five hundred dollar fine because of a dog that might poop in its crate?

I mean, we do hold our children to a higher level than dogs, but why are we treating dogs that have such a condition? I mean, there's a logic here. I mean, when a mother's child poops in her arms, we're not going to fine her \$500 because we didn't let it poop at home. The same thing might be done with a young dog or a puppy. But when we get down to restraining dogs, does a choke collar, pinch collar or otherwise cause a dog to choke? If a dog is attached to my hand, it's still tethered. You're holding a leash. They're saying that if I have to stop to tie my shoe and there's a fence nearby, I can't put my leash on the thing just to bend over and tie my shoe. I would be breaking the law. Even if you came up on me and you spotted me at the moment I tied the dog to lean over and tie my shoe, I would be breaking the law.

That's a poorly written law. Perhaps you need a law in a sense, because I have seen dogs mistreated in my life. God knows I've seen it happen. But you can't create a law that's going to affect a lot of legal-minded well-meaning people because of a few bad ones. And that's what I ask you people to consider. Not make laws that are going to consider one situation. We're dealing how a dog has to be housed at a dog show. I mean, when you're in the ring handling your dog, hopefully you have an area that's nice and shaded, in a crate and restrained. But you're not going to put a Great Dane into a Dachshund cage. When you're waking your dog, you have it on a tether. It has a choke collar, that's the way we show the dogs. We've been doing this for -- God, I've been doing this since 1968. Think about how it's written. Just rewrite the law. Try to take care of the bad guys who are out there are out there mistreating dogs. If I see a dog in a yard chained up to a tree, I want to go there and punch that son of gun in the nose. But at the same time, we have to be careful about all the innocent ones here who may take their dog out in the yard and sit there.

**P.O. LINDSAY:**

Mr. Tate, you are out of time.

**MR. TATE:**

I'm sorry, sir. I apologize. Thank you for letting me address you.

**P.O. LINDSAY:**

Go right ahead. Legislator Romaine has a question.

**LEG. ROMAINE:**

Just for the speaker. Over here, sir. One, the bill has been amended already. Two, it makes no mention of transporting dogs. Three, there are no minimum requirements for dog runs. Four, my aide here will give you a copy of the revised bill so that you can have it. But I don't know where you got the information about transportation or dog runs.

**MR. TATE:**

I just received this from AKC this afternoon.

**LEG. ROMAINE:**

Unfortunately, they didn't write the bill, okay? So that information is not exactly correct. We'll be happy to give you a copy of the bill. And my aide will give you a telephone number so if you'd like some more input, I'd be happy to take that input. But it makes no mentions of minimum requirements of dog runs, no mention of transportation. And the billing was recently just amended. So I will give you the amended copy, sir. And if you have any other questions, I invite you to give me a call. Thank you.

**MR. TATE:**

Yes, sir. Do you have that today so I can take it with me?

**LEG. ROMAINE:**

Bill will get it to you.

**P.O. LINDSAY:**

Anybody else want to speak on this subject, 1315? Please come forward. Please identify yourself, sir.

**MR. PHILLIPS:**

My name is George Phillips.

**P.O. LINDSAY:**

Okay. I called you before, George. Go ahead.

**MR. PHILLIPS:**

I've been doing animal rescue for the last 12 years, and we do a lot of work in neighborhoods where this problem is very prevalent. And I've seen dogs that have been tied out for 24/7. They get little attention, little water, very little food. A lot of them that they tie out, you know, in the neighborhoods are pit and pit mixes, which are dogs that are not designed to be out, you know, 12 months a year. Even they have food and water, they're very often tangled on trees, poles, fences, and they can't reach what's been left out for them.

As I said before, they are rarely ever checked. It may be days before anybody goes back there and checks on the dog. I think when they are out, if you're going to do that law where every two hours and they can't be on something that can hurt them (sic), they should either be to a dog house, they have runs that will screw into the ground, or they have overhead runs that they can be attached to, and then they have the liberty to run around. It should be away from trees and poles and fences that they can catch on.

I mean, in my 12 years of doing this, I've come across many dogs who are very fearful, they're overly aggressive almost to the point of being insane. I have seen them where they run up and down trees and the owner is telling me, "Oh, look at how cute my dog is, it's running up and down the tree." It's running up and down the tree because it's insane, it's ripping the bark off the tree. It's because they've been tied out their whole lives and have had no real human contact except to get a little bit of food.

I've also seen a lot of dogs that have died, and they've died from being eaten -- I mean, they're being eaten by fleas, flies and maggots. I've also encountered dogs that were frozen to death, dead from extreme heat, malnourishment, parasites and infection. So there's a very great need for this law. One question I do have on it is how would this be enforced? Like, I mean, I work in these neighborhoods all the time. Who would you talk to? Do you report it to the police, the ASPCA? What is the progression of fines or thinks for them? To be honest with you, I'm against euthanasia, but some of these dogs, the conditions they live in, it would be much more humane to take them away and put the dog down, because they live 365 a year in a tortured situation. It's horrible the way they live. Thank you.

**P.O. LINDSAY:**

Mr. Phillips, I'm going to let the sponsor answer that question. Legislator Romaine.

**LEG. ROMAINE:**

The Society for Prevention of Cruelty to Animals would help the County enforce the law as they do now with other such similar laws.

**P.O. LINDSAY:**

SPCA.

**MR. PHILLIPS:**

Okay. Now, if I'm working in these neighborhoods, because I work in there quite often, and if I see something like that, I can report it to them and then do followups, because I have them there constantly?

**LEG. ROMAINE:**

Absolutely, sir. Absolutely. What part of the County do you live in, sir?

**MR. PHILLIPS:**

Suffolk County.

**LEG. ROMAINE:**

No. What part of the County.

**MR. PHILLIPS:**

I live in Lindenhurst.

**LEG. ROMAINE:**

Very good, sir. The Legislator, I'm sure, from Lindenhurst, Mr. Horsley, will be happy to help you and direct you and guide you as to the people to contact.

**MR. PHILLIPS:**

Okay. Thank you very much.

**P.O. LINDSAY:**

Thank you. Is there anybody else in the audience that would like to speak on 1315? Seeing none, Legislator Romaine.

**LEG. ROMAINE:**

I make a motion to close.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Twelve.

**P.O. LINDSAY:**

1315 stands closed.

***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 don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, motion to recess by Legislator Montano, I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

13.

**P.O. LINDSAY:**

***1487 - Authorization of approval to alter rates for North Ferry Co., Inc. (P.O.)***

I have one card, Julie Ben-Susan.

**MS. BEN-SUSAN:**

Good evening. Ladies and Gentlemen, of the Legislature, thank you for this opportunity. I'm Julie Ben-Susan, General Manager of North Ferry. I've been before you before. We need your help. We're here today to present a request for a rate increase for our ferry service connecting Greenport and Shelter Island.

Like most small businesses, we are caught in a squeeze. While our expenses continue to grow, particularly fuel, our revenues are declining. Traffic has waned since 2008. We believe that the lackluster economy, the evaporation of the traffic related to construction, the improvements to County Road 39 and stretches of badly-timed inclement weather have combined to hurt our top line. My college Brig Hunt has done a masterful job of reducing expenses, renegotiating contract with the crew and tweaking the schedule to adjust the expense side down all without impacting our service. By all accounts, our service levels have been excellent for the last several years.

Fuel is a significant expense and has gone up dramatically. Our crew has partnered with us to conserve fuel. Nevertheless, a business that runs on diesel, fuel costs are threatening our ability to deliver this vital ferry service to Shelter Island. Health care costs as well are a challenge. Again, we have contained them to single digit increases due to methodical work with our vendor and shared administration with the crew. Ironically, we have an additional expense, paying for the MTA through our payroll tax. We've used up our financial profits and our cash reserves, had to borrow \$250,000 this spring, and now have no choice but to seek a rate increase.

In this petition, we seek increases of a dollar each way for the casual traveler. This is roughly the same amount that it costs us to carry a car and driver across the bay, which has increased from 2006 from \$6.13 to \$7.16. We have attempted to improve our good will with our customers in this petition. We have eliminated the SUV surcharge, which while well-intentioned, has been difficult to

apply evenhandedly. Similarly, we are asking to permit longer pick-up trucks to be treated as passenger vehicles, as in some cases, this pick-up truck is our customer's only vehicle.

Lastly, we have petitioned to treat all Shelter Islanders in an equal way. Our present rate structure has an unintended consequence where some Shelter Island residents are subsidizing the travel of other Shelter Island residents. This proposed rate is a simple uniformed fair for all resident round-trip travel. The Office of Budget Review has reviewed our application and our books. You have their report. They recommend that our application be approved on the merits and opined that perhaps it was not enough. Depending on the future economic and meteorological happening, they may be right, but in lighted of the soft spot in which the economy is languishing, we felt it was not fair to impose on the current ratepayers than we absolutely needed to to fund operations. As ever, we thank you for your time and attention.

**P.O. LINDSAY:**

Legislator Romaine has a question.

**LEG. ROMAINE:**

Actually, it's a question for Budget Review, so don't jump too quickly. My question is you've done the financials, you've examined all the books of North Ferry; is that correct?

**MR. LIPP:**

Yes.

**LEG. ROMAINE:**

And have you made a recommendation regarding this rate increase?

**MR. LIPP:**

I actually have to get back to you.

**LEG. ROMAINE:**

You have. And I don't want to tell you what the answer is, but -- are you aware that the Budget Review Office has recommended in favor of this rate request?

**MR. LIPP:**

Yes.

**LEG. ROMAINE:**

Thank you. Mr. Presiding Officer, I'm going to make a motion, unless there's any other speakers to recess this public hearing so that we can have an opportunity also in Riverhead and leave it open, and then we'll close it and we can hopefully proceed to a vote right after that. Thank you, sir.

**P.O. LINDSAY:**

I just want to make an observation. Robert, when Legislator Romaine asks a question, he is just looking for straight answers, just nod yes. Thank you.

Thank you, Ms. Susan, I appreciate your testimony. Is there anyone else in the audience that would like to testify on 1487? Seeing, none, I have a motion by Legislator Romaine to recess the public hearing. I'll second that for one cycle that we can have a similar public hearing in Riverhead where North Ferry is located closer to. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

***1604 - A Local Law to ban the sale of fuel gel in Suffolk County (Michael's Law) (Romaine)***

I have no cards on this subject. Is there anyone in the audience that would like to on this subject? Seeing none, Legislator Romaine?

**LEG. ROMAINE:**

Motion to close.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

15 -- 16.

**P.O. LINDSAY:**

***1605 - A Local Law to extend prompt payment policy to attorneys providing services pursuant to Article 18-B of New York County Law. (Montano)***

I have one card -- two cards. Steve Fondulis.

**MR. FONDULIS:**

Good day. My name is Steve Fondulis. I'm a practicing attorney in Suffolk County and President of the Suffolk County Criminal Bar Association. I'm here to speak in favor of this legislation.

There are approximately 3500 attorneys that practice in Suffolk County. The vast majority, I would say 95, 96%, are single practitioners, solo practitioners, or they're in a firm with one or two other attorneys. There's only a couple of dozen firms that have salaried employees in Suffolk County. So the vast majority of attorneys that practice, particularly in the criminal field, are not salaried.

The arrangement under 18-B as it exists now calls for the submission of a voucher to the judge that was handling the case after the case is over. The judge approves it -- let's say he approves it and it goes on the Administrator of the 18-B and moves down the chain until it's paid. Now, by way of example, I received a check last week for vouchers that were submitted in December and January, beginning of this year. Last year, there were three four months toward the end of year when no checks were paid by the County to anybody doing 18-B work.

The situation now is such that for any work that's done now, from now until the end of year, no one will be paid until February or March of next year. There is a need -- there's a requirement that the County provide competent and good representation to those that are found qualified to receive the 18-B representation. We can't continue to have attorneys carry the bill for the County. There's no cost -- there's no overhead costs and we're looking for overhead costs.

But I'm asking that you pass this legislation so that the attorneys that do essentially volunteer for the court under the 18-B Program, and that includes my case -- I've been on the Felony and the Homicide Panel for over 20 years. And if you get involved in a felony or a homicide case, you shut your office for six weeks, and you're in court all day, and the rest of your practice gets pushed aside as you handle it as best you can. And then what happens is you don't get paid for eight or nine months. So I'm just bringing that to your attention so that you are aware of the situation as it exists now. Thank you.

**P.O. LINDSAY:**

Mr. Fondulis, there's a question from Legislator Cilmi.

**LEG. CILMI:**

Thanks, Mr. Chair. Thank you for your testimony. Let me preface my question by saying that nobody should have to wait six to eight months to be paid for a service that they provide unless it was expressly agreed to prior to providing the service. My question is this, could you succinctly again review the process by which you submit for payment and then that payment occurs, just very quickly.

**MR. FONDULIS:**

At the end of the case, we fill out a voucher, it includes a time card which lists the in-and-out-of-court hours and what happened; if there were hearings, etcetera. That's submitted to the judge who presided over the case. If the judge approved it, he sends to the Administrator of the 18-B Program. The Administrator reviews it. Many times they will find math errors and things like that. Then they send it to, believe it or not, the County Attorney's Office. The County Attorney's Office has a secretary that goes through some of those papers, the vouchers, and after awhile, they're submitted to the Treasurer.

**LEG. CILMI:**

So prior to it getting to the County in the first instance, to the County Attorney's Office, it's got to go through two levels of approval in the courts basically, correct?

**MR. FONDULIS:**

Yes.

**LEG. CILMI:**

The vouchers that you submit, are they paper vouchers or are they online, you know, 20th Century computerized --

**MR. FONDULIS:**

No, they're paper. They're paper. Now, we do now -- I can tell you that most of the judges in Riverhead in County Court and Supreme Court, when they approve and send on the voucher to the Administrator, they use a cover letter and a cc to the attorney so that the attorneys know that the judges aren't sitting on the vouchers. Those vouchers go out within a week from the judges, because if they have a problem with it, they contact the lawyer right away. So vouchers are getting to the Administrator of the 18-B Fund within a week.

**LEG. CILMI:**

And how long are they spending at the Administrator of the 18-B Fund?

**MR. FONDULIS:**

That's a very good question. Several months.

**LEG. CILMI:**

Okay. Who is in charge of the Administrator of the 18-B Fund.

**MR. FONDULIS:**

Mr. David Besso.

**LEG. CILMI:**

And forgive my ignorance, but he works for?

**MR. FONDULIS:**

He has his own firm in Bay Shore. And he was appointed by the Appellate Division to be the Administrator of the 18-B Fund.

**LEG. CILMI:**

Okay. So other than the relationship that he has with the County in terms of this work that he does, he's not in any way overseen by the County?

**MR. FONDULIS:**

No.

**LEG. CILMI:**

So it seems to me like the problem really lies -- if what you are saying is true -- I mean, I wonder how long it's taking the County on average once we receive these approved vouchers from Mr. Besso, once we receive these vouchers from Mr. Besso, how long on average is it taking the County to get them processed? Do you have an idea?

**MR. FONDULIS:**

I think it takes a month or two.

**LEG. CILMI:**

A month or two.

**MR. FONDULIS:**

It depends on how many vouchers are presented at one time.

**LEG. CILMI:**

And typically, how many vouchers are presented at one time?

**MR. FONDULIS:**

Well, I was told several years ago when I inquired as to where my voucher was that on occasion a case box or two of vouchers would be brought in at one time.

**LEG. CILMI:**

A case box or two? So it seems to me that the process that these things go through prior to getting to the County seems like where the inefficiency lies, and that's causing the delay or at least a good portion of the delay.

**MR. FONDULIS:**

Well, part of that may be the -- it's my understanding that the Administrator only has a budget for half of a secretary. So that's part of the problem.

**LEG. CILMI:**

Well, you know, one of the things that we are faced with here in the County is we have, I think, two-- correct me Counsel if I'm wrong, but I think we have two laws already on the books that require us to pay certain entities within a certain time period. Now, what happens when you do that is everybody else gets pushed back because we have a cash-flow issue as well. Every business, every government has cash-flow concerns obviously. And regardless of how significant our cash-flow concerns are, you know, cash flow is cash flow.

So the more we legislate how quickly we have to pay bills, the more it pushes certain entities back. So, for example, if you are the -- you know, the paver, if you are the, you know, construction contractor, the electrician who's working on a building or what have you, and we're paying childcare agencies, non-for-profits and attorneys first, what happens to everybody else? Now, it's taking six

to eight months and really only a couple of months maybe, because of the County's delay to get you paid, now it's maybe taking them nine months or ten months to get paid. We really have to find a better way to do this. And it seems to me like the best place to start would be to improve the efficiency of those levels that these things go through before they get to us. Understand?

**MR. FONDULIS:**

I understand and I agree.

**LEG. CILMI:**

And I would ask the sponsor, Rick, you kind of whispered to me that you have some information.

**LEG. MONTANO:**

I do. I probably could have saved a lot of this dialog. You are right. But what I was going to point out, and Steve --

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

You happen to be next on the list.

**LEG. MONTANO:**

Yes, I know. It's because I got there second instead of first. Are you privy to the letter that Mr. Besso sent to me relative to the bill in which he outlines the procedures for payment? Have you seen the letter?

**MR. FONDULIS:**

No, I haven't.

**LEG. MONTANO:**

I did hand it over, I think, to Kerry. In any event, the letter outlines the procedural aspects, some of which I wasn't fully familiar with, because I've never really done 18-B work. And I would have to agree with my colleague here, based on what I learned to date, it seems that a majority or a large part of the problem lies in the process before the voucher is received by the County, and that is it lies with the Administrator. And I'll share this with my colleagues in terms of -- and I'll also ask Counsel, George, have you seen this?

**MR. NOLAN:**

No.

**LEG. MONTANO:**

Okay. You should have gotten a copy of that. In addition, I also received a memo from the County Attorney in which she requested that the proposed law be changed to reflect that the time -- and I'm quoting -- "the time period within which the County has to pay 18-B counsel bills not commence until receipt of the bills and vouchers in proper form by the Department of Law."

And I have to -- I would have to agree with her in that sense. We really cannot assume responsibility for any delays that take place prior to the County Law Department receiving the voucher. And from -- I'm willing to amend the proposed law to have that clause in there. Do you have any problem or comments on that aspect of it?

**MR. FONDULIS:**

Yes, I have a comment on that.

**LEG. MONTANO:**

Go ahead.

**MR. FONDULIS:**

I believe the backlog is mostly in the Administrator's office because of the funding that he has. So it comes back to here.

**LEG. MONTANO:**

In his letter, he states that he receives a budget of \$75,000 to administer the 18-B Panel work. Now, whether that's sufficient or not, I'm not going to comment, but the bottom line is that I don't think that we really have jurisdiction over -- in fact, I'm certain that we don't have jurisdiction over the actions of the 18-B Administrator -- so I just want to point that out to you -- and any proposed law that we would pass or that we would consider. But it is a problem that has come up.

The other issue that came up when I first attended one of your meetings was that the vouchers that you fill out, the paper vouchers, which I would say would be 19th Century, there was a shortage and that some of the attorneys were complaining that they were not being -- upon request, not being given vouchers to fill out, and that was one of the reasons why there was a delay in handing in the vouchers. Is that still a problem with the 18-B attorneys?

**MR. FONDULIS:**

No, they've received the vouchers.

**LEG. MONTANO:**

So the real issue is -- I'm going to recess the public hearing today, but I want to point out that in all fairness to the County and in line with what Legislator Cilmi has said, we really can't be responsible for any delay prior to receipt by the County physically of the voucher for payment. And I just want to point that out to you. But we will work with you in terms of trying to get this thing resolved, because I know we have a role in that. The other issue is obviously the funding, we're not going to take that up today.

**MR. FONDULIS:**

If I can just leave you with this. I do believe the bottleneck is in the administrator's office, because he has essentially one person working for him, and she handles everything coming in. So I think there is a need for more funding with respect to his office, and that would -- because once it leaves his office, it moves along quite well.

**LEG. MONTANO:**

Well, just a note, the County Attorney is here. And I will speak with her in terms of what, if anything, or what, if any action we can take either through the Ways and Means Committee or the Department of Law to assist. But our role would be to ensure that upon proper receipt by the Administrator that you are paid on a timely basis, because we don't think that our cash-flow problems should be passed on to those that perform the service that attorneys provide in this field. So we're very cognizant of that. I want to thank you.

**MR. FONDULIS:**

Thank you.

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

Don't go away. Legislator Gregory has questions.

**LEG. GREGORY:**

No, I'm fine.

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

You're fine? Okay. Then I have a quick question because I just very confused. If the problem is in the administrator's office, then in fact, is this law going to solve the problem? Right? Because we're

going to stamp it "received April 1st," but if it's been held up in the Administrator's Office for three months, then we're not solving the problem.

**MR. FONDULIS:**

That's right. The only thing it would do is perhaps serve to stimulate the office to move a little faster. But I think the problem there is budgetary. They only have one person for a limited amount of hours per week workings on the vouchers.

**LEG. MONTANO:**

If I may. I will be speaking to the Comptroller and the Department of Law in terms of our -- you know, our response time on this. As the Legislator points out, there may or may not be a real problem with the County.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Very quickly. I don't know how many vouchers are being processed in a year. I'd like to know that information, not from -- well, the County Attorney indirectly I'm talking to. For 75,000 bucks, how many vouchers is the Administrator, Mr. Besso, processing. I mean, can someone answer me?

**MS. MALAFI:**

Over 5500.

**LEG. ROMAINE:**

Over 5500 vouchers.

**MS. MALAFI:**

In 2004, the Administrator was getting \$25,000 a year in the contract between the County and the Bar Association to administer the program. And we upped it to 75,000.

**LEG. ROMAINE:**

So you upped it from 25,000 to 75,000, 75,000, you tripled it. Has the numbers of vouchers since 2004 been tripled?

**MS. MALAFI:**

They have definitely been increased. I don't keep count of them, but there are approximately 5500 a year. He has a full-time secretary that I'm told that's what the increase was for, to get a full-time secretary to do that. And it all came into play because in 2000 -- the end of 2004, the hourly amount for 18-B lawyers went up and the maximum payment went up.

So as a result of that, the billing was greater, and that's why it went up to 75,000 a year. He is asking me for more, but I said, "I don't have any in my budget." I think a lot of the delay on the County's end is not in processing the vouchers, it comes from the fact that as of September 1st, I will have no money in my 18-B line to pay anybody.

**LEG. ROMAINE:**

That's a definite problem. If we don't have the money, we can't pay the bills. One last question. Mr. Besso has a full-time active practice to the best of your knowledge?

**MS. MALAFI:**

Yes.

**LEG. ROMAINE:**

And he does this as a side-line?

**MS. MALAFI:**

Yes. But my knowledge is that he devotes whatever time is necessary to do it. You know, I'm not going to tell you that I have any problem with the job he is doing. It's just an exorbitant amount of billing at rates of, I think -- Mr. Fondulis would remember. It's \$45 an hour --

**MR. FONDULIS:**

No. It's 75 for felonies and 60 for misdemeanors.

**MS. MALAFI:**

Right. It's 75/65 in court time and 60 and 65 I think for office time. So you are talking about pretty low amounts getting paid. So in order to get a bill up to let's say, four to \$500, that's a lot of hours that you have to look through. My office looks through them. And the only role that my office plays in it -- I'm not allowed to look to see if they spent too much time on a motion or if their hours add up to too many hours per day, I'm not allowed to look at that. What we do is we just do the addition, the multiplication and the addition. We find errors, but they get fixed rather quickly, it's not -- that's not a hold-up.

**LEG. ROMAINE:**

One last question. You're not allowed to look to determine if, for example, there's one attorney that might be sending "X" amount, and on a similar case there's an attorney that's spending three times the amount; that isn't your role. Whose role is that, if I could ask; would you know?

**MS. MALAFI:**

It would be, I believe, the Administrator's role, but the problem is that a lot of the bills, when they come to him, they're already approved by the Court.

**LEG. ROMAINE:**

Oh, okay. So it's the Court's role initially to approve this; is that correct?

**MS. MALAFI:**

Most of the bills -- not -- I don't believe it's every single bill, but a lot of the bills get approved by the Court in the first instance.

**LEG. ROMAINE:**

And by the Court, who in the court would do that type of work, in the Office of Court Administration?

**MS. MALAFI:**

I think it's the judge assigned to handle the case, because they know how much time the lawyer has been in the courtroom and they know the case.

**LEG. ROMAINE:**

Is this District Court? Is this essentially District or is this County Court, Family Court?

**MS. MALAFI:**

It's District Court, Family Courts, County Court.

**LEG. ROMAINE:**

So it's the individual judges --

**MS. MALAFI:**

Sometimes Supreme, too.

**LEG. ROMAINE:**

-- that make that determination.

**MS. MALAFI:**

Yes. And just so that you know, since I'm here talking about 18-B, I have been meeting routinely with the Administrative Law Judge of Suffolk County to try to decrease the amount of the 18-B vouchers per year because every year we're running out of money earlier and earlier and yet I'm getting more -- except for last year, getting a little bit more money every year; we're up to over \$4 million a year.

**LEG. ROMAINE:**

Right, and I understand that our budget is -- budgetary demands are tremendous and it's growing. But let me ask you one question; isn't everyone, no matter whether they're indigent or not, entitled to a defense?

**MS. MALAFI:**

Oh, absolutely. That's not what I meant. I meant we're trying to get more cases to go through Legal Aid Society rather than get assigned directly to an 18-B lawyer.

**LEG. ROMAINE:**

How is that funding for Legal Aid Society?

**MS. MALAFI:**

Well, last year they wound up with 500,000 in my 18-B money, so I guess it's kind of okay.

**LEG. ROMAINE:**

Okay, just thought I'd ask. Again, my concern is I'd like to see the lawyers -- most of the people that are taking 18-B cases, most of their clients tend to be indigent, tend to be in need, and I just want to make sure that lawyers are not discouraged from taking cases, and I also want to make sure that the indigent have an adequate defense.

**MS. MALAFI:**

Absolutely. The 18-B panel of lawyers has very, very, very capable lawyers on it.

**LEG. ROMAINE:**

That's what I'm saying.

**MS. MALAFI:**

Right. And I think we're all on the same page, everyone deserves the same access to justice, whether you're indigent or not. And our goal is to make sure everyone does have a lawyer, it's just a matter of if we can do it in a less costly manner, that's what we've been working with the Court System to do. Because if we do that, I'll have more 18-B money to pay the vouchers.

**P.O. LINDSAY:**

Okay. Legislator Cilmi, you have a question for the County Attorney?

**LEG. CILMI:**

Thanks, Mr. Chairman. I have two very distinct questions. Legislator Eddington will often preface his remarks by referencing his previous life as a social worker, and I will do the -- I will, for the first time, reference my previous life in manufacturing and and say that in manufacturing, we often look at processes and how to make them more efficient. And any time you have a process that involves three levels of verification or approval, that's a problem, because what we should really be doing is looking at that first level of verification and making sure that's the best it could possibly be. And relying on that level -- because if you have to rely on two subsequent levels, then there's something

wrong with the first level. So my question is why do we need two subsequent levels of approval after a judge has already -- a judge nonetheless, has already verified the accuracy of the voucher?

**MS. MALAFI:**

You're putting me in a tough spot here.

**LEG. CILMI:**

Sorry.

**MS. MALAFI:**

It's under State Law that requires that process, so any change to the process before it comes to the County is at the State level; that's first. Second, the Court System, the Judges --

**LEG. CILMI:**

I hope the State's listening; again, sorry.

**MS. MALAFI:**

They verify the actions of the attorneys, but I can tell you, and I know and I've spoken -- Dave Besso and I work pretty closely on the 18-B vouchers and problems that arise. There are numerous mistakes made in the billing and that are approved by the judge. For example, sometimes there might accidentally be on a bill two appearances on the same day and the same case. It's just an accident; the 18-B lawyer didn't mean to do it, he's not trying to do anything wrong, but it might get past the judge because the judge doesn't notice that on the left side the two dates are the same. Dave Besso's office will catch that; and if he doesn't, in all likelihood my office will.

My office is the third layer, and I can tell you that these are top priority. When they are delivered -- and usually it does come two boxes at a time. When they come in, the clerk that I have assigned to this stops other things to do this because I feel it's important; anyone deserves to get paid for working, I completely agree with that.

She finds addition and multiplication errors as well. And it's not a big deal, we contact Dave Besso's office and they're immediately fixed, so there really isn't that much of a lag. In speaking with Mr. Besso, it's my impression -- and he's on vacation, or else he would have been here today. He -- the Court doesn't pass through the bills in a week, it's longer than that, that's what he told me, and they get through them in his office as fast as can be. I was told that the additional \$50,000, when we upped his budget, was going to pay for a full-time secretary to do that, so I'm assuming she's doing the same thing. But the sheer volume of them is unmanageable at times, and especially when you get a backlog, because as of probably September 1st none are going to get paid.

**LEG. CILMI:**

Is it safe to say that these things would get done quicker if you didn't receive boxes at a time? Because receiving boxes at a time, it's not really the right way to do things, there should be a consistent flow. And it seems to me it would be much easier to manage if there was a consistent flow. And to further the point, if they found a way to do this digitally, then you could have that consistent daily flow of vouchers to look at.

**MS. MALAFI:**

I think that would be fine. We're managing in my office okay. I think that the Comptroller's Office does have a problem with getting two boxes of vouchers at a time, I think that there's a problem there; I haven't spoken to his office on it, but I just know from looking at time from when their vouchers come out of my office. And I understand, he has to write out checks for not only the two boxes of materials that I have sent him, but that he gets from all over the County. And it's not the Treasurer's Office, it's the Comptroller's Office that has to look at them all.

**LEG. CILMI:**

Very quickly, one of the other metrics that we use when we look at these processes and whether or not they're necessary is the cost associated with them. So that if you look at those levels of verification and the savings that you could justify by that second and third tier of verification doesn't equal the amount of the errors that would occur if you didn't have those two levels of verification, then obviously you're wasting your money. So somebody should undertake, you know, an investigation or a study or whatever of that whole process and see if it really makes sense, and then we can -- you know, maybe we can suggest to the Governor or the State Legislature that, you know, this might be one of the things that they address.

On a completely different question, can Touro -- does Touro have a role in possibly helping us with this 18-B situation?

**MS. MALAFI:**

No. And on top of that, just -- I just want to get back. The State, since I've been here for seven and a half years now, has done two commissions reviewing the 18-B Panel and Legal Aid Societies of the State; nothing's happened yet except for the State reimbursement to the County keeps getting lower every year.

**LEG. CILMI:**

Well, I would suggest to the State that it's about time that we did away with all these commissions and fixed something. So somebody take that message up to Governor Cuomo. Thanks, Christine.

**LEG. MONTANO:**

Just a question.

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

Legislator Montano.

**LEG. MONTANO:**

No, just very quickly while we have the County Attorney up there. It's a very quick question, Christine. You said that you pay or the County pays the Administrator the 75,000?

**MS. MALAFI:**

Yes.

**LEG. MONTANO:**

All right. But the Administrator is appointed by the Appellate Division I heard; is that the way it works?

**MS. MALAFI:**

It's under State Law, the Bar Association has to, I think, recommended who the Administrator should be and then the Presiding Officer of the Appellate Division has to affirm, yes, that person can serve as the Administrator.

**LEG. MONTANO:**

And then we contract with the Administrator; is that what we're doing here?

**MS. MALAFI:**

Our contract's actually with the Suffolk County Bar association.

**LEG. MONTANO:**

Oh, with the Bar Association. Okay.

**MS. MALAFI:**

And that's by State Law, it has to be with the Bar Association.

**LEG. MONTANO:**

Quick question; do you know how long it takes from the time that you receive the boxes till the attorney is paid, generally?

**MS. MALAFI:**

I can't --

**LEG. MONTANO:**

By the Comptroller, by the County?

**MS. MALAFI:**

Yeah. I can tell you they go out out of my office -- if we get two boxes in, they will be out of my office within usually two weeks. It might be three weeks if the woman who does it is on vacation or something, but usually within two weeks they're out of my office.

There's been a few very rare occasions where four or five boxes are sitting because sometimes when we know we don't have money in the budget, it takes longer to get to the Comptroller's Office, but we know they're going to get to the Comptroller's Office and just sit there because there's no money in the line to pay them anymore. I do not know how long they sit in the Comptroller's Office. The few times I've asked, it's been two, three, four weeks, you know, sometimes -- because if the attorneys call us and say, "How come I haven't gotten paid," we answer all their questions, we do the investigation, we find out where their voucher is, we tell them. We answer a lot of questions for the 18-B Panel lawyers when they call.

**LEG. MONTANO:**

My last question is, then, this is a mandated function that we have to provide, a mandated service that we have to provide to indigents, defendants. What do we do in September if, in fact, the budget line is eliminated because we've exhausted the money; what is the -- what do you do at that point?

**MS. MALAFI:**

I contact the County Executive's Budget Review Office and they usually will help me find -- we'll find money somewhere, in another line in another department that they're going to use and we do a budget amendment, it gets reallocated and I put it in my department's budget. But in the eight years we've --

**LEG. MONTANO:**

The bottom line is that you must make this payment.

**MS. MALAFI:**

I feel that everyone should get paid immediately. But last year I ran out of money in September also, and we couldn't -- nobody could find any money to put in. And this year I'm running out earlier because of the fact that last year 500,000 of the budget line was taken out and given to Legal Aid.

**LEG. MONTANO:**

So what I'm getting --

**MS. MALAFI:**

So this year I'm paying --

**LEG. MONTANO:**

What I'm getting is that if we run out of money in September, attorneys are not going to be paid for how long a period of time?

**MS. MALAFI:**

Usually -- now I always get the contract for Legal Aid out in December so that by January, the first couple of weeks in January it's already executed and done, and then we start paying vouchers. In the new year we start paying vouchers almost immediately. It doesn't take until March for us to start paying vouchers, that's not my knowledge. We start paying vouchers --

**LEG. MONTANO:**

Is it conceivable that no attorney will be paid from September to January?

**MS. MALAFI:**

Absolutely, yes.

**LEG. MONTANO:**

All right, we'll have to discuss that. Thank you.

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

Kerry Bassett.

**MS. BASSETT:**

Thank you for listening to me. My name is Kerry Bassett, I'm in private practice in Central Islip. I live in Holbrook in the Presiding Officer's district. My husband is my law partner. He's a criminal defense attorney who's on the 18-B and 18-A Homicide Panels, just like Mr. Fondulis. I am a Family Court 18-B practitioner. I also am a Law Guardian, that means I'm certified by the State, I get paid by the State the same amount of money that I would if I represented adults in Family Court, \$75 an hour.

When I submit a Law Guardian voucher I do it through the computer; I'm paid within a month by the State. I submit a voucher to the judge who does look over my work, however the system that I'm using actually calculates my time and the amount of money that I'm due to be paid. I've never had an issue with the system, and any time I have a question about using it, I pick up the phone and I contact the Appellate Division where there is one woman named Melvina who handles every single Law Guardian voucher for the Second Department in the State of New York, and she does it expeditiously and she's always available.

I would like to comment on what the County Attorney said. She does have a very nice woman working who takes the vouchers and receives several hysterical phone calls from lawyers saying, "Where is my money?" I can tell you that once our vouchers leave that very helpful clerk and they go to the Comptroller's Office, it doesn't take two to three weeks, it can take now four months; normally it's about two to three months. So after you've submitted your voucher to the judge and then he or she signs it, that takes about two weeks to get to Mr. Besso's Office, it sits at the Administrator's Office for about five months and then it goes to the County Attorney and then it goes, you know, for processing for payment.

I submitted vouchers -- I submitted a voucher to a judge in November, I got it back from Mr. Besso's Office because the original carbon voucher fell off, I got --

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

The carbon?

**MS. BASSETT:**

The carbon; carbon. I got it back in May, it sat there for six months. Something has to change.

You know, the lawyers who work on the 18-B Panel, we're not looking for increased rates. We know that when we sign up to do this job, we're not making a fortune. But for the 18-B attorneys who are also Law Guardians, I don't have a choice; for me to be a Law Guardian in Suffolk County Family Court, I must accept 18-B appointments. I don't complain about it, I actually like the work. But it's getting very difficult to run my business. I have two employees, they need to be paid first. I used to have health coverage, I don't anymore. I have it for my children but not for myself or my husband or our staff.

Because of the credit markets being what they are and the economy being what it is, these are small businesses that are not going to be able to survive. All we ask is that something be done to modify the way that this system works. And I do agree with both -- well, with Mr. Fondulis where he said the problem really is in the Administrator's Office. And I don't know that nothing can be done here since this body, the County, is responsible for paying all these lawyers. You know, something has to be done. Nine months, ten months is too long.

There was a point earlier in the year where my husband and I were owed approximately \$90,000; that's -- you know, I'm happy for people who can go without \$90,000, but that's not us. We have two children. Like I said, I have a business. I don't want to have to have creditors that keep calling saying, you know, "Where's your money?" We have a colleague on the Family Court panel who received a tax bill from the County and she didn't pay it and they sent her a late charge and she literally sent them a printout of every voucher that she had waiting to be paid and she said, "I'm not paying a late charge. Why don't you sign yourself over my check?" And this happens all the time.

**P.O. LINDSAY:**

Ms. Bassett, Legislator Nowick has a question for you, if you don't mind.

**LEG. NOWICK:**

Yeah, just one question, but just one comment. I think you should tell that person they should pay that, because they're going to be really sorry when that interest just keeps accruing and there's just --

**MS. BASSETT:**

They actually waived the interest, but she did pay the bill.

**LEG. NOWICK:**

My question to you is you said as a Family Court attorney that it's mandatory that you do 18-B. Is there a percentage of how many 18-B cases that you have to take?

**MS. BASSETT:**

When you first start on the Law Guardian Panel, the vast majority of your cases are going to be 18-B cases. And when I say Family Court, I mean on any given day -- well, actually the Chief Judge of the Family Court writes out a rotation and there are about 40 private Law Guardians who are certified by the Second Department to represent children in child abuse, child neglect, child custody cases. What happens is when new cases come into the Court, those private Law Guardians who are, again, paid by the State, not by the County, don't get first crack at those cases. The Law Guardian Bureau of the Suffolk County Legal Aid Society, they get first crack at those cases. So if a new case comes in and the Legal Aid Society is assigned to represent the child, the Legal Aid Society can no longer represent either one of the litigants, the mother or the father, which makes no sense because the Legal Aid Society is set up to be the first in line for indigent service. But because of this Law Guardian Bureau, they're automatically creating a conflict which then puts a huge burden on the 18-B Panel. Because if you have two indigent parents, they both will need 18-B lawyers. That

would be my job --

**LEG. NOWICK:**

So just to go back to my question, is there a mandatory amount of cases that you have to take? You can't refuse any, I'm assuming.

**MS. BASSETT:**

There's no mandatory amount, but I can't refuse them. I would find myself not having any assignments any longer.

**LEG. NOWICK:**

Okay. And how many would you say -- and I'm just using you as an example that you're here. In the year, let's say 2010, how many 18-B cases did you have to take?

**MS. BASSETT:**

My guess is right now 50. Likewise for Law Guardian assignments, and I will not get paid on these cases until maybe the end of next year. The problem with Family Court, unlike Criminal Court, when you have a Criminal Court case, when somebody is sentenced or they're recorded, that cases is done.

**LEG. NOWICK:**

And Family Court goes on and on.

**MS. BASSETT:**

In Family Court the cases never die.

**LEG. NOWICK:**

I spent a few months there, I know that.

**MS. BASSETT:**

There was a memo that the Administrator issued saying that Family Court 18-B lawyers could only bill once a year, and then when we followed that memo and sent in our bills after cases closed, we were -- the bills were rejected because they weren't promptly filed.

*(\*Laughter\*)*

**LEG. NOWICK:**

Thank you.

**MS. BASSETT:**

Thank you.

**LEG. NOWICK:**

I just wanted to clear that up. Thank you very much.

**MS. BASSETT:**

Okay.

**P.O. LINDSAY:**

Legislator Montano, did you have a question?

**LEG. MONTANO:**

Yes. Kerry, thanks for coming in. I know it was your vacation. Quick question. What you described earlier in terms of the guardianship, the Law Guardianship and the paperwork, is there any reason in

your mind, or maybe you can just fill me in; as I said, I've never done 18-B work. Could that system be used or copied or that program be used to expedite the process with the Administrator and with the County?

**MS. BASSETT:**

I don't see why not. I mean, any time you replace a computer program that spits out a voucher for you, I mean, that would -- I believe that would help.

I would also like you to know that in Nassau County they have an assigned Counsel Defender Plan, an 18-B Plan, and their attorneys are paid within four months. They have a full-time 18-B Assigned Counsel Administrator who works out of the Nassau County Bar Association and has two full-time secretaries.

**LEG. MONTANO:**

And who pays for that; would that be the County of Nassau?

**MS. BASSETT:**

Yes.

**LEG. MONTANO:**

Do you know how much the budget is in Nassau for this?

**MS. BASSETT:**

No, I don't, but I know that they have approximately the same amount of vouchers that get submitted to the Administrator.

**LEG. MONTANO:**

And from what you know, they're paid within four months?

**MS. BASSETT:**

Yes.

**LEG. MONTANO:**

From start to finish?

**MS. BASSETT:**

Yes. And the -- they don't have the same problem that we have with regard to the Legal Aid Society creating conflicts for Family Court because they don't have a Law Guardian Bureau of the Legal Aid Society for Nassau County.

I know that the homicide cases that the 18-B Panel has to pay and the Family Court vouchers are the biggest drain on the budget, and there are ways that that can be reduced as to the Family Court side.

I'd also like to tell you that we're not required to do direct deposit. You know, when I was a County employee, we were urged to do direct deposit because we knew it would save the County money. How much you could save on postage alone if you required 18-B vendors to do direct deposit; I think that's probably mind boggling. And we've made these suggestions to the Administrator before because we don't know who else to go to, but nothing gets done.

**LEG. MONTANO:**

Thank you very much.

**MS. BASSETT:**

Thank you.

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

Okay. I don't have any other cards. Is there anyone else in the audience who would like to speak on 16 -- what was that number?

**MR. NOLAN:**

1605.

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

1605. Okay, seeing none, Legislator Montano?

**LEG. MONTANO:**

Yes, I'm going to make a motion to recess.

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

Okay, motion to recess.

**LEG. CILMI:**

Second.

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

Seconded by Legislator Cilmi. All in favor? Opposed? 1605 is tabled, okay?

**MR. LAUBE:**

Fourteen.

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

***1612 - A Local Law to strengthen the County's All-Terrain Vehicle Law (Stern)***

I don't have any cards on this. Is there anyone in the audience who would like to speak on 1612? Okay. Legislator Stern, what is your pleasure?

**LEG. STERN:**

Motion to close.

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

Motion to close by Legislator Stern, seconded by Legislator Gregory. All in favor? Opposed?

**MR. LAUBE:**

Sixteen.

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

1612 is closed.

**P.O. LINDSAY:**

***1613 - A Local Law to ensure full representation of disabled persons on the Disabilities Advisory Board. (Schneiderman)***

I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seen none, Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Motion to close.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

***1617 - A Local Law to strengthen motor vehicle reporting requirements for County Departments. (Kennedy)***

I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Kennedy?

**LEG. KENNEDY:**

Motion to close.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

And we have some posted public hearings that aren't on your agenda.

***1705 - A Charter Law to implement Two-Year Rolling Debt Policy under 5-25-5 Law to Mitigate Budgetary Shortfall. (Co. Exec.)***

I don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? It's on the agenda for next month, but the Executive moved it up. Seeing none, I will make a motion to close. Do I have a second? Seconded by Legislator Cilmi. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

It stands closed.

***1714 - Adopting Local Law No. -2011, A Charter Law utilizing assessment stabilization reserve surpluses to enhance sewer capacity and provide tax relief. (Pres. Off)***

Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Horsley has made a motion to close, I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

Okay. I'm going to set the date for the following public hearings for August 16, 2011 at 2:30 p.m., Maxine Postal Auditorium in Riverhead:

IR 1625, A Local Law to amend Resolution No. 395-2011, A Local Law to protect animals in Suffolk County from abuse. (Cooper) Public Safety;

IR 1652, A Local Law amending Res. No. 440-11, a Local Law to ban the sale and use of coal tar sealers in Suffolk County. (P.O.) Health & Human Services;

1686, A Charter Law amending the Charter of Suffolk County. (P.O.) Ways & Means;

1687, A Local Law amending the Administrative Code of Suffolk County. (P.O.) Ways & Means;

1688, A Local Law to provide for the codification of the Local Laws and certain Resolutions of the County of Suffolk into a Municipal Code to be designated the "Code of Suffolk County." (P.O.) Ways & Means;

1689, A Local Law mandating prompt reporting of children missing in Suffolk County ("Caylee's Law"). (Cooper) Public Safety;

IR 1703, A Local Law to establish the Gabreski Airport Conservation and Assessment Committee. (Schneiderman) Economic Development, Higher Education & Energy;

IR 1704, A Local Law to prohibit elected officials from publishing or allowing the publication of their names in advertisements for any County funded or sponsored program or event. (Co. Exec.) Ways & Means;

IR -- we did 1705, we addressed it already and then we already had the public hearing.

I have to add to the list 1424 –

1414; a Charter Law to require timely submissions of budget amendments;

IR 1544, amending financial disclosure requirements of Farmland Committee members.

All right. Do I have a motion to set those public hearings? Motion by Legislator Muratore, seconded by Legislator Romaine. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

We're done with the public hearings. Let me go back and let's resume the debate of the Community College. Mr. Clerk, can you refresh my memory? We have a motion and a second and we're in the debate, right?

**MR. LAUBE:**

Yes, you have a motion and a second.

**P.O. LINDSAY:**

We finished with Legislator Barraga talking about comparing us to Nassau. It was very gratuitous, because during the break, I was handed a sheet of different community colleges and their reserves

and it's dated August 31st, 2010, the high, of course, FIT is \$43 million in reserves, Nassau shows 12 million three hundred and three. Well, as of the end of the year, it shows it's 10.9.

**LEG. BARRAGA:**

Yeah, now it's going to be down to about 4.8.

**P.O. LINDSAY:**

This memo is dated June 27th, 2011, and it's from Peter Schmidt.

**LEG. BARRAGA:**

Peter Schmidt is the Presiding Officer of the Nassau County Legislature.

**P.O. LINDSAY:**

I know that.

**LEG. BARRAGA:**

What I'm dealing with the Vice President of Finance for Nassau County Community College. And he indicated to me that their reserve is down to five million and it's going to go to four million, because they're taking another million dollars out of their Reserve Fund in order to keep that tuition below \$4000. I guess the point I'm really making here is that here you have Suffolk County Community College bill, they have three and a half times the Reserve Fund of Nassau. They could easily go in there and take a million or two million dollars to keep that tuition down below \$4000 without having, I believe, a negative affect on their accreditation.

**P.O. LINDSAY:**

First of all, I heard you the first time. And I don't -- accreditation wasn't the issue. I never heard that we were going to lose our accreditation. The issue is that the College Trustees have set a rate of an increase of \$250 for our tuition. The State has cut the FTE subsidy for our students by I think \$150, something like that, so -- which is a big chunk of money. So the State's reduced theirs. We haven't given them an increase in three years. And the tuition that we're putting on the students keeps going up and up and up. And I certainly am not a crazy spender here. You've heard me talk, "We can't afford it, we can't afford it, we can't afford it." I just went through this last month when we passed legislation forgiving \$700,000 from the Comptroller's audit for the Jewish Y in Commack. I mean, I just think if you're comparing one to the other --

**LEG. BARRAGA:**

All I'm saying is that it isn't a question, Bill, of not giving the college some financial assistance, if it's 386,000 or the other figure before the revision was 788,000, it is just where the money should come from. My contention is that it should come from a \$15.6 million Reserve Fund, this way we don't find ourselves giving County money that we really can't afford to give only to find ourselves with people yelling screaming about additional cuts and layoffs down the line.

I mean, toward the end of the day, we're going to do a raid -- just to show you our situation -- where expenses -- we're not able to really grasp the increase in expenses, we'll come to finalization on some of the elements even in front of us, and I mentioned them before, I won't go over them again. But we've reached a point now, we're in the raiding business, and I'm on the bill. We're going to raid the sewer district, we're taking \$20 million there, to help close our Operating Budget. By giving another 386 where we don't, I believe, have to give it from our County resources, our County funding and let them just go and take it this one year out of their Reserve Fund. That's all. There's 15.6 million that's sitting here.

**P.O. LINDSAY:**

I hear you, but that isn't our decision, that's the trustees' decision.

**LEG. BARRAGA:**

Well, we still have to approve what you have before us. All I'm saying is that we should really step back and take a look at this.

**P.O. LINDSAY:**

Okay.

**LEG. BARRAGA:**

Okay. Thank you.

**P.O. LINDSAY:**

Does anybody else want to speak on this subject? Yes, Legislator Horsley.

**LEG. HORSLEY:**

Thank you, Mr. Presiding Officer. Some of the arguments which you made earlier are germane to what I was going to speak about. I wanted to just first, as being Chair of the Working Group, we had at least one meeting, and we had conversation over the phones over the last couple of weeks, and I just want to point out that this Middle States argument, to my recollection, was never, absolutely never, part of the conversation as far as the College Budget.

With all due respect, I've got a feeling that we've -- that this is a head fake; creating an issue that was never on the table to begin with. Certainly, the Middle States argument could be germane, but it wasn't what was driving the budgetary request. The argument that is here before us is about priorities. And the priorities in which I think that this body should consider is that when we are dealing with our educational system, when we are dealing with the College, that this is the jobs of the future. They are training those -- those -- those students to take those jobs that we are so actively trying to procure in our private enterprises. We are dealing with the future. And that's why this is important, not because of Middle States, not because of other arguments that are really not germane.

I was -- Bill -- the Presiding Officer mentioned today, he talked about the importance of the nursing program and those types of jobs, and he was absolutely right on the mark. However, I want to give you a case in point today that I -- I was a company, SRI, it was in Islip, and it was a German firm that just moved to Suffolk County. They were very technical. They obviously -- the employees were paid well. And we said -- you know, we were talking about what makes the difference of a German company and an American company that he has seen. And the answer he gave was telling. He said it was because of education, because they train -- they train their employees over years on the manufacturing techniques of very technical equipment. And that's what your Suffolk Community College is doing today. They are on that mission.

And he talked about, "You know, I had a meeting with Mr. Lombardo of the college the other day, and they're going to have a manufacturing forum at Suffolk Community College." They are leading the way. And here, we should be wind behind their wings. We should be the ones who are out front and shouting their cause. And that's what this is about. We're talking \$386,000. We are talking about \$386,000. That's a lot of money, you know, in my book, that certainly I'm sure in everybody's book. But the reality is if we're talking about the 26,000 students that we're training, that's a drop in the bucket for our budget. And what more important activity should we ever do as a County than support our Community College?

So I want to quickly emphasize one more time about Bill's comment about the \$12 million that -- that we spend, 11.5, I believe -- that we spend for help tuition causes for kids that go out-of-County community colleges. If we don't come in with a comparative dollar figure to the Nassau School, there are many kids, students, in my neck of the woods on the Western End who are going to say, "You know, Nassau Community College, they say is better," and they will say that, "And they are

cheaper. Which one do you go to?"

So we have those students in Amityville, in Babylon village and other places on the Western End that will go to Nassau Community College, and that's the reason why we're spending \$12 million. And if we make that that dollar figure different and more costly to our Suffolk school, which is better, we are going to -- penny-wise-pound-foolish, this is all for \$386,000. I think it's a no-brainer on the part of this Legislature to be supportive of our institution. With that, I rest.

**P.O. LINDSAY:**

Go ahead, Legislator Barraga, you want to respond.

**LEG. BARRAGA:**

The only comment I would make to Mr. Horsley, to Wayne, is that I don't think it makes any difference where the \$386,000 comes from, it's going to be spent in terms of the quality of education offered at Suffolk County Community College. All I'm advocating is don't take it out of the County's funding where we cannot afford to have any dollars taken from that system. Just take it out of the Reserve Fund.

And the germaneness, you know, with all due respect to Mr. Horsley, last night on News 12, I happened to be on it, he happened to be on it. They asked him a question. They said, "You know, what about that Reserve Fund for Suffolk County Community College?" His response was "We can't touch that fund because that may well affect the accreditation of Suffolk County Community College." And you know something? His response was pretty much in line with the documents and the information we have with reference to this suggestion. But it's not appropriate, it's misleading. Bottom line on this, all I'm saying is that we have so many challenges, take the 386 out of a \$15.6 million Reserve Fund. Don't take it out of the County monies.

**P.O. LINDSAY:**

Anybody else? Okay. Legislator Viloría-Fisher.

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

Perhaps the Chair of the Education Committee can help me with this, but, you know, earlier when we were talking about the public health nursing, probably the sale of the CHHA, etcetera, part of the reason we need to look at these things very carefully is that these are difficult economic times, times of difficult decisions, but we don't want to lose sight of our mission as a County and the commitments that we've made as a County.

And I know when I was Chair of the Education Committee that we always looked very carefully at what the investment -- what the proportion of the support of the College was being held up by the County. It had initially been that the State would provide one-third, the County one-third, the tuition one-third. What are the proportions now? Legislator Horsley, do you have any idea? Or perhaps somebody from the college.

**LEG. HORSLEY:**

I don't want to guess.

**P.O. LINDSAY:**

In the low 20s.

**LEG. MONTANO:**

We're at about 22% right now.

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

Okay. Thank you. That's what I thought. Rather than one-third, we're almost down to one-fifth of the portion. So adding this 300 some odd thousand dollars, it is a lot of money, but there are other decisions that we can make going down the road. And I can't -- I don't believe we should allow our commitment to education and an investment in our future slip through our fingers and continue to be diminished year after year after year. So I will support this resolution.

**P.O. LINDSAY:**

Legislator Cilmi.

**LEG. CILMI:**

Just a very question statement. Regard of how this vote goes, regardless of how I vote or anybody else votes, I think to suggest that our commitment to our college and to education here in Suffolk County is somehow diminished by that vote today for this \$386,000 one way or the other is wrong, because this Legislature has shown a tremendous commitment to this college in terms of our capital spending and in terms of our support for our great faculty and the rest of the staff at the college. So I don't think that this vote is indicative of whether or not this body supports our community college. I think we've proven time and again that we support our college. I just wanted to make that clear.

**LEG. HORSLEY:**

Legislator Cilmi, if I can just respond to that. Fair enough. You are absolutely right. If I -- sometimes I get a little carried away with my hyperbole. I certainly didn't want to say anything about your sincerity and your commitment.

**P.O. LINDSAY:**

You have a nice hyperbole, you really do. Legislator Kennedy.

**LEG. KENNEDY:**

Mr. Chair, if I also add one other item to this. My colleagues are wise to go ahead and talk about the dire circumstances that we face. But just in the last four or five days, I've had an opportunity to talk about with the President of the Community College. I think that the college has shown a great willingness to take what was a sparse and pruned-down request and pare that down even further.

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

The dialogue went from -- on Friday, a sum that approached a million dollars as far as the request to the amount of 386 that we have before us today. I think it's a reflection of the delicate partnership that we have between the community college and the County as the supporting entity, and an awareness and cognizance on their part that they know every dollar that we advance is dear. And yet they're asking for, I think, the bear minimum to keep them operational and to keep probably one of the most important elements that distinguishes them as I'd say the premier community college throughout New York State, and actually the premiere public education institution. They have not turned one student away. They have not capped enrollment. They've added night hours, they've added weekend hours, they're utilizing classrooms and gymnasiums and annexes and they're teaching classes in broom closets; I know it, I'm on the campuses and I see it.

So I don't think that we could ask for them to squeeze any more out of the resources that they have. And what we're being asked to advance to them at this point I think in good conscience we can say we're getting the better of the bargain, if you will.

**P.O. LINDSAY:**

Go ahead.

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

Legislator Cilmi, I just want to respond, because I think you were responding to what I had just said.

**LEG. CILMI:**

Generally.

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

And as I said when I started in this Legislature, it was understood that the commitment was one-third/one-third/one-third. So I'm not saying that there's a lack of commitment to the education, but that we're moving further and further away from that financial understanding that had existed for so many years, historically. And it was certainly not to impugn anybody's, you know, integrity or commitment, but rather to look at the trend. And I think we should keep the model that we started with.

**LEG. CILMI:**

If I may just quickly respond, Presiding Officer? I agree with you, but you also have to take into consideration the capital expenses as well. We spend --

**P.O. LINDSAY:**

No doubt about it.

**LEG. CILMI:**

We spend a tremendous amount of money on debt service that pays for all of the capital improvements that we have done at the college, which I believe are necessary to maintain the stature of the college. And I would put Suffolk Community College up against Nassau Community College any day. So thanks.

**P.O. LINDSAY:**

Okay. Roll call.

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

**LEG. HORSLEY:**

Yes.

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

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Okay. Okay, let's go to page five. I'll take a motion on the [Consent Calendar](#).

**LEG. NOWICK:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Page eight, [Resolutions Tabled to August 2nd, 2011](#):

***1559-11 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Police Department (Range Officer I)(County Executive).***

**LEG. KENNEDY:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Kennedy. Seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***2258-11 - Adopting Local Law No. -2010, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman).***

**LEG. SCHNEIDERMAN:**

Motion to table.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***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.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro.

**LEG. COOPER:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Cooper.

**LEG. NOWICK:**

Second.

**P.O. LINDSAY:**

Second by Legislator Nowick. On the question? Okay, tabling goes first. All in favor? Opposed.

**LEG. BARRAGA:**  
Opposed.

**LEG. KENNEDY:**  
Opposed.

*("Opposed" said in unison)*

**P.O. LINDSAY:**  
Six opposed; is that right?

**MR. LAUBE:**  
Twelve (Opposed: Legislators Romaine, Muratore, Cilmi, Barraga, Kennedy & D'Amaro).

**P.O. LINDSAY:**  
Okay, so it's tabled.

*1315-11 - Adopting Local Law No. -2011, A Local Law to limit the restraint of pets outdoors (Romaine/Stern).*

**LEG. ROMAINE:**  
Motion to table.

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

**MR. LAUBE:**  
Eighteen.

**P.O. LINDSAY:**  
*1381-11 - Authorizing Budget Director to execute and amend contracts with not-for-profit agencies (Kennedy).*

**LEG. KENNEDY:**  
This resolution should be withdrawn, Mr. Chair. I apologize that it's on and I'll ask the Clerk to withdraw the resolution.

**P.O. LINDSAY:**  
Wonderful.

Okay, *1453-11 - Establishing a central phone number for SCAT bus services (Cilmi).*

**LEG. CILMI:**  
Motion to table.

**P.O. LINDSAY:**  
Motion to table.

**LEG. SCHNEIDERMAN:**  
Second.

**P.O. LINDSAY:**  
Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1473-11 - To rename the intersection of C.R. 16 and C.R. 93 as "Officer Robert Helmke Place" (Kennedy).*

**LEG. KENNEDY:**

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

**P.O. LINDSAY:**

Motion to approve by Legislator Kennedy.

**LEG. NOWICK:**

Second.

**P.O. LINDSAY:**

Second by Legislator Nowick. It came out of Naming, right?

**LEG. STERN:**

It was approved unanimously out of Sitings.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1491-11 - Authorizing a custodial license agreement with Independent Group Home Living Program Foundation for TWA Flight 800 Memorial, Smith Point Beach County Park, Shirley (County Executive).*

**LEG. BROWNING:**

Motion to table.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Motion to table by Legislator Browning. Seconded by Legislator Romaine. Any discussion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1522-11 - Amending the 2011 Operating Budget to support the Veterans of Foreign Wars Suffolk County Council (Kennedy).*

**LEG. KENNEDY:**

Again, Mr. Chair, this resolution should be withdrawn. We are accommodating the request in a different manner through CSI.

**P.O. LINDSAY:**  
Okay. Thank you --

**LEG. KENNEDY:**  
So I'll ask the Clerk to withdraw.

**P.O. LINDSAY:**  
Thank you very much.

***1560-11 - Amending prior capital authorized appropriations for the renovation to the Physical Plant Building/Warehouse (CP 2165) (Presiding Officer Lindsay).***

**D.P.O. VILORIA-FISHER:**  
There is a Bond problem with this oone.

**P.O. LINDSAY:**  
Yeah, what was the problem; was a bond before --

**MR. NOLAN:**  
Well, there was -- the issue was did we need a bond. We're going back and amending an old resolution to move within money within a project. I haven't heard that there's a problem from any other -- anybody else. I think we can proceed with that. If we need a Bond later, I guess we can do that.

**P.O. LINDSAY:**  
Okay. I'll make a motion to approve.

**LEG. CILMI:**  
Second.

**P.O. LINDSAY:**  
Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

**MR. LAUBE:**  
Eighteen.

**LEG. CILMI:**  
Mr. Presiding Officer, if I may, I'd like to make a motion to take resolution IR 1465, which deals with backflow testing devices, out of order. Because some of you may not know, but the devices that are sitting in Mario's truck actually came off of buildings and they need to go put them back.

**MR. MATTERA:**  
You can't prove that, Tom. You cannot prove that.

**(\*Laughter\*)**

**D.P.O. VILORIA-FISHER:**  
Nobody use the bathroom.

**P.O. LINDSAY:**  
Okay, it's on page 10 under Labor. Motion to take 1465 out of other, and I'll second that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. It's before us, *1465-11 - Adopting Local Law No. -2011, A Local Law to ensure safe backflow testing in Suffolk County (Cooper)*.

**LEG. CILMI:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Cilmi.

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

Second by Legislator Muratore.

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

It's Cooper's bill.

**P.O. LINDSAY:**

Or Cooper, it's your bill.

**LEG. COOPER:**

It doesn't matter.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. You can go home, Mario. Get the truck off the sidewalk, will you? Jesus.

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

Put that 3-inch pipe back.

**MR. MATTERA:**

Thank you guys so much. The Islanders --

**LEG. CILMI:**

I heard the Fire Marshal was outside giving you a ticket.

**MR. MATTERA:**

Thank you.

**Budget & Finance, Information Technology:**

**P.O. LINDSAY:**

*1414-11*, going back to the agenda on page nine. *Adopting Local Law No. -2011, A Charter Law to require timely submission of budget amendments (Cilmi)*.

**LEG. CILMI:**

Mr. Presiding Officer, I would like to make a motion to table this. We just made an amendment to the bill which requires the reopening of the public hearing which you set a little while ago for our next meeting. So, motion to table.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**Economic Development, Higher Education & Energy:**

**P.O. LINDSAY:**

***1619-11 - Authorizing the County Executive to execute an agreement with the Guild of Administrative Officers, Suffolk County Community College, covering the terms and conditions of employment for employees covered under Bargaining Unit No. 4 for the period September 1, 2011, through August 31, 2015 (County Executive).*** I will make a motion to approve.

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

Second by Legislator Horsley. Before we take the vote, I would just like to publicly thank that unit for negotiating so responsibly.

There was I think zeros in the first couple of years.

**LEG. HORSLEY:**

The first three years.

**P.O. LINDSAY:**

First three years, and the cooperation with this union and the administration was wonderful and they deserve recognition in these very troubled times for helping out.

**LEG. CILMI:**

I'll second that.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**Environment, Planning & Agriculture:**

**P.O. LINDSAY:**

***1340-11 - Authorizing Planning Steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 – Boyle Road Property - Town of Brookhaven (SCTM No. 0200-392.00-04.00-016.000) (Muratore).***

**LEG. MURATORE:**

Motion.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Muratore, second by Legislator Romaine. Any discussions? All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**LEG. ANKER:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Anker & Barraga).

**P.O. LINDSAY:**

*1342-11 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Global Home Properties) Town of Brookhaven (SCTM Nos. 0200-159.00-02.00-008.002 and 0200-159.00-02.00-008.003). (Viloria-Fisher).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloria-Fisher.

**LEG. D'AMARO:**

I'll second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

*1425-11 - Adopting Local Law No. -2011, A Local Law amending Chapter 278A of the Suffolk County Code addressing invasive non-native plant species (Viloria-Fisher).*

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

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher.

**LEG. MURATORE:**

Second.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1437-11 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the McLaughlin property - Beaverdam Creek - Town of Brookhaven (SCTM Nos. 0200-931.00-03.00-003.000 0200-931.00-04.00-018.000, 0200-931.00-04.00-025.000 and 0200-931.00-05.00-039.000) (County Executive).*

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

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

Second.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher. Help me out, is this the bunch of small parcels, they're not connected?

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

Yeah, the next three are.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1438-11 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Fasce property - Beaverdam Creek - Town of Brookhaven (SCTM No. 0200-901.00-03.00-020.001) (County Executive).*

**LEG. BROWNING:**

Same.

**P.O. LINDSAY:**

Same motion, same second, same vote; everybody all right?

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1440-11 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection program (effective December 1, 2007) - open space component - for the Brookhaven Vacant Land, LLC property - Beaverdam Creek - Town of Brookhaven (SCTM Nos. 0200-961.00-03.00-012.000, 0200-961.00-03.00-014.000, 0200-961.00-03.00-015.001, 0200-961.00-03.00-015.002 and 0200-961.00-03.00-016.000) (County Executive).*

**LEG. BROWNING:**

Same motion.

**P.O. LINDSAY:**

Same motion, same second, same vote.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1515-11 - Authorizing the inclusion of new parcels into existing certified agricultural districts in the County of Suffolk (County Executive).*

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**LEG. ROMAINE:**

Would the Clerk please list me as a cosponsor?

**MR. LAUBE:**

Will do.

**P.O. LINDSAY:**

*1597-11 - Amending Resolution No. 311-2005, in connection with stormwater remediation improvements for CR 94A Center Drive South at Little Peconic River (CP 8240.312) (County*

*Executive).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman. Do I have a second?

**LEG. BROWNING:**

Second.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Maybe, Legislator Schneiderman, can you explain to me why this goes all the way back to 2005?

**LEG. SCHNEIDERMAN:**

I would have to look it up.

**P.O. LINDSAY:**

Okay.

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

Actually, this is just --

**P.O. LINDSAY:**

Maybe Legislator Viloría-Fisher, the Chair of Environment, can answer that.

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

Jay, actually it's because it's an existing program that was already in place. And I think we had to just add a little more money, wasn't it, or move the money from planning to design?

**MR. NOLAN:**

(Inaudible).

**MS. MAHONEY:**

I did not hear that.

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

Okay. George answered it, it helps us get more reimbursement from DEC.

**P.O. LINDSAY:**

Did everybody hear that?

**MR. LAUBE:**

We didn't hear the answer on the record; she didn't hear it.

**P.O. LINDSAY:**

Counsel said it helps us with reimbursement from the DEC.

**MS. MAHONEY:**

Thank you.

**P.O. LINDSAY:**

Okay. I'm sorry, I'm going fast, I know.

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

Time marches on.

**P.O. LINDSAY:**

We have a motion and a second. All in --

**MR. LAUBE:**

No, I didn't get the second. You only announced the --

**MR. CILMI:**

I'll second.

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

I'll second.

**MR. LAUBE:**

Thank you.

**P.O. LINDSAY:**

It was Schneiderman and Romaine, all right? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1598-11 - Amending Resolution No. 747-2005, in connection with stormwater remediation improvements for CR 50 Union Boulevard at Champlins Creek (CP 8240) (County Executive).*

**LEG. CILMI:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Cilmi.

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

Second.

**P.O. LINDSAY:**

Seconded by Legislator Viloría-Fisher. And it's the same reason, right?

**MR. NOLAN:**

Yes.

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

The same thing, yeah, for reimbursement.

**P.O. LINDSAY:**

Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1599-11 - Adopting the State Environmental Quality Review Act Statement of Findings for the final Generic Environmental Impact Statement on the declaration as surplus and subsequent sale of 255± acres of County-owned land in Yaphank for Mixed-Use Development Purposes. (Presiding Officer Lindsay). I'll make a motion.*

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

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

**LEG. ROMAINE:**

Opposed.

**LEG. BROWNING:**

Opposed.

**LEG. EDDINGTON:**

Opposed.

**MR. LAUBE:**

Fourteen (Opposed: Legislators Romaine, Browning & Eddington - Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1622-11 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Nature Conservancy, Inc. As contract vendee of the Lack property - Town of Southampton - SCTM Nos. 0901-005.00-01.00-017.004, 0901-005.00-01.00-017.005, 0901-005.00-01.00-017.006, 0901-005.00-01.00-017.007, 0901-005.00-01.00-017.008 and 0901-005.00-01.00-017.009 p/o). (County Executive).*

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

Jay?

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

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

Second.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher. Does anybody know what the acreage is and the price?

**LEG. D'AMARO:**

Twenty-six.

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

Let me see, 26.2 acres.

**P.O. LINDSAY:**

And how much is it?

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

And it's 3.7 million.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**LEG. GREGORY:**

Opposed.

**P.O. LINDSAY:**

Two opposed.

**MR. LAUBE:**

Fifteen (Opposed: Legislators Barraga & Gregory - Not Present: Legislator Montano).

**Health & Human Services:**

**P.O. LINDSAY:**

***1543-11 - Establishing a Sober Home Oversight Board (Browning).***

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***1600-11 - Requiring legislative approval for the sale of the County's Certified Home Health Agency License (Romaine).***

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine.

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

Second.

**P.O. LINDSAY:**

Seconded by Legislator Viloría-Fisher.

**LEG. CILMI:**

Question.

**P.O. LINDSAY:**

Question by Legislator Cilmi.

**LEG. CILMI:**

Just very quickly, maybe to Counsel. Our process now, we have -- just to be clear. The County Executive can issue the RFP now without this resolution, and if the -- once the RFP comes back, do we need to approve the acceptance of the RFP?

**MR. NOLAN:**

The County Executive, I understand, has issued the RFP. What this resolution says is that the sale of the license ultimately has to be approved by this body. And if they select a vendor and they want to do a contract to sell the license, it has to be approved by this Legislature, according to this resolution.

**LEG. CILMI:**

So the RFP has always been -- I mean, the RFP has already been issued?

**MR. NOLAN:**

That's my understanding, yes.

**LEG. CILMI:**

And we wouldn't -- other than -- except for this resolution, we wouldn't have the authority to approve or disapprove that RFP?

**MR. NOLAN:**

Not --

**LEG. CILMI:**

This is an asset, right?

**MR. NOLAN:**

No, the sale -- yeah, the sale is subject to Legislative approval, so this is really a belts and suspenders, to be honest with you. They couldn't sell the license. In fact, probably selling that license and privatizing that service is going to be subject to the Hibberd Law, so there are a whole bunch of procedural requirements, including that the Legislature approve any sale. This resolution began its life saying that we would have to approve the issuance of the RFP, and after the bill was introduced but before we met again the RFP was issued and then Legislator Romaine amended his bill.

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

Mr. Chair, if I may?

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

And Legislator Cilmi, what -- I'm supporting this very strongly because it reiterates the Mary Hibberd Law. Although we have that right already, it's good to see it in writing in the legislation again. As far as I'm concerned, I like to see it repeated.

**LEG. CILMI:**

Okay.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Montano).

**P.O. LINDSAY:**

We did 1465.

*1577-11 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (SCTM No. 0200-564.00-04.00-009.000). (County Executive).*

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**Parks & Recreation:**

**P.O. LINDSAY:**

*1571-11 - Authorizing use of the Long Island Maritime Museum by the Lupus Alliance of Long Island-Queens for their Blues on the Bay Fundraiser (County Executive).* We'd cause quite a dilemma if we turned it down because it happened already.

(\*Laughter\*)

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

We'd have to go in a time machine.

**LEG. EDDINGTON:**

Motion to approve.

**P.O. LINDSAY:**

I'll make a motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Just so we're not irrelevant. Second by Legislator Eddington. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1574-11 - Authorizing use of the Long Island Maritime Museum by the Rotary Club of Sayville for Annual Beefsteak Fundraiser (County Executive).* This didn't happen yet, but I'll still make the motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1575-11 - Authorizing use of Southaven County Park and showmobile by Contractors for Kids for their Family Fun Day and Picnic Fundraiser. (County Executive).* Motion by Legislator Browning. All in favor? Opposed? I'll second; I'll second it. Sorry. Too fast for you, I'm sorry. I'll second that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1620-11 - Authorizing the creation of an easement for use by National Grid for natural gas service to the United States Department of Veterans Affairs Hospital at Northport (County Executive).*

**LEG. STERN:**

Motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

Okay, *1621-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with replacement of the GOTO Projector at the Suffolk County Vanderbilt Museum (CP 7452)(Cooper).*

**LEG. COOPER:**

Motion to approve.

**LEG. BARRAGA:**

Mr. Presiding Officer?

**P.O. LINDSAY:**

Let me get some motions. Do I have a motion?

**LEG. COOPER:**

Yes, motion to approve.

**LEG. ANKER:**

I'll second.

**P.O. LINDSAY:**

Second by Legislator Anker. On the question, Legislator Barraga.

**LEG. BARRAGA:**

Just for clarification. This is an additional 200 or \$250,000 over and above the three million so that they can do some construction on the pit and the additional lighting or the different lighting; Budget Review?

**MS. VIZZINI:**

That's correct.

**LEG. BARRAGA:**

So is it 250,000?

**MS. VIZZINI:**

It's \$50,000 for the leaking portion of the roof, \$100,000 for the pit that the star projector would retract into, \$50,000 for the lights and \$50,000 for the standard construction contingency.

**LEG. BARRAGA:**

So it's an extra 250,000.

**MS. VIZZINI:**

Yeah, the short of it is the estimates were old and DPW updated them.

**LEG. BARRAGA:**

All right. But the update will be picked up by us, even though it was mentioned -- even though it was mentioned, I believe earlier by someone, that they were raising something like \$500,000 in future donations coming in? But I guess none of that money can go to this, from their perspective.

**P.O. LINDSAY:**

Let me see if I can get that clarified. Lance?

**MR. REINHEIMER:**

Thank you very much. That's a very good question, because a lot of times when people or former people from Budget Review throw numbers around they get mixed up. The \$500,000 is a combination of in-kind donations and money that we'll be raising through the museum. Part of that is \$150,000 from the Design Showhouse, and in-kind restoration and landscaping restoration for that that's going on. There's approximately \$85,000 in additional funds, of which \$30,000 has been raised for planetarium renovations. We've sponsored -- we're raising money. We have sponsors to replace 70 of the 236 chairs. We're also planning on selling a 1937 Chrysler Imperial which is valued in the six figures, so all that's added up.

So to answer your question, the short question is we've raised \$30,000 towards Planetarium renovations and we're continuing to raise money there for other aspects of those renovations, which includes seats, carpeting, ticketing and other things that we need.

**LEG. BARRAGA:**

From the standpoint of the potential of raising a half of million, what you're telling me is that all of this money is committed to other areas and none of it could be spent on offsetting the additional or partial additional cost of 250,000 for the pit and for the lighting.

**MR. REINHEIMER:**

That's correct. The reason --

**LEG. BARRAGA:**

Okay, thank you. That's all right. Thank you.

**MR. REINHEIMER:**

That's correct.

**P.O. LINDSAY:**

Legislator Cilmi.

**LEG. CILMI:**

Yes, thank you. Lance, I'm not sure if this is for you or not, it's probably not; maybe to Counsel or to Budget Review. What is our obligation to the contractor, the architect, whoever it is that, you know, we made this commitment, this financial commitment and now that commitment seems to be out the window. Are we still obligated to this contractor? We've been told that labor, the trades have a 30% rate of unemployment here on Long Island. It seems to me we should be able to find somebody to come in under budget and we shouldn't have to worry about coming in over budget. Can we get out of this and sort of regroup?

**MS. VIZZINI:**

Our protocol is to have the money authorized before we bid. And in order to know how much -- DPW does an estimate, they think it's going to cost \$100. They updated their numbers in anticipation of getting the authorization, it's going to cost \$125. So our protocol in the County is to have the authorization first, meaning you appropriate the resolution so that when we do bid the project we know that the money is authorized. That we don't have to say, "Sorry, buddy" --

**P.O. LINDSAY:**

And it could still come in underneath the authorization.

**MS. VIZZINI:**

Yeah.

**P.O. LINDSAY:**

But you have to have the money authorized.

**MS. VIZZINI:**

Right. We do this so that we don't have to turn the vendors away for lack of money.

**LEG. CILMI:**

I understand. But we've already authorized a certain amount of money for this, correct?

**MS. VIZZINI:**

We've authorized money for related projects. This is for the -- for the cost escalation. I don't think that -- did they bid this?

**COMMISSIONER ANDERSON:**

Not yet.

**P.O. LINDSAY:**

No, but -- I mean, if you go back to GOTO projector, we've been talking about this as long as I've been here? You know --

**MS. VIZZINI:**

Yes, but that's a done deal. That's --

**P.O. LINDSAY:**

I know that.

**MS. VIZZINI:**

You've got this big piece of machinery.

**P.O. LINDSAY:**

I know it's a piece of machinery, but when you talk about cost estimates, when we started talking about this it probably goes back eight years.

**LEG. CILMI:**

Did we not plan to sink it in back then? Did we figure we didn't have to sink it in? What's the --

**COMMISSIONER ANDERSON:**

There have been additional issues found at the site. The roof in question. It's a matter of -- the work needs to be done on the roof, there is work up there because of a retractable portion of it, it has significantly deteriorated. The work on the lower section I'm not familiar with off-hand, but I do know the roof section has been recently -- you know, we've recently been made aware of in getting ready to do this project, to put it out, that's why we upgraded our estimates and that's why the --

**LEG. CILMI:**

Well, I mean, let's get on the phone with our friends in local labor and see if we can do it for what we've already authorized; that's my point of view.

**P.O. LINDSAY:**

I don't think you'll know that? You can't -- you have to put it out for a public bid. You can't negotiate this, you'd be violating every kind of bidding law in the State. Legislator Nowick has some insight here.

**LEG. NOWICK:**

Well, we discussed this at length in the Parks Committee. I could understand the 50,000 for the roof because I think the roof project is already started; and as far as I know about a roof, you have to do a roof. But I wonder if maybe, because there is so much question and there is such an economy problem and the Vanderbilt is the gift that keeps on taking, as we well know; not that it's not a good thing, but, you know, it does cost us a lot. I wonder if the Vanderbilt wouldn't consider separating the roof and perhaps that 50,000 for construction that we have to have and separating. Because that pit, that pit is optional. This is what I learned, the pit is optional. The pit is a hundred thousand, that's the pit that the GOTO sits on. It's actually a very good idea, but can we afford this good idea would be the question for my colleagues.

**MS. VIZZINI:**

The pit is to allow the piece of equipment to sink below the audience sight line.

**LEG. NOWICK:**

So that the Vanderbilt could have -- if I may, Gail. So that the Vanderbilt can have shows, they would -- in other words, when you're done with the projector it would sink below and you can have an amphi-theatre or shows or something like that, which is a great idea if it's the will of the Legislature to put something like that in. Otherwise, I thought about taking the roof and the construction -- now, that must be a -- that must be like a just-in-case kind of \$50,000, Gail, is that what that is?

**MS. VIZZINI:**

Well, the roof, as you indicated earlier, is an additional cost for the leak.

**LEG. NOWICK:**

But a leaking roof is --

**MS. VIZZINI:**

Right.

**LEG. NOWICK:**

It's non-negotiable, from what I know about roofs.

**MS. VIZZINI:**

Yeah, there are other technological upgrades, they are 561,650 in constructions; they think that they want to have a little bit more flexibility for those upgrades.

**LEG. NOWICK:**

And I get that, too. So that would be the other 50.

**MS. VIZZINI:**

Yes, that is the other 50.

**LEG. NOWICK:**

The pit is -- it's a good idea, but it's a \$100,000 good idea. And the lights, I know there are lights there, unless it's dangerous as we speak and then you need the 50,000 for lights. It's just my -- I thought maybe we could table it and maybe the Vanderbilt could come back to us with two different resolutions.

**P.O. LINDSAY:**

Okay. Legislator Cooper wants to comment.

**LEG. COOPER:**

If I may. I really don't think that you could split apart the pit. I don't believe that it's optional, as Lance testified earlier. It's not just for the seminars and the concerts and the plays, but also for the star projection itself, what the planetarium is designed for. It's a critical component. As Lance mentioned, if they don't have the pit to recess the projector, 25% of the audience won't be able to see the stars.

**LEG. NOWICK:**

No, no, no, no, no. Excuse me, but that's not what I thought I learned from the pit, I think the pit sinks not to see the stars.

**LEG. COOPER:**

Lance?

**LEG. NOWICK:**

I think that Lance had testified that it was to put on shows to make money for revenue.

**MR. REINHEIMER:**

And you're actually -- you're correct, Legislator Nowick. Since I went to the Parks Committee meeting and I reported back to Dave Bush, who is here with me; he's our Planetarium Supervisor, he's my point-man for the construction, he's an educator, he's been working in the planetarium for ten years, he's been working with Jim {Angineto} and he sits in on all the technical meetings. He enlightened me that not only does it do that for the additional use of the planetarium for other things, but in addition to that, it adversely impacts the full-dome video which is a component that will be used for every show.

**MR. BUSH:**

Every show.

**MR. REINHEIMER:**

Every show. So what we're doing is we're purchasing a star projector full-dome video, and what that does is the star projector projects the starry night, the sky, and the full-dome video enables you to fly to different planets and different parts of space with 3-D capability and actually go around and see these things from different angles.

What happens is without having the pit or the ability for the star projector to retract down into the pit while the video is going on, adversely impacts sight lines for 25% of the people sitting in the planetarium. So -- and when Dave told me this last week, you know, my first reaction is he should have been here a week ago when I came to the Parks Committee meeting. So you're correct from my testimony earlier, but when I spoke to Dave, he actually -- there's a bigger problem with not having the pit.

And it's not like a last minute option where we decide, "Oh, we should do this pit." This is how it was conceived, and how this all came about two weeks ago when we met with Konica Minolta and Public Works and they were sitting down and looking at their timeline, nuts and bolts, and staging it, how things were going to progress, they were looking at alternates which is how can we cut this to meet our budget. And from the revised estimates, they were looking at cutting out the pit, cutting out the lighting. And also, they didn't have enough funds for the contingency for things that were going to happen, like all of us. When we renovate our house, we find out that, you know, there's rot behind the wall, something has to be done. So to unwind this to do just the roof, you know, it will adversely impact audiences for the next generation.

**LEG. NOWICK:**

Just a comment or two.

**P.O. LINDSAY:**

Go ahead, Legislator Nowick.

**LEG. NOWICK:**

Just a comment. I can't believe we never knew about this. This is \$100,000 we never knew about. We were sold a GOTO, which this has been going on for years. And I just think \$100,000 was a big gray area.

**MR. REINHEIMER:**

I was just going to say. I mean, this was part of the original specs for the project. But the way Public Works works, you know they have alternates and when projects come in above budget they say, "What can we do to cut?" And when they sat down, this is what they were saying are the areas that they were cutting.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thanks. Lance, don't leave yet because I'm still struggling with that whole notion of we've got a leaky roof and we've got, you know, some -- looking for some cosmetic lighting and a pit and things like that. And not that electricians aren't near and dear to my heart, but you're telling me based on everything that you've heard before us today where we're literally screaming about having to start wrapping change soon, there is no way to segment out of this 250 grand to say what we have to have and what we might have?

**MR. REINHEIMER:**

No, I'm not telling you any of that. I'm just -- you know, I have a perspective from the museum.

**LEG. KENNEDY:**

Yes, I know you do, as a matter of fact, and I'm having you speak to me on behalf of the Vanderbilt. But it's not too long ago you sat over at that table and started to speak to us about the money flying out the door on a regular basis. So I'll ask you again, if there was a way to go ahead and have a reso to do the roof emerge, would that be able to kind of tied you over for a little while, or do you have to have the pit and the lighting and all the other stuff right now too?

**MR. REINHEIMER:**

Okay, that's a couple of questions. And, you know, I have a lot of respect for the Legislature. You set the policy, we're going to go down the road that you set; whether it's with a pit, without a pit, with lights, without lights, and roof. So your first question is, yes, you can always have a resolution that breaks the roof apart; there's no question about that. You know that and we all know that, so that's not a problem.

The Planetarium, today is the first official day it's closed. The museum is closed on Mondays. We closed the Planetarium, the last show was at four o'clock on Sunday. We're closed. Public Works is ready to strike and I guess get into contracts and I think the Commissioner can speak better than I can about that. So we're poised to go.

The equipment is being manufactured, that contract is signed, sealed and that equipment is coming over. The last they told me, they're still on track for October 1st. So we're probably going to lose a month worth of time while Public Works gets their contracts in order. So their question to me is we're going down this road, we're going to delete these things, and I said, "Well, let me see if the Legislature can appropriate additional funds so that we don't lose these things." And I understand limited resources of government and that's what I was trying to -- the point I was trying to make before is that the Vanderbilt understand that, or at least I understand that and right now I speak as the Vanderbilt. I'm out there hustling I'm speaking in public, I'm going to civic groups, rotary clubs, I'm looking for corporate sponsors, I'm hustling for operating funds, I'm hustling for other revenue sources.

The sale of this 1937 Chrysler Imperial, which was built for Bernice Chrysler, is worth six figures. Now, that money has to be used for the maintenance and collection of artifacts. My vision for that is to put that in an endowment-type account, live off the 15 to \$30,000 a year so that generations will have funds to maintain the artifacts. But that's pretty neat, we don't have that. Yeah, it doesn't

pay for the lights, it doesn't pay for the planetarium, but we're out there hustling and looking for things. So, you know, I'm mixing numbers, I know, and you set the policy. I'm just concerned that for \$25,000 worth of debt service over the next 20 years, which we all know is pennies for the taxpayer, and we're learning funds on to funds. So -- and I understand Legislator Barraga saying, "Yeah, but that's 25,000 and there's 25,000 here and you add it up and all of a sudden we're up to, you know, a lot of money," so I understand that, too. But I also like to look at the long-term and say that we had this last projector for 40 years. For a couple of pennies, you know, we're adversely impacting audiences for the next 40 years. And if that's the way it is, that's the way it is.

**LEG. KENNEDY:**

See, I'm not suggesting that you should -- and I'm not on the committee, so I apologize for having to go into this level of detail. But if you're telling me we're at a point today where you either get the resources to manufacture the pit and have the ability to have the GOTO recede so we can go ahead and do dances and movies and all the other things you can use the auditorium for, and this is it, this is the critical point, I guess that affects the decision making. But we're also saying -- you know, every budget we have is going bust.

So if you're getting water in the house, you've got to fix the roof. But I'm just asking you, do you have to have the extra 200 grand to do the cosmetic lighting or the pit wall the rest of it today, that's all.

**P.O. LINDSAY:**

Yes.

**MR. REINHEIMER:**

Yeah. In a word, yes. I mean, we're at the point --

**LEG. KENNEDY:**

You've got to have it today?

**MR. REINHEIMER:**

Well, I mean, you can verify with the Commissioner. They're going ahead with the project. We're there, this is critical point. I didn't know about this until two weeks ago. Jim {Anginito} didn't know this until two weeks ago. This is not something that we were sitting on, this isn't something that we could have planned for, this is where we we are today. And I feel a little hesitant about saying yes, we're at that point today, we can't wait. Because you set the policy, and if you decide we can wait then we wait.

**LEG. KENNEDY:**

I'll yield.

**LEG. MONTANO:**

Bill?

**P.O. LINDSAY:**

I have a whole bunch.

**LEG. MONTANO:**

Put me on the list.

**P.O. LINDSAY:**

Just to answer your question, it's like you build a house without a basement and then you decide you want to put a basement in three years --

**LEG. KENNEDY:**

It costs a hell of a lot more.

**P.O. LINDSAY:**

You got it. Legislator Viloría-Fisher.

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

Thank you, Mr. Chair. Just very quickly. We have to vote yes on this because the project --

**LEG. ROMAINE:**

Your microphone.

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

Sorry, I moved my finger over. Sorry. You know, I've gone to the Vanderbilt for many, many years and my kids went there. And actually, I have to say, the biggest draw for my kids wasn't the character impersonators and the historic part, it was the planetarium. And I -- I would probably venture to guess that that would be your biggest ticket item, and you need it to be state-of-the-art. You know, you don't go out to the Atlantis Aquarium, you know, and have gold fish out there. They try to keep up with what's now, what's better, what's new, what's going to bring people and they charge a lot of money for it. We've been charging you with, you know, raising your ticket prices. You can't raise ticket prices if you don't have a product and you can't have this GOTO projector, which is state-of-the-art, and not have -- have it sit in the right -- on the right base. You can't lose a quarter of your audience to the dome. And we're asking the engineer to paint Christmas lights blue? Please. You know, that's rinky dink. We've expended this much money, let's make it worth people's while to go in there and spend the money and attract an audience and continue to attract an audience. My kids went from the time they were little till they were teen-agers and were looking at laser shows and all that kind of stuff. You know, it's just -- it's a big attraction right in the middle of Suffolk County.

**P.O. LINDSAY:**

Okay. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

It sounds like we already have a pit, a money pit anyway. You know, we keep coming back, right? Seven hundred thousand dollars in Hotel Tax Vanderbilt now gets, that went in. I imagine the endowment has somewhat bounced back, I would hope so. I just thought we would reach a point where we wouldn't have to continually subsidize this to the rate that we are subsidizing Vanderbilt Museum.

Now, I certainly understand, we're not going to spend \$3 million on a sensitive piece of scientific equipment, this projector, and then have the rain come down on it and ruin it, that would be really foolish. So we certainly have to fix the roof. And I get that without sinking the projector you can't do the video shows which are the big attraction because that's probably half of what they do there, is not from the star projector but from that full-dome video projection. So we probably don't have a choice, but there ought to come a point where the revenues for this museum can sustain it. We've put in all this money.

**P.O. LINDSAY:**

But don't mix up capital with operating.

**LEG. SCHNEIDERMAN:**

Well, that's the thing, we put --

**P.O. LINDSAY:**

Operating always comes from the endowment, the County has always done the capital improvements.

**LEG. SCHNEIDERMAN:**

I know, and we've covered the debt service, but the revenues from these things we don't see, it goes right to the program, right to running the museums.

**P.O. LINDSAY:**

Revenues is always for operations.

**LEG. SCHNEIDERMAN:**

Right.

**P.O. LINDSAY:**

It's always been that way since the day we accepted the place.

**LEG. SCHNEIDERMAN:**

I understand that. So we put in all this debt service, carry all the debt service, and if we improve the place and it's able to generate more revenue, we don't get some of our debt service paid back, it goes back to the museum. And we did just give them, with the Hotel Tax increase, an additional \$700,000, that's a lot of money.

**P.O. LINDSAY:**

But the thing is that has a life where that's going to end and it behooves us to make the thing a working proposition so all that money isn't going to waste.

**LEG. SCHNEIDERMAN:**

Can I ask a couple of questions? One, where is the money coming from? Maybe this is for BRO, this additional several hundred thousand dollars.

**P.O. LINDSAY:**

Offset account.

**LEG. SCHNEIDERMAN:**

What is the offset on it?

**P.O. LINDSAY:**

It's the Capital Offset Account. It isn't increasing the Capital Budget any more. Every year when we do the Capital Budget we put aside a contingency fund.

**LEG. SCHNEIDERMAN:**

Okay.

**P.O. LINDSAY:**

Okay?

**LEG. SCHNEIDERMAN:**

The old GOTO must have been a several million dollar projector itself. What happened to that? I know we gave you guys at Vanderbilt the authority to sell it.

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

Steve took it.

*(\*Laughter\*)*

**LEG. SCHNEIDERMAN:**

What happened to that?

**LEG. KENNEDY:**

It went to Gershowitz.

**MR. REINHEIMER:**

It's still there to visit. No, and you're right about that, and we have -- that's cost avoidance. So we have somebody that's interested and is taking it out, and from estimates from Public Works again, that's cost avoidance of \$30,000. So rather than spend the \$30,000 from County money to have -- and that's all figured into these estimates.

**LEG. SCHNEIDERMAN:**

So that wasn't sellable? It had no -- we're getting \$30,000 for it, basically?

**MR. REINHEIMER:**

Well, it's a two-ton piece of equipment with mercury that has to be removed, and then you have to ship this to wherever you're going, and then you have to know how to fix it and maintain it and recondition it. You're right, it's kind of odd that, you know, it's basically \$30,000 in cost avoidance is what we're getting for it.

**LEG. SCHNEIDERMAN:**

Right. So it's basically worthless, the old projector.

**MR. REINHEIMER:**

Well, I wouldn't say that in front of Legislator Stern.

*(\*Laughter\*)*

**LEG. SCHNEIDERMAN:**

Right, your father was involved in it. But it's kind of sad, though, that -- you know, it's such a precision piece of equipment that it lost basically all of its value.

Can I just ask Lance, too? I know the Vanderbilt was trying all kinds of things to try to better its financial situation, including increased catering I think was one of the things. Are you making progress? Are we reaching a point where you won't have to keep coming back to us, even potentially for some of the capital projects, that you can cover some of your own operational and capital costs as well?

**MR. REINHEIMER:**

Well, we're covering all our operational costs. And just to address what you said about the Hotel/Motel Tax, there was a time when the museum was getting \$1.2 million from the endowment and Hotel/Motel is replacing 700,000; that's a \$500,000 shortfall there. And I'm not getting into that. We're fine, but --

**LEG. SCHNEIDERMAN:**

Does the endowment bounce back at all?

**MR. REINHEIMER:**

The endowment's around 10.2 million. And as Legislator Lindsay said, you know, we're resting the endowment so that when the Hotel/Motel Tax sunsets in three more years, that we hope that the endowment will be able to replace the Hotel/Motel Tax. And this is part of it, too. You know, this is

-- we're looking at this for revenue-generating.

The planetarium is responsible for about 70 to 75% of our admissions and our attractions. You know, we have 60,000 school children going there each year. The attraction is that schools can get two field trips for the price of one; they can go through and see the dioramas and study the marine life and then walk over to the Planetarium. In that type of scenario, we can accommodate 400 children in a day and we do that; on average we probably have somewhere between 150 and 250 children there a day. So to use -- you know, to cut these things out of the project will probably impact our revenue stream, and that's the way I'm looking at it. You know, I'm trying to protect the revenue stream and maximize it for the Planetarium for the next generation.

**LEG. SCHNEIDERMAN:**

We committed \$3 million for the projection. I mean, I understand, you've got to do the project right, you've got to fix the roof, the projector has to recess. I understand that was part of the original specs, so. It's just unfortunate. I'd like to see a day where you're not coming back here asking for additional funds.

**MR. REINHEIMER:**

I would, too. And I don't like to keep coming back here and the Presiding Officer knows that. And he also knows that I don't come back here unless I truly believe and know that something is critical. I don't like coming back here either.

*(\*Laughter\*)*

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

Awe, shucks.

**P.O. LINDSAY:**

Legislator Cooper.

**LEG. COOPER:**

I don't want to beat a dead horse, but as Lance just -- you made a couple of points that I was going to make, but as he said, this is all about maximizing the revenue stream. And it's not just the fact that 70 to 70% of the admissions revenue for the Vanderbilt comes from the planetarium, but we also have to look at the future naming opportunities and the corporate sponsorships. And I think that certainly one of the largest, if not the largest, naming opportunity potentially at the Vanderbilt is the planetarium, that should on its own bring in a lot of new revenue. And Lance, correct me if I'm wrong, but I believe that when the new GOTO Projector is in place and the pit and all the other improvements, this is going to be one of the top Planetariums on the eastern seaboard.

**MR. REINHEIMER:**

Yeah. Actually, it's going to be one of the top planetariums in the country. And in using Dave's words, it's going to be the envy of all planetarium geeks in the world.

**LEG. COOPER:**

And as you all know, you cannot put a value on that. But seriously, I think that we would be penny-wise and pound foolish if we did not move forward with this. And also, Dave, if you can just confirm this; the \$50,000 that's being requested for the cove lighting, can you explain the importance of that? I mean, it's the ambient lighting, it's the exit lighting. I mean, this is a closed dome, it's pretty dark in there and you need to have proper lighting. It's really a public safety issue to a certain extent.

**MR. BUSH:**

Right, you basically covered it, Mr. Cooper. That the cove lighting itself is for generating a blue sky, and also for entrance and exit lighting and overall house lighting.

**LEG. COOPER:**

Thank you.

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

Okay. Legislator Montano.

**LEG. MONTANO:**

Actually, Legislator Schneiderman touched on a lot of the issues I was going to touch on. Lance, I just want to sort of continue that thought. You know, you've been there a short time, and I understand that and, you know, I know you've been doing a great job. I think I told you earlier, as far as I'm concerned, this ought to be called the "Vanderpit" as opposed to the Vanderbilt, because it has been, in the eight years, almost eight years I've been here, a real money pit.

We passed that legislation a couple of years ago from the Hotel/Motel Tax which earmarked money for -- for the Vanderbilt. Prior to that, I think we had raised our fees. I simply want to know -- you know, we put numerous monies, capital improvements in there. At what point in time does this institution break even where we're no longer -- because you said earlier you don't like coming here and I think that we're making it real uncomfortable for you to come here so that you don't come back, and that's not because we don't like you, but we don't want to keep funding this. But the statements aren't definitive enough for me. You say you don't want to come back, but I want to know when do you think you won't have to come back? When is this place going to be run in a fashion where there is no need for public money to go into it, or is that never going to happen? Because I don't know enough about the finances, so can you just give me a date?

*(\*Laughter\*)*

A date certain?

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

And sign it in blood.

**LEG. MONTANO:**

I want to know when are you going to, you know --

**LEG. D'AMARO:**

Thursday.

**LEG. MONTANO:**

In all seriousness, you know where I stand in the museum. You know, I abstained on the vote because I really feel that it's become burdensome. What is the game plan? I mean, I know you're there a short time, but what is the program? If this were a business, like Legislator Cilmi likes to say, you know, there's got to be a point where it's either a profitable business or it's going to go under.

**MR. REINHEIMER:**

Okay. I think there's two issues here; first is operating budget and second is capital. The operating budget outside of the one year where the County subsidized the plan -- the museum for \$800,000, which I think was the first in the history of the world, no County funds have subsidized the operating budget, and we're still not using County funds for operating budget. We are using Hotel/Motel Tax, yes.

**LEG. MONTANO:**

Hotel/Motel Tax, okay, which is public money.

**MR. REINHEIMER:**

Right, it's State-enabling legislation and it's public money, correct. Your second question? I hate to say it, but it's never. This is -- and when I was in Budget Review I've looked at it. We've invested probably \$20 million over the past 20 plus years into --

**LEG. MONTANO:**

Actually, I think you've invested 20 million over the last years that I've been here, so there must have been money that went in prior.

**MR. REINHEIMER:**

Twenty million is pretty accurate for the past 20 years. We're never going to be able to support the capital needs of the museum. It's a 43-acre estate. You're never going to -- you know, so I'd be fooling you to say that some day we'd be able to do that.

**LEG. MONTANO:**

Well, that's the point. I think that from what I've seen, it's more than you can handle in terms of the size of the property and the operating costs that you have. So at some point can you shed, can you subdivide, can you go back to the drawing board, or is this something that, you know, we just -- you're just going to be coming back for more -- and the place is -- from what I saw, I don't know if all the 20 million has been spent, but the place is falling apart, I hate to tell you.

**MR. REINHEIMER:**

Yeah, you're right? And --

**LEG. MONTANO:**

I mean, I walked over pieces of plywood that were supposed to be cement.

**MR. REINHEIMER:**

You're correct, and that's a problem. And we have funds appropriated for facades for the steps. The facades are crumbling. If you look at the bell tower, we have netting around it; you're absolutely correct. We have funds in the Capital Program that have been appropriated, Bonding Resolutions; we aren't able to move forward on that.

**LEG. MONTANO:**

You're not, you said? Why not?

**MR. REINHEIMER:**

The County Executive has not allowed that to move forward. So this building is crumbling, funds are appropriated, we can fix them but we can't because the County -- the County Executive doesn't want it to go forward.

**LEG. MONTANO:**

All right. So the money that we appropriated --

**MR. REINHEIMER:**

That's another issue.

**LEG. MONTANO:**

-- you have not been able to utilize is what you're telling me.

**MR. REINHEIMER:**

That's correct.

**LEG. MONTANO:**

Okay.

**MR. REINHEIMER:**

We have -- and this is a discussion that's way off the base of this resolution, but I think it's important to note that the seaplane hangar is failing. I don't think it's going to fall soon, but eventually that building is going to fail. We've asked the --

**LEG. MONTANO:**

Right. Well, the reason --

**MR. REINHEIMER:**

You know, we would like to ask the County Executive for funds to stabilize it. I do not want to develop the water front, I don't want to go down that road. I don't want to use the seaplane hangar; it's not, in my opinion, a proper revenue for generating revenue. But to have it fail is a problem.

**LEG. MONTANO:**

Right. But the reason that we're bringing this -- the reason that these questions are asked is that they are germane to the institution, because while we may be talking about a nickel in the overall scheme, these nickels have added up. And quite frankly, I find it very difficult to continue to support putting, you know, funds into something that doesn't seem to have an end. And, you know, I mean, I would -- I vote to educate the kids because I think that's important and this is partly educational, but there are priorities and I place education over this structure. So you have to come up with some kind of game plan. And from what I heard, we're never going to be out from under this?

**MR. REINHEIMER:**

Not from the capital. From the operating we're doing fine, and this is -- this funding, this additional funding helps us generate that revenue for the operating budget. You know, we, as a County, accepted the museum in 1950, we went down that road. Yeah, it's a money pit as far as maintenance, it sure is, and that's not going to go away. We as the museum and the board of the museum, cannot raise funds to do the capital projects, this place is huge. And you're right about that --

**LEG. MONTANO:**

All right.

**MR. REINHEIMER:**

That's a decision, you know, that I guess you'll have to go down the road with.

**LEG. MONTANO:**

Okay.

**MR. REINHEIMER:**

But the planetarium is central to our survival and sustainability in terms of operating budget.

**LEG. MONTANO:**

Thank you, Lance.

**P.O. LINDSAY:**

Before I go on, I just want to point out, it's our property. We accepted the property 61 years ago.

**LEG. MONTANO:**

Right.

**P.O. LINDSAY:**

This County government did. You can't get out from underneath it, we own it.

**LEG. EDDINGTON:**

Who was in charge when that happened?

**P.O. LINDSAY:**

Who was in charge? What, are you going to go back and put it on their bill? Come on, guys. We bought and we kept making a mistake, buying old estates and old buildings. How many do we have? We put money in every one of them every year. It's our responsibility, we own the property. The Vanderbilt isn't a separate entity, it's owned by Suffolk County. We made that decision 61 years ago. We accepted this estate and there's a building with these artifacts, and along with it there's a chunk of money, this endowment that's supposed to pay for the operation of the museum. And it did, it did do it for about 45 years and then the market crashed. It's only the last couple of years that we've had to subsidize the operation of it. But the capital budget, we've always paid for the Capital Budget because it's a County asset.

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

Legislator D'Amaro.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Okay, thank you. Lance, if you don't mind, I had a few questions for you. It's disappointing to hear you say that it will never be self-sustaining, but I appreciate that you're trying to be straight with us. But I want to ask you, you're talking about the capital portion.

**MR. REINHEIMER:**

On the capital, that's capital.

**LEG. D'AMARO:**

Okay.

**MR. REINHEIMER:**

No, operating we are -- you know, we are getting by.

**LEG. D'AMARO:**

Okay.

**MR. REINHEIMER:**

And we're improving.

**LEG. D'AMARO:**

I want to make that clear on the record.

**MR. REINHEIMER:**

And we're improving and I feel that our days in front of us are very bright.

**LEG. D'AMARO:**

But it was never your mission to break even on the capital side because it's our land and it's our Capital Program.

**MR. REINHEIMER:**

Right, and that's what I was responding to.

**LEG. D'AMARO:**

Okay. But I want to come back to this particular resolution, and I know we've spent a lot of time on this so let me be quick.

The -- I understand the rationale between putting the pit in now, you're ready to, you know, put a shovel in the ground, so to speak. The project is ready to go, finally, and you want to do it as best you possibly can to maximize revenue, and that's a good thing. You've talked about if we lose that opportunity, we should miss the opportunity for generations to come to really experience a planetarium as we would like people to experience it, and that's a good thing. But then when you talk about it would probably affect revenue. If I need to make a decision on this in a very dire economic climate, then I really need to know, you know, what is, in dollars and cents, the impact of not putting in that portion of the project, the pit and the lighting, you know, that kind of thing. You know, you said 400 school children a day would come through there? Are you telling me that then you would only get 200, or are they still going to show up?

**MR. REINHEIMER:**

There's a lot of questions there.

**LEG. D'AMARO:**

Yeah. Well, what's the impact, what's the economic impact of, as some of my colleagues have suggested, segregating out one project from another and maybe passing one and deferring another?

**MR. REINHEIMER:**

Well, I --

**LEG. D'AMARO:**

I know it would be more expensive later on to do this, if it could even be done. But what's the impact to the revenue to the museum, to the planetarium if we don't have the pit?

**MR. REINHEIMER:**

Right, and that's --

**LEG. D'AMARO:**

You know, in dollars and cents. I mean, are you talking about half the folks that would normally come there are not coming there? You know, because it seems to me that when school children take a field trip to the planetarium, the first thought in their mind is not going to be whether or not the GOTO projector is going below stage level.

**MR. REINHEIMER:**

There's a lot of -- as I said before, there's a lot of questions and the revenue is the most important part.

**LEG. D'AMARO:**

Okay.

**MR. REINHEIMER:**

And to protect that revenue. I probably should be a little bit stronger. My feeling, or I see that the revenue would be adversely impacted. If you have 230 seats there and 25%, so you're talking 50 -- 55, let's say 60 seats, people are looking, you know, around, they can't see the whole thing.

**LEG. D'AMARO:**

Isn't it that way now?

**MR. REINHEIMER:**

No. Now? No, because this has to do with the video portion.

**LEG. D'AMARO:**

Okay.

**MR. REINHEIMER:**

This is -- you know, now what we use, we use slide projectors that are in your parents' attic and we have 60 of them and they flash slides so they're static, you know, still pictures. This is 3-D video where -- and Dave can probably describe better than I can. But it enables us, using Dave's words, to really fly into space and to fly around space objects, whether they're planets, stars, galaxies.

**LEG. D'AMARO:**

So this projector will obscure the sight-line more than the present or the old projector?

**MR. REINHEIMER:**

Well, the only projector we didn't have -- no, the old projector, the sky line wasn't really -- because you're looking up on the dome, yes. And maybe Dave can explain better the technical part, if I'd ask him; Dave Bush.

**LEG. D'AMARO:**

Okay. Thank you.

**MR. BUSH:**

The way the new star projector is designed, instead of it being a dumb bell shape, it's a single sphere ball held by a horseshoe underneath it.

**LEG. D'AMARO:**

Okay.

**MR. BUSH:**

The sight lines will be even worse than they are now as far as what you're seeing in the front of the theatre.

**LEG. D'AMARO:**

Okay.

**MR. BUSH:**

As far as what you're looking at on the dome, wherever you're sitting in the theatre you'll have the star ball in the spring line or the horizon line of the dome.

**LEG. D'AMARO:**

Okay.

**MR. BUSH:**

Every single planetarium that has a optimal mechanical star projector in the middle of the dome combined with full-dome video has their star projector on an elevator to accommodate both systems.

**LEG. D'AMARO:**

Okay. So you're saying that with the new system coming in, you're negatively or adversely impacting sight-lines even further than they are now.

**MR. BUSH:**

That's right, yes.

**LEG. D'AMARO:**

Okay. And Lance, I think what you're saying is that you do expect, then, I guess you could charge less for the seats; is that the impact? You know, what's the real dollars and cents impact?

**MR. REINHEIMER:**

No, the impact is we expect to have more people there. We're going to --

**LEG. D'AMARO:**

So that's a selling point, that this is a full view --

**MR. REINHEIMER:**

Yes.

**LEG. D'AMARO:**

-- kind of dome set-up where there's no seat is a bad seat kind of thing.

**MR. REINHEIMER:**

Right, and we're also going to start developing a marketing campaign. My concern is now that we're closed, now that we're starting construction, you know, I was concentrating on that, now we've got to start a marketing campaign so this thing opens. People will come when it opens, but we have to make sure that we have a program to continue the excitement and to bring people and to generate a financial base of supporters, members, corporate sponsors to come back. So we're going to be developing a campaign --

**LEG. D'AMARO:**

Right.

**MR. REINHEIMER:**

A marketing campaign in conjunction with this starting next spring and we're going to start working on that this fall.

**LEG. D'AMARO:**

All right, I have one more question, very quickly. And I appreciate your answer. I think that, you know, if we miss our bite at the apple here and don't do it right the first time, if it will affect the revenue stream then how can we complain later on that you're not self-sufficient and self-sustaining? So I understand that.

Let me ask you one more thing. You had mentioned that the pit was originally in the plan and it was taken out; who took it out and why?

**MR. REINHEIMER:**

Okay. That was -- well, Public Works, when they're looking at the project now and getting ready to go to contract or bid, they looked at their estimates, their construction estimates which include the construction of the pit, what that cost the infrastructure --

**LEG. D'AMARO:**

So they had a budget to work with.

**MR. REINHEIMER:**

Right.

**LEG. D'AMARO:**

Right.

**MR. REINHEIMER:**

And their budget, you know, for the construction part was only 500,000.

**LEG. D'AMARO:**

Right.

**MR. REINHEIMER:**

Which is the construction support for --

**LEG. D'AMARO:**

Which is what we were told and voted on.

**MR. REINHEIMER:**

Right, that's in the three million.

**LEG. D'AMARO:**

Okay.

**MR. REINHEIMER:**

So now when they're going to actually put a shovel in the ground, they feel that they don't have enough money, funds, appropriations for cost escalations. And like Gail said before, the way things work, Public Works gets a guesstimate of what a project will cost into the future to get those appropriations, then they go out to bid. And the way things look now, they feel they don't have enough appropriations for this to do the construction of the pit, and the associated infrastructure which is electric.

**LEG. D'AMARO:**

You mentioned that some of the other capital projects are not moving forward. Would it be -- would you recommend that rather than the offset that's proposed in this legislation, that we perhaps use as an offset those appropriations because they're not being used anyway, and then it's a zero sum within the capital project?

**MR. REINHEIMER:**

Well, this is a zero sum now if you're -- you know, you're using an offset to fund this 250,000.

**LEG. D'AMARO:**

Well, I don't mean in the Capital Budget with respect to the Vanderbilt. So if you have other funds available in other capital projects but we're not spending that anyway, why not use that for this pit and the lighting?

**MR. REINHEIMER:**

Because those funds are not authorized to be used for this construction.

**LEG. D'AMARO:**

But I'm saying if we changed that.

**MR. REINHEIMER:**

We'd have to rescind old appropriations, old Bonding Resolutions.

**LEG. D'AMARO:**

Right.

**MR. REINHEIMER:**

I mean, we could go forward with this resolution and come forward with another resolution to rescind appropriations from another capital project, if that's the desire. That would be cleaner and faster. That's technically the way that you were proposing to rescind appropriations and redirect them from a resolution that appropriated funds say four or five years ago, technically that's a little messy.

I don't mind -- if this is the desire of the Legislature, and I think it's a good idea, especially in these times to say, "Okay, we appropriated an additional 250,000, but we're going to rescind appropriations that are already authorized from another project."

**LEG. D'AMARO:**

Right.

**MR. REINHEIMER:**

I'll come across with another resolution for that.

**LEG. D'AMARO:**

Right. In other words, let you set the priority within the Capital Program for the Vanderbilt and you would know best what projects are not likely to move forward.

**MR. REINHEIMER:**

Yes.

**LEG. D'AMARO:**

So we'd be prioritizing within the capital plan for the Vanderbilt and we'd have really no impact then on the Capital Budget.

**MR. REINHEIMER:**

Right, as far as. And that's -- you know, when you talk about capital programs, and Budget Review always said, you know, authorized/unissued appropriations, you would be keeping that at zero, you're not increasing.

**LEG. D'AMARO:**

Okay.

**MR. REINHEIMER:**

And I can work with Public Works to identify appropriations that we could rescind that were previously appropriated.

**LEG. D'AMARO:**

I would just suggest to my colleagues on the Legislature, maybe we should think about that, or Legislator Cooper, you're the sponsor of the bill. I want to see the Vanderbilt succeed, I want -- you know, we've had a long discussion about this, I want this to happen. I don't want -- I don't think we should put this projector in and not make it work the right way so you can maximize your marketing plan and get the people in there. But I would also say that if we can find an offset from project that are not going forward anyway, why not? You know, why not?

**MR. REINHEIMER:**

Right. So what I would like to do, then, I'll work with Public Works. We can -- we can lay on the table a resolution at the next meeting to rescind \$250,000 in prior approved, so this could be approved today which doesn't hold up the project another month --

**LEG. D'AMARO:**

Right, I understand that.

**MR. REINHEIMER:**

-- and then we could rescind, so it's a sum certain. And I think that's a great idea and I think that's -- and I just talked to the Commissioner and he says that's easy, we can do that. Thank you.

**LEG. D'AMARO:**

Okay, very good.

**MR. REINHEIMER:**

Thank you.

**LEG. D'AMARO:**

Thank you.

**LEG. COOPER:**

I --

**P.O. LINDSAY:**

I know we have a list, but it seems like we're at a solution. It's ten after nine. Does anybody want to keep talking? You agree with that, Legislator Cooper?

**LEG. ROMAINE:**

Yes, no, abstain.

**LEG. COOPER:**

I just wanted to say that I have no problem with rescinding funding for projects if they're not necessary, but there are some vitally important projects that the County Executive has refused to allow to go forward such as replacing the facades. We have chunks of stone that could, you know, if they weren't caught by the netting fall on a visitor at the museum, that's not good. So there may well be some projects that could be canceled, but there are others that hopefully the next County Executive, whoever it may be, will understand the necessity of moving forward with it and will authorize the project to proceed.

**LEG. ANKER:**

Bill?

**LEG. ROMAINE:**

Very quickly, for Jonathan. I just sat with our Deputy Counsel and I've asked her to draft a bill that would prevent the illegal impoundment of funds without the Executive coming back to this

Legislature. You remember what impoundment of funds, for those old enough. The President of the United States, back in the early 70's, tried to do that and that was found unconstitutional. So I've asked our Deputy Counsel to draft that. I want to help our County Executive stay within the bounds of our Charter and not take on powers that he really should not be exercising.

**P.O. LINDSAY:**

Commissioner Anderson, is what was proposed by Legislator D'Amaro, is that workable in your opinion?

**COMMISSIONER ANDERSON:**

Yes.

**P.O. LINDSAY:**

Okay. Okay, I still have a list. Do the rest of you want to give up on the list and just table?

**MR. NOLAN:**

No, no, he wants to vote it.

**LEG. ROMAINE:**

No, give it up.

**P.O. LINDSAY:**

Oh, you want to vote it?

**MR. NOLAN:**

You want to vote it and do another resolution to --

**LEG. D'AMARO:**

I think Lance in indicating that he will come back, however, with legislation.

**P.O. LINDSAY:**

Oh, okay. You want to vote on this and then come forward with a rescinding other Capital Program to offset the cost of this.

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

Right.

**P.O. LINDSAY:**

All right.

**LEG. KENNEDY:**

(Inaudible).

**MR. NOLAN:**

No, this is going ahead.

**LEG. KENNEDY:**

In other words, if they rescind, it's not coming --

**MS. MAHONEY:**

I cannot hear you.

**LEG. CILMI:**

Microphone.

**P.O. LINDSAY:**

No, but John, you have so much money appropriated to the Vanderbilt Museum. If you approve this additional \$250,000 and they identify another project where the money has already been appropriated for the Vanderbilt and you rescind \$250,000, it's the same thing.

**LEG. KENNEDY:**

It is, but for indulge me with one question; what will be left in 1755 after we commit this 250,000?

**P.O. LINDSAY:**

1755 is the offset account.

**LEG. KENNEDY:**

Yes.

**LEG. MONTANO:**

Our offset account?

**MR. REINHEIMER:**

I can answer that; it's \$1,650,000.

**P.O. LINDSAY:**

We're not going to spend that much money the rest of the year, I'm telling you right now.

**LEG. KENNEDY:**

We still have 1.6 million sitting in that?

**P.O. LINDSAY:**

Yeah.

**MS. VIZZINI:**

Yeah. As I commented the other day, we've been pretty judicious.

**LEG. KENNEDY:**

Okay.

**LEG. D'AMARO:**

Right. And bill, if I could just make the point very quickly. If we do it that way it's really the debt service, so we'll be cancelling -- we'll take on debt service but we'll be cancelling debt service as well.

**P.O. LINDSAY:**

Okay. All right, I have Gregory, Cilmi, Anker on the list; do any of you want to talk or do you want to --

**LEG. CILMI:**

I'll yield my time.

**P.O. LINDSAY:**

Okay, okay. Okay, so we have a motion?

**MR. LAUBE:**

You have a motion and a second.

**P.O. LINDSAY:**

A motion and a second. Roll call.

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

**LEG. COOPER:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. NOWICK:**

This is a motion to do what, approve?

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

Approve.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Reluctantly, yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

No.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes. Yes.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Eddington).

**P.O. LINDSAY:**

And forgive me, I should have -- first of all, I would like to thank Legislator D'Amaro for coming up with the compromise to break the stalemate. And second of all, I should have taken just a hand count because that was on 1621, now we've got to do a roll call on **1621A**, the Bond ***(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the cost of the replacement of the GOTO Projector at the Suffolk County Vanderbilt Museum and related costs (CP 7452.311).***

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

**LEG. COOPER:**

Yes.

**LEG. ANKER:**

Yes.

**P.O. LINDSAY:**

Same motion, same second. Roll call.

*(\*Roll Call Continued by Mr. Laube - Clerk\*)*

**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:**

No.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Eddington).

**P.O. LINDSAY:**

It was just pointed out to me that we have some people here from the District Attorney's Office. I apologize, fellas. You should have said something, I would have taken it out of order earlier. And it's in your red folder, it's a Certificate of Necessity. It's 1706 and it's authorizing the lease of premises in the Town of Islip for use by the District Attorney's Office.

**LEG. MONTANO:**

Is this a renewal?

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Okay. We have a motion by Legislator Kennedy. Second by Legislator Muratore. Would you like to say anything about this, being that you sat here this long?

**MR. HEILEG:**

Believe me, I've worked longer and later working for the District Attorney, so I'm used to it. But I thank you --

**P.O. LINDSAY:**

But it isn't as tedious as watching us all this night.

*(\*Laughter\*)*

**MR. HEILEG:**

When you're sitting on a wiretap and watching nothing go and no phone calls until one in the morning, it can get a little tedious.

**P.O. LINDSAY:**

That's a good analogy.

**MR. HEILEG:**

But this is interesting.

*(\*Laughter\*)*

Not that there's any wire taps going on here tonight.

*(\*Laughter\*)*

I'm just here to answer any question. My name is Ed Heileg, I'm the Division Chief for Tom Spota in the District Attorney's Office. I'm just here to answer any questions anyone might have with regard to this space.

The only reason we're here is because of the funding issue. Normally we would just go the covert lease way, and we would -- we have filed and we would file the copy of the lease with the County Attorney, it's a matter of the grant funding, we have to go through the normal funding process to get approval for the lease and approval for the funding, basically, to lease the premises.

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

What's the number, please?

**MR. HEILEG:**

It is 1706.

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

I'm not seeing it.

**LEG. MONTANO:**

I can't find it.

**LEG. D'AMARO:**

It was handed out separately, I believe.

**MS. LOMORIELLO:**

It's a CN in the red folder.

**LEG. BROWNING:**

Bill, it's Brookhaven; Brookhaven, not Islip.

**P.O. LINDSAY:**

No, but there was one in the packet for Brookhaven.

**MR. HEILEG:**

It was changed; the property is actually in Islip.

**MR. NOLAN:**

It was revised.

**P.O. LINDSAY:**

It was revised; revised, okay. And somebody asked about the funding because the funding, there is no monetary value in here because it's paid for with grant money or something?

**MR. HEILEG:**

It's a grant that both the Legislature and the County Executive have approved and accepted earlier this year. It's completely funded. We received permission from Division of Criminal Justice Services to transfer the money for lease purposes.

**P.O. LINDSAY:**

You can't tell us the location because it's covert, right?

**MR. HEILEG:**

It's covert, it is. I can tell you it's being used to perform Tax Crimes Unit operations and those Tax Crimes Unit operations have returned, since 2005, approximately \$5 million to the County in sales tax revenue.

**P.O. LINDSAY:**

Wonderful. Thank you. Okay. Do we have a motion, Mr. Clerk?

**MR. LAUBE:**

You have a motion and a second.

**P.O. LINDSAY:**

Do we have to make a motion to take it out of order?

**MR. NOLAN:**

No.

**P.O. LINDSAY:**

Oh, okay. We have a motion and a second. Question by Legislator Montano.

**LEG. MONTANO:**

Yeah, I'm sorry. Is this a new lease or a renewal?

**MR. HEILEG:**

This would be a new lease. And it's a temporary lease, it's only until we get the old 4th Precinct renovated, which I'm told will be 18 months which we all know will be three years.

**LEG. D'AMARO:**

If you're lucky.

**LEG. KENNEDY:**

You want a pit in it?

*(\*Laughter\*)*

**LEG. CILMI:**

Tell us now.

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

There's a motion to approve and a second. All in favor? Opposed? Thanks for being so patient.

**MR. LAUBE:**

Eighteen.

**MR. HEILEG:**

Thank you. Have a good day.

**P.O. LINDSAY:**

I'm sorry again.

**MR. HEILEG:**

That's okay. Thank you.

**P.O. LINDSAY:**

Okay, back to page ten.

*1546-11, Public Safety, Adopting Local Law No. -2011, A Local Law amending Chapter 260A of The Suffolk County Code pertaining to demonstrations at Funeral Services(Stern).*

**LEG. STERN:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Stern.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Second by Legislator Eddington. Any questions?

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

I have a question of the sponsor. Earlier Mr. {Sinya} talked about, you know, litigation and what the usual cases are; can you just give us your -- I know you had a conversation with him, you said you had a conversation.

**LEG. STERN:**

I did. And to all of my colleagues, the only change from the existing law that we have is it extends the distance. It doesn't put any other restriction. We voted and approved the original legislation prior to the United States Supreme Court case, the Schneider case. But in that case, since the Supreme Court decided, that case -- it's actually on page ten of the Supreme Court decision. The Supreme Court says specifically that it is up to the local municipalities to determine what is a reasonable time, space and manner restriction. So the court specifically allows the local municipality to determine what the distance should be. We originally voted and approved the original distance prior to the guidance from the Supreme Court; this is picking up on, again, the specific language of the Supreme Court which allows us to do this.

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

What about those cases that Mr. {Sonya} had mentioned? You know, if you have Girl Scouts selling -- or a union demonstration, can you just -- you're shaking your head, but I'm not an attorney and I don't know how it would be legal or unconstitutional.

**LEG. STERN:**

I don't know if I could explain it. I had the conversation, I did not find it that compelling personally. Again, this is amending a law that we already have that has been explicitly allowed in the language of the Supreme Court decision. This, again, is in response to the guidance given to us by the Supreme Court.

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

Okay, thank you.

**LEG. CILMI:**

If I could?

**P.O. LINDSAY:**

Legislator Cilmi.

**LEG. CILMI:**

To Legislator Viloria-Fisher's point, I suppose -- I mean, in order for anything to -- in order for any action to be taken on somebody who might be demonstrating, somebody would have to bring that action, correct? So if there were some Girl Scouts, you know, or something else going on that was within the boundary that's set by this legislation, somebody would have to complain about it in order for it to -- for there to be a remedy; is that correct, to the sponsor?

**LEG. STERN:**

That's correct. Someone would have to be charged with a violation of our law, and then they would bring the resulting lawsuit.

**LEG. CILMI:**

Right. So the likelihood of somebody complaining about the Girl Scouts -- although, you know, every day I think I've seen it all -- is probably pretty slim.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**Public Works & Transportation:**

***1530-11 - Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land, having a Suffolk County Tax Map Identification Number of District 0200 Section 663.00 Block 03.00 Lot 001.000, pursuant to Section 125 of the New York State Highway Law. (County Executive).*** Do I have a motion?

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. BROWNING:**

I'll second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1586-11 - Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 3 – Southwest (CP 8170) (County Executive).*** Legislator Horsley, do you want to --

**LEG. HORSLEY:**

Yes, motion to approve.

**P.O. LINDSAY:**

Motion to approve. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1602-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with Dredging of County Waters (CP 5200) (Presiding Officer Lindsay).***

I'll make a motion.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. BROWNING:**

Cosponsor, Tim.

**P.O. LINDSAY:**

On the accompanying ***Bond Resolution, 1602A (Amending the 2011 Capital Budget and Program and appropriating funds in connection with Dredging of County Waters (CP 5200)***, same motion, same second. Roll call.

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

**P.O. LINDSAY:**

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.

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

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1603-11 - Authorizing transfer of surplus blackberry mobile devices to The Retreat, Inc. (Schneiderman).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1607-11 - Requesting the conveyance of a certain unopened right-of-way commonly known and referred to as Nicolls Road, Town of Babylon, Suffolk County, New York, for Public Highway improvement purposes and requesting approval from the Town of Babylon for conveyance of same pursuant to New York State General Municipal Law §72-h (County Executive).*

**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:**

*1608-11 - Authorizing the conveyance of County-owned surplus unused right-a-way fronting a parcel of land, having a Suffolk County Map Identification Number of District 0200 Section 663.00 Block 03.00 Lot 001.000, pursuant to Section 125 of the New York State Highway Law. (County Executive).*

**LEG. ROMAINE:**

Point of information. How does 1608 differ from 1530 since the same tax number is in play?

**P.O. LINDSAY:**

You got me.

**LEG. ROMAINE:**

It's the exact same tax number.

**LEG. SCHNEIDERMAN:**

I think there's two lots there.

**P.O. LINDSAY:**

Mr. Anderson, can you shed some light on that?

**COMMISSIONER ANDERSON:**

I know that originally we had submitted this under one legislation. The legislation was submitted as revised to be corrected. They are two separate lots, I don't know about the tax lot numbers.

**LEG. ROMAINE:**

It's literally quite impossible to have two separate lots with the same tax map number.

**LEG. SCHNEIDERMAN:**

It's a scrivener's error.

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

And one is 136,000 and one is 54,000; George? I'm seeing two different prices also, Gil.

**COMMISSIONER ANDERSON:**

Most likely because they're different sized lots.

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

Oh, so just the tax map number you think would be wrong on one of them?

**COMMISSIONER ANDERSON:**

I think if it -- I mean, I can confirm that, but it --

**LEG. ROMAINE:**

You cannot have --

**COMMISSIONER ANDERSON:**

I understand that.

**LEG. ROMAINE:**

-- two different parcels with the same identical tax map number.

**MR. NOLAN:**

There's a different lot number in the second one.

**P.O. LINDSAY:**

Okay, there might be a typo in the agenda.

**LEG. ROMAINE:**

Okay.

**MR. NOLAN:**

No, it's in the caption.

**P.O. LINDSAY:**

The caption, Counsel is telling me. He's looking at the bills themselves and the caption numbers.

**MR. NOLAN:**

Why don't you pass over it.

**P.O. LINDSAY:**

Yeah, why don't we pass over this and let Counsel see whether he can figure it out.

**1611-11 - Creating a Long Wharf Advisory Committee (Schneiderman).**

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. BROWNING:**

Second.

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

Second. Oh, Kate seconds it.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

**1615-11 - Authorizing transfer of surplus blackberry mobile devices to SEPA Mujer (Montano).**

**LEG. MONTANO:**

Yes, motion.

**P.O. LINDSAY:**

Motion by Legislator Montano.

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

I'll second it.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**Ways & Means:**

**P.O. LINDSAY:**

**A Charter Law -- 1466-11 - Adopting Local Law No. -2011, A Charter Law To Ensure A Workable, Common Sense Reapportionment Process (Kennedy).**

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy.

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

Second by Legislator Muratore.

**LEG. COOPER:**

I would like to make a motion to recommit to committee.

**P.O. LINDSAY:**

Okay. We've got a motion by Legislator Cooper to recommit. Do I have a second?

**LEG. GREGORY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Gregory.

**LEG. KENNEDY:**

On the motion to approve, Mr. Chair?

**P.O. LINDSAY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

As I had explained in committee, this resolution basically was assembled for the purpose of extending some of the deadlines that had actually come and gone by way of -- by virtue of sitting the committee. I would entertain a motion to table, and as a matter of fact, I'll amend my motion to approve to a motion to table if there's a desire to have some modifications with some of the contents of the bill. Legislator Cooper and I have spoken a little bit about it, but we haven't had a chance to speak in earnest, at length. What say you, Jon?

**LEG. COOPER:**

I'd be amenable to tabling for one cycle to give me an opportunity to speak to the sponsor over the next couple of weeks and address some of my concerns.

**LEG. KENNEDY:**

All right.

**P.O. LINDSAY:**

Okay. We have a motion to table by Legislator Kennedy.

**LEG. KENNEDY:**

Absolutely.

**P.O. LINDSAY:**

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

**LEG. KENNEDY:**

Yippie-aye-oh.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1578-11 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Michael Gaiss and Tara Gaiss, husband and wife (SCTM No. 0800-029.00-05.00-036.000) (County Executive).*

**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:**

*1585-11 - Directing the return of records to the Judicial Facilities Agency (Romaine).*

**LEG. ROMAINE:**

Motion.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Did we figure out 1608 yet, George?

**MR. NOLAN:**

He was whispering the answer to me, but I'm --

**P.O. LINDSAY:**

All right, we'll keep going and come back to 1608.

In the folder --

**LEG. MONTANO:**

Which one, the red one?

**P.O. LINDSAY:**

No, the manilla folder,

*(\*The following testimony was taken & transcribed by  
Donna Catalano - Court Reporter\*)*

We have *1659-11 - Authorizing the distribution of proceeds from auction sale, pursuant to Suffolk County Administrative Code Section 42-4(L) Mary Michaelis (SCTM No. 0200-421.00-04.00-030.000) (County Executive).*

**MR. NOLAN:**

That's just a revised copy; skip that.

**P.O. LINDSAY:**

Skip it?

**MR. NOLAN:**

Yeah, skip that one.

**P.O. LINDSAY:**

Okay.

**Procedural Motion Number 20 - Apportioning Mortgage Tax by: County Treasurer.  
(Pres. Off.)**

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy, seconded by Legislator Cilmi. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***Procedural Resolution Number 21 - To set a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (Outfall - Final Effluent Pumping Station) (CP 8108). (Pres. Off.)*** I'll make a motion.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***Procedural Resolution 22 - To set a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (Infiltration/Inflow Study/Sewer Rehabilitation) (CP 8181). (Pres. Off.)***

Same motion, same second, same vote all right.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***Procedural Motion Number 23 - Authorizing funding for Community Support Initiatives (Phase VI). (Pres. Off.)***

I'll make a motion, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. We've got vetoes. First one, is **Resolution 444, Canceling a certain consultant contract.**

**LEG. KENNEDY:**

I'm going to make a motion to override, Mr. Chairman.

**P.O. LINDSAY:**

Motion to override by Legislator Kennedy.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Browning. Any discussion? Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)**

**LEG. KENNEDY:**

Yes.

**LEG. BROWNING:**

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:**

No.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Recuse.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

We have up next veto of **Resolution Number 426, adopting a Charter Law to waive certain Charter provisions and provide adequate funding for the John J. Foley Skilled Nursing Facility.**

**LEG. BROWNING:**

Motion to override.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Kennedy. Any discussion? Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)**

**LEG. BROWNING:**

Yes.

**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:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Recuse.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Okay. Another veto, 523, amending the 2001 Operating Budget and authorizing the operation of John J. Foley Skilled Nursing Facility.

**LEG. BROWNING:**

Motion to override.

**P.O. LINDSAY:**

Motion to override by Legislator Browning, seconded by Legislator Eddington. Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)**

**LEG. BROWNING:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Recuse.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

Okay. Another veto resolution **531, approving Master List 5 and planning steps for the acquisition of environmentally sensitive property known as East Quoque Partners, LLC.**

**LEG. SCHNEIDERMAN:**

Motion to override.

**P.O. LINDSAY:**

Motion to override by Legislator Schneiderman, seconded by Legislator D'Amaro. On the question? Do we have any questions? Okay. Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)**

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Another veto. This is my favorite. **Resolution 543, Establishing a standard workday and reporting requirements for elected officials.**

I will make a motion to override.

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

Me too.

**P.O. LINDSAY:**

Seconded by Legislator Viloría-Fisher. And I would certainly be remiss if I didn't comment on this outrageous veto by the County Executive. We didn't want to pass this. We resisted passing this for a year. We were more or less directed by the County Attorney that we had to do this. The State Comptroller's Office was threatening the pensions of all elected officials unless you do this. Everybody at this body knows we work more than six hours a day. It was passed down to us. They made up keep these stupid timesheets for three months showing where we were and how many hours, you could only put eight hours in a day and you can't put in weekends and all this other garbage.

We don't punch a clock. I mean, we are on-call all the time. I don't mean to sound like a martyr. I know how hard I work and I know how hard most of my colleagues work. It's a ridiculous policy by the State. But we were directed to do this and we did it. And then for our County Executive to veto it is just outrageous. And I feel very strongly about it if you can't tell. Yes, Legislator Cilmi.

**LEG. CILMI:**

Yes. Thank you. I see somebody from the County Attorney's Office here. Timing is everything, Dennis, timing is everything. Maybe you could comment on why.

**MR. BROWN:**

Actually, I can't. The reason why I can't is that when the Comptroller's Office first came out with those rules, that was actually a couple of years ago. We did work on that, but we've done nothing on -- really we haven't -- I haven't been involved in that at all for probably about two years.

**LEG. CILMI:**

Is it true that State officials don't have to do this and yet they are asking us to do this?

**MR. BROWN:**

I'm not familiar with that.

**P.O. LINDSAY:**

I don't know. I don't know. That would be even more outrageous. Legislator Romaine.

**LEG. ROMAINE:**

Only as counterpoint, I'm told this might affect the retirement of some of our elected officials unless we do this. This is a tempting point to not vote to override. There is a County-wide official that will be retiring soon, this may affect his pension. I'm very tempted.

**LEG. BROWNING:**

Table until January.

**P.O. LINDSAY:**

Any other comments?

**LEG. CILMI:**

If I may. If it is true, and I heard that it was true that State officials don't -- are to do this -- that would just be outrageous, Mr. Brand.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Legislator Cilmi makes a good point. State officials are on recess. So if they are on recess, are they required to work during their recess? They could, but are they required to?

**P.O. LINDSAY:**

The only thing I can answer --

**LEG. MONTANO:**

I agree with Legislator Cilmi, I don't think that they are required to do that.

**P.O. LINDSAY:**

I don't know whether they are or not, but just to answer that, I mean, what do we meet, 14, 15, 16 times a year, most of our work is done in our district office in between meeting; you know, solving problems and helping constituents get through the maze of government and doing all kinds of thing.

**LEG. MONTANO:**

You can't do this work in 30 hours a week. It's much more.

**P.O. LINDSAY:**

Well, not only that. To insinuate -- you know, the timesheets, I went crazy when they gave me the regs that you can only put in eight hours a day, and, you know, you're not supposed to put in weekends, it has to be Monday through Friday. Our job isn't like that. I mean, the timesheets were

just erroneous. I mean, we just filled them out to appease a stupid regulation that shouldn't be applied to us. Okay. Anybody have any other comment? Yes, Legislator Muratore.

**LEG. MURATORE:**

Just for the record, I'm not part of this New York State and Local Retirement System, so I feel I'm not part of it, I just will abstain on the vote, because I don't contribute, I'm not part of the program, I shouldn't take part in the decision making.

**P.O. LINDSAY:**

That's fine. I think I have enough votes to override. We have a motion to override and a second. How about we just do all in favor? Opposed? Abstentions?

**MR. LAUBE:**

In the past, you've done vetoes with roll calls.

**P.O. LINDSAY:**

All right. Do a roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)**

**P.O. LINDSAY:**

Yes to override.

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

Yes.

**LEG. COOPER:**

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:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

No.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Abstain.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**MR. LAUBE:**

Fourteen.

**P.O. LINDSAY:**

Okay, that takes care of the manilla folder. Now we have to go to -- okay. Do we have an answer on 1608, George?

**MR. NOLAN:**

Gil is going to try to explain it.

**P.O. LINDSAY:**

Go ahead, Gil.

**COMMISSIONER ANDERSON:**

Okay. Both 1608 and 1530 have the same title. They refer to the land that the property fronts that we're going to transfer to. It doesn't refer to the actual property that we're going to transfer to. Within the WHEREAS', I think the Second in both, it identifies a separate lot; the first one being a half an acquisition, and the second one being .2/10s of an acre. So that's the difference. It's not in the title. I guess the devil is in the details. Correct, it's not error.

**P.O. LINDSAY:**

Okay. Do we have a motion on 1608 yet?

**MR. LAUBE:**

No, we don't.

**LEG. ROMAINE:**

Motion.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. We have completed the agenda.

Let's go to CNs in the red folder. ***1705 - A Charter Law to implement Two-Year Rolling Debt Policy under 5-25-5 Law to Mitigate Budgetary Shortfall. (Co. Exec.)*** Go ahead, Ed.

**LEG. ROMAINE:**

If there's a motion, I just want to speak to it. In the past, I've opposed this, I will continue to oppose this. This is an administration that claims that it wants to be fiscally responsible. And each and every year I've sat in this chair, I've watched the administration loosen our debt policies. And these are the small projects that should be funded as pay-as-you-go, not by bonding, not by going into debt. Each and every year I've made that point. The hour is late. I'm simply going to vote no. I think this is a mistake.

What it's saying is at certain levels -- you have to reach certain levels, 5000, 25,000 and 5000, before you go to bond. I mean, I remember this administration coming in to bond out a \$4000 improvement for Gabreski Airport. This is a mistake. If we did more pay-as-you-go and less debt, I think that would be a better way to approach it. I don't want to castigate anyone and I don't want to get on my soapbox, it's too late. But suffice it to say, I'm not going to support this -- an extension of this policy.

**P.O. LINDSAY:**

I hate to be the defender. Ms. Vizzini, didn't we already spend all the pay-as-you-go money? Didn't we do that to keep the health centers going?

**MS. VIZZINI:**

We had a million dollars in 2011 in the Operating Budget for pay-as-you-go. I'm going by my recollection. We do use a portion of that so as not to close Coram and not to defund Dolan. And I think there were some monies left, but I have to check.

**P.O. LINDSAY:**

Ms. Corso just came in the room. Come on forward, and maybe you can explain why we're doing this at this point. And do we have, in fact, and pay-as-you-go money left?

**MS. CORSO:**

I think that -- was it 500,000, Gail, that was used already? So at this point it would leave a million dollars. There isn't -- right, about a million, less than a million. There isn't -- there aren't really any projects that we adopted in the Capital Program as pay-as-you-go. It was the intent to use some of the money as pay-as-you-go for projects that may have fit, but considering the financial situation of the County, it's best that we pass the 5-25-5 and leave that money.

**P.O. LINDSAY:**

Okay. Can I ask, why is this a CN? I mean, why do we have to do this tonight at ten minutes to ten with no discussion?

**MS. CORSO:**

I think there's a few different reasons for this. One of them I believe is -- on the Vanderbilt, I think the roof -- you can't bond the roof. I think that has to be pay-as-you-go. No, I don't think that that fits.

**LEG. ROMAINE:**

We bond this all the time.

**P.O. LINDSAY:**

Yes, we just did it, just voted on it.

**LEG. ROMAINE:**

Mr. Presiding Officer, I'll make a motion to table. Let it go through the committee process. I think that would be better.

**MS. CORSO:**

I think the problem, though, is there are a few projects that have to go. And if you don't pass the 5-25-5, I have to use -- it won't be able to move forward. Is Gil here?

**LEG. ROMAINE:**

Again, Mr. Presiding Officer, I will make a motion to table.

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

I'll second it.

**LEG. ROMAINE:**

I think this should go to Budget and Finance. We will be here in two weeks. I don't think anything is happening in two weeks. If they can get an RFP out that quick, they can get a bid out that quick, that's news to me.

**MS. CORSO:**

The fact of the matter is, you guys took the money out of pay-go. There's not enough money in there to fund the projects.

**LEG. ROMAINE:**

I'm sure you'll make that argument at Budget and Finance.

**LEG. MONTANO:**

Ed, I think we should make a motion to commit as opposed to table, because if you table, I think it --

**LEG. ROMAINE:**

I make a motion to commit. Thank you.

**LEG. COOPER:**

I'll second.

**P.O. LINDSAY:**

Legislator Cilmi, you had --

**LEG. CILMI:**

Yeah. I guess with the motion to commit, I'll yield.

**MR. LAUBE:**

A couple of people took a second on that.

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

I'll second.

**P.O. LINDSAY:**

Okay. We have a motion to commit. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***1714 - Adopting Local Law No. -2011, A Charter Law utilizing Assessment Stabilization Reserve surpluses to enhance sewer capacity and provide tax relief. (Co. Exec.)***

Legislator Horsley, this is the compromise bill, right?

**LEG. HORSLEY:**

This is the compromise bill.

**P.O. LINDSAY:**

Motion by Legislator Horsley, I'll second it.

**LEG. KENNEDY:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

We've had a number of legal memorandum that were circulated regarding the requirements for a mandatory referendum in the past. And then I believe it was today or yesterday, there's an update from our County Attorney talking about a substantial change in legal position.

So George, why don't you enlighten us, since I haven't had a chance to look at that federal case? There's reference made to a decision out of the City regarding the Mayor's third term, and the County Attorney is pointing to that as being -- affecting our prior line of logic and reasoning compelling mandatory referendums. Have you had a chance to see it? Do you subscribe to it?

**P.O. LINDSAY:**

Before he answers, I just have to point out. That was never the Legislature's policy. We always contended that you didn't have to go back to referendum. It was the Executive Branch that always said we had to go to referendum. So it was changed by the Executive, not by us. Let Counsel answer.

**MR. NOLAN:**

I've been saying this, you know, since I got here that just because we enacted a law originally by referendum does not mean that if we change that law in the future, we have to do another referendum. What's required to go on the ballot as a mandatory referendum is governed solely by State Law. This is not required to go on the ballot as a mandatory referendum. Under State Law, it

does not have to be a mandatory referendum. I've said that over and over and over again through the years. You know, I've been vindicated at last, but the --

**LEG. KENNEDY:**

There you go. You know, you hang on long enough -- what the saying, the blind squirrel gets a chestnut?

**MR. NOLAN:**

-- County Attorney's opinion is correct, so we're on the same page when it comes to the referendum.

**LEG. HORSLEY:**

Should we discuss the compromise on that as well, George?

**MR. NOLAN:**

No.

**LEG. HORSLEY:**

Because it's in the bill.

**P.O. LINDSAY:**

Okay. We have Legislator Romaine and then Barraga.

**LEG. ROMAINE:**

Very quickly. I think the County Attorney might be revising her opinion, because she based it, if I'm not mistaken, on the Bloomberg case on term limits in New York City. But that legislation, when it was adopted by the City of New York, did not contain language for a mandatory referendum, so how can the Bloomberg case be set as precedent if the language isn't the same? If Dennis wants to answer that? As he is answering that -- I'll let him do that, because obviously I have a different point of view than our Legal Counsel.

But I would look at this bill -- and I've looked at it and I've read it and the revised version, I would say it reminds me of the spaghetti western, *The Good, The Bad And The Ugly*. The good, we all know the good. The Presiding Officer has put it clearly, and we know he is right. We need the money. But here's the deal. This is going to a debt reserve account or a retirement reserve account. Someone put in a permissive referendum. You've got to wait 60 days.

My friend, the County Executive, will not be able to include any of this money in his budget, because 60 days from now is going to be October 1st, and his budget is due the third Friday in September. He may be optimistic. But the good is it provides money for debt reserve and pension reserve. The good is it provides money for sewers and a little bit, too little, by the way, for alternative nitrogen removal systems. That's the good.

The bad: This is a reserve fund for 22 municipal districts. I've never seen it, the principle -- I've always adhered to the principle that special fund money could not be used for General Fund purposes. I'm wondering how we're doing that. I'm sure there will be some convoluted explanation, legal explanation that you can do it, but that's one of the bad. The second bad is what I -- I'll get to the ugly. The second bad is what Gail said. When we asked her questions about this, she indicated, look, you are going to have a surplus for about three years, and after that, you are not. At some point down in the future, you are going to destabilize to some extent the Stabilization Fund. And we may not be able, like, 2020, 2024 to keep that 3%, so when they make improvements or when they do, for example, the sewage treatment pipe that's going to cost, what, two or \$300 million, we may not have the reserve funds to keep the rates from escalating by more than 3%. That's the bad.

The ugly: This was adopted -- I was there, I was a cosponsor -- in 1987 by public referendum. And it was made abundantly clear to us by our then Legal Counsel Paul Sabatino, better known as P Number 2. He said, "This is a mandatory referendum. This cannot be changed except by a mandatory referendum." The public voted on this, not once, but six times they've changed this by mandatory referendum.

If we put it to mandatory referendum, they'll vote on the 8th. We'll use the money on the 9th November. We can use that money this year if the referendum passes on the 8th. I think we would be better to do this. I know, because I talk with people in the environmental community, they're very upset because they think if you can breach this, you can breach other things in the quarter percent, and they're very concerned. They'd like to see a mandatory referendum.

So for me, there's the good, the bad and the ugly. And at this moment it time, I don't know how I'm going to vote, because although there's objections in this bill that I find objectionable, as a Legislator, I don't get to write the bills, but I have to vote on them. And I got to weigh the good against the bad and the ugly. And, you know, hopefully -- it's dark and it's late at night and maybe that's when this will come to a vote, and I don't know what I will be doing. I have to tell you, there's a lot of questions and concerns about this bill.  
Thank you.

**P.O. LINDSAY:**  
Legislator Barraga.

**LEG. BARRAGA:**  
My comment -- before I make my comment, I'll just say that I certainly have read the articles and I would agree with Mr. Horsley and the Presiding Officer in terms of we need the money.

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

I am a sponsor of this particular bill and I will vote for the bill, but in my judgment, this bill stinks. Because what we're doing, we're going down the road of raiding funds. Forget the permissive referendum and the mandatory referendum; think of what you're doing here. When you start raiding funds, that's endemic of a spending and revenue problem, and it's getting worse. You raid this fund today, you will figure out a way, we will figure out a way to raid some other fund tomorrow. We're boxing ourselves into a corner.

And the sad part about this, we -- and Mr. Kennedy and I were discussing this a few minutes ago. You know, we've spent and read a great deal about this debt ceiling problem with the Federal Government; I've always felt, personally, that's a diversion. I was more concerned with the revised first quarter and second quarter GDP figures for this country. The first quarter initially 1.9, reserve; by the time they did a second look at that it was down to like 0.04%, that's the revised. And for the second quarter it was 1.3. Two negative quarters equal another recession. We are flat-lining in this country; that affects the revenues coming in to this County. And this is not the solution.

Is it a necessity based on where we are and where we're going? Yes, it is. But there are many great ideas that I've heard from different Legislators. I mean, Mr. Romaine has been talking about selling some buildings and leasing back. A lot of people have reservations about all of these different proposals, but we just keep on going down this path. And now we've reached -- it's like a watershed tonight. I think this is the first time since I've been here where we've actually raided a fund. And I have a feeling that probably this will continue, because I don't see us really getting a grip on the expense side or coming to a conclusion on some of the major problems that we face. We keep on postponing it, a lot of dialogue, we discuss it, we discuss it again, we come back in two weeks and we discuss it again and we keep on going down this road and it keeps on getting worse,

and this is the result. This is the result.

So I'll support the bill, but I want you to know, you know, personally I don't put the blame on anybody. I'm very disappointed that we have taken up this kind of legislation tonight because it's a very, very bad omen.

**P.O. LINDSAY:**  
Legislator Cilmi.

**LEG. CILMI:**

Thank you, Mr. Chair. I, too, am a cosponsor of this bill, but I prefer to look at it a different way. Yes, we need the money, but we need the sewers and we need some cesspool remediation. And the sewers could very well help our economy. Everywhere where we've seen sewerage in this County, we've seen greater economic development. So that component of this bill could be a tremendous help to our County in terms of improving our economy, in terms of creating jobs, in terms of generating additional tax revenue.

But inasmuch as I'm a cosponsor of this bill and support this bill, I appreciate Legislator Romaine's concerns, and I don't mind the suggestion that this should be put to a public referendum. I don't mind the suggestion that we should use more of the money towards cesspool and septic system improvements. In fact, I would go so far as to say, and I'm sure Legislator Romaine may agree with me, that maybe we should take half of the money that we're setting aside for sewers and use that in some way for cesspools and septic systems. Because although ideally we would have a County that was completely sewerage -- maybe not ideally, I don't know -- but the fact of the matter remains is that that's not going to happen, there's never going to be enough money to do that, in our lifetimes at least.

So while we have these cesspools that are near coastal waterways that are old and failing, why not take as much money as we can and try and improve those situations so that we're, to some degree or to a greater degree, mitigating the contamination to our bays, our surface water and our groundwater.

So I don't know if the County Executive or if Legislator Horsley, who crafted this bill, you know, in discussions with myself and others, have any amenability to changing the bill in those ways; but if so, I would support them. Thank you.

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

First of all, I'd like to commend Legislator Horsley. He has made a commitment to look at protecting our water by supporting sewers. And I don't want to say you have your mind in the sewer, but --

*(\*Laughter\*)*

But you've done a great job. And I know that this is a bill that came out of a spirit of compromise, but I can't support it. I can't support it because the title says, "Supplying, providing tax relief"; what a sham. We've been providing tax relief for the seven and a half years that this County Executive has been the County Executive, quote/unquote. We haven't raised the General Fund Property Tax in all these years. And you know what that means? That means we're just kicking the can down the road, that's all it means. Because our General Fund Property Tax is so low that it wouldn't be a tremendous burden if we said that our General Fund Property Tax could go up 2% or cost of living, whichever is lower, on a yearly basis; that was something that was proposed by AME; of course, you know, they have a reason to propose that.

But because we have had this artificial message that we're giving the public that we're so fiscally prudent, that we don't have to raise their taxes, we have, as a matter of fact, Legislator Barraga. We have been raiding funds for eight years. Every time I look at monies being taken out of the 477 account for Operating Budget, you know, we have to look over this County Executive's shoulder all the time because he's constantly raiding funds. We have programs in our Health Department that are paid for through Tobacco Settlement money, we sold that because of the sham that we have of tax relief. It's a sham. You know we have people who are health educators that go into our schools to work on the health standards established by the State of New York. We are going to run out of the money that's providing for those programs because we sold our Tobacco Settlement money funds. We can go on and on on how many funds have been raided here, because it's phony, phony budgeting.

You know, people understand that you have to raise taxes because things cost more, that's where the revenue comes from. That's why the Federal Government is so screwed up and that's why Wall Street reacted, because we had this debt ceiling that had to be -- this cap on the debt that had to be acted upon and so we came up with a, quote/unquote, compromise with no revenue. You know, the biggest sector that was losing jobs in the last quarter was government, because nobody wants to say the bad word "tax". You know it costs money to run anything.

Now, if we had -- if I had this bill before me saying that all of the money would be going for sewers -- and by the way, I asked your question, Tom. I asked Walter Dawydiak from the Health Department about cesspools and septic systems, and I asked him that specifically because our SPDES permit from the State now requires us to do an assessment of storm water -- offenses to our storm water and, you know, surface waters by cesspools and septic tanks that are not operating well, and they're doing an assessment of this. So I asked Walter Dawydiak at our Health Committee meeting, if some money of this money could be used to remediate those septic systems that are causing an offense to our surface waters and he said yes; and I think, Wayne, you agreed with that. So, in fact, this would allow us to work on cesspools and septic systems. Because you're right, we can't afford to sewer the entire County, and so when there is evidence that there are septic systems that are introducing coliform bacteria into our surface waters, we can use this money to remediate that.

So I would support this in a heartbeat if 100% of it were going to sewage and septic systems. But, guys, this is going to have to catch up with you eventually. You have to at some point say all 18 of us stand together -- and you know this isn't just because I'm not running next year, because I said this four years ago, I said this three years ago, I said this six years ago. Look at your taxpayers -- I've had charts showing people that if they were paying \$10,000 a year in real estate taxes and we raised their General Fund Property Tax by 2%, it would be the cost of a cup of coffee for that family at the end of the year. Right, it was my "Joe-for-Jobs", because I was trying to protect the child care industry, and we needed to get revenue; people can absorb that, people could understand that. But somehow, some way we've got to stop dodging it and have a little political courage. I can't support this because it's another lie. It's another lie. People voted in good faith to protect our environment and we're faking again. We're lying. It's a sham, and shame on us for perpetuating the sham.

**P.O. LINDSAY:**  
Legislator D'Amaro.

**LEG. D'AMARO:**  
Thank you. All right, first, this is the compromise bill. I think in the Budget Committee we had tabled both --

**LEG. HORSLEY:**  
Right.

**LEG. D'AMARO:**

The Chair is indicating yes. I wasn't privy to any negotiations or discussions, so the first thing I'd like to do is ask the Clerk to take my name as a cosponsor off of this bill, because it's not my bill and I wasn't part of that negotiation.

And I agree with Legislator Barraga that, you know, we shouldn't be raiding funds; and I agree with Legislator Vilorio-Fisher that that's exactly what we've been doing. You know, we can debate all night whether or not that was prudent, whether it was the right thing to do, whether it was protecting taxpayers; I think it was. But maybe it's time; maybe it's time not to kick that can down the road and maybe it's time that we face some tough decisions. So I'm ready to say that I'm not going to support this bill either. When we -- you know, when it comes time to do our budget and make those decisions, we'll face that at that time.

The third point I want to make, I want to ask BRO, you had mentioned in the Budget Committee that this surplus in this fund is not going to last; is that correct?

**MR. LIPP:**

Yes. We did a memo and we did say that it's based on projections and we did do some sensitivity analysis. With that being said, we thought that we would be able to keep it over 140 million through 2013; after that, based on our projections, it would start dropping below that.

**LEG. D'AMARO:**

It would start dropping. So, you know, we need the money today, but not too far down the road this fund and the sewer districts that it services will also need the funding. So, you know, it may be a good decision short-term, but long-term I think this is not the right way to go. We need the money, but so does the fund. It's not a source of revenue that's going to last for our debt relief or for funding for our septic systems or sewer systems. I don't think it's prudent at this time to raid the sewer stabilization reserve fund knowing that, projection-wise at least, in a couple of years there's nothing left and the fund is going to start to deplete itself. Especially in light -- I think there was some testimony at the Budget Committee that the smaller sewer districts don't even have the capacity to repay borrowed funds back into this.

So it's going to be more than just protecting against a 3% increase, it's actually helping to fund the smaller districts. So the money will be going towards sewers but maintaining what we already have, and that should be our first priority. As much as I am completely on board with get, you know, the new sewer systems up and running and all of that, we have to at least protect what we have. So I don't think it's prudent right now, in the face of these BRO projections, to take this money out of this fund when we know in a couple of years we're going to need that money to be there. And again, that kind of couples with my prior argument that, you know, let's make some tough decisions. You know, we need to have a real debate in this Legislature about how we're going to get through the next year, and I'm sure we're going to find a way to do it and that debate will happen later on in this year, but I don't think this is the way to go this early on.

And the last point I want to make is that I don't care about the legal opinion, whether or not you need a referendum or not. The fact of the matter is the voters voted to tax themselves through environmental preservation, and if we change that, I think throwing out whether there's a legal opinion or not, I think we should go back and ask the voters to approve this. Okay? As a matter of policy, just as a matter of policy, I think it's the right way to go.

So again, I'm going to ask the Clerk to take my name off of this bill. I was not part of this negotiation or compromise, and I think we should seriously consider, you know, taking a dose of strong medicine now, not passing this bill and then going into our budget season and figuring out what are we going to do. Do I think raising taxes is the solution? No, but I'm one opinion here, one out of eighteen. I think it's counterproductive. I think there are other things that we can do, but I

don't think this is one of them.

**P.O. LINDSAY:**

Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Yeah, this is certainly a tough one. And I certainly would feel much better if this was put on the ballot because, in general, I think it's a -- it's a good idea that I think the public would support. I'm uncomfortable with that bait and switch element here. You know, we could go and ask the public for a dedicated fund for food pantries and then switch it to, I don't know, rec centers or something. That's really -- it's not fair. We get the money based on an agreement.

There's more in it that I like, though, than I dislike. One is there's this pot of money for sewers, and we're doing all these sewer studies. We know there's no Federal money for sewers, we've got to build some sewers to get the economy going. We're finally going to have some money that we can leverage to make some sewers happen, so I like that about it.

There's money for alternatives. And I think if we're going to do that, you know, it will give people grants. We're going to have to set some really strong standards so we know that they're actually reducing nitrogen and we're getting the best bang for the buck and it's only going to areas where there's problems where these septic systems are impacting surface waters, but I think that can be worked out.

It does still maintain healthy reserves in the sewer district. But the thing that I like best about it, it's kind of like the reverse of a lot of the arguments I've made where we're taking whole County money and it ends up just going into a tax district in Western Suffolk. Now we're taking money from a tax district in Western Suffolk that largely came from sales tax revenue from the whole County and we're moving it back, I think about twelve million in the 2012 budget, back into the General Fund. I think that's fair. I like that about it. We are in trouble next year. We're facing a \$180 million shortfall. Twelve million dollars; boy, that can make a huge difference. We've still got a long way to go, but it's very hard to say no to that.

Look, I hate that our budgets are built on non-recurring revenues. This is one more, it's a non-recurring revenue. We've got to come up with a sustainable budget. But we also have to get into next year and have the County resemble the County that we know. We've got to deliver services that we're mandated to deliver. We're not going to close the prisons, you know? We're going to have to figure this out. And we need money. It sounds like the Presiding Officer, "We're broke"; well, we are. And I don't like the fact that we're not going to the public with a referendum, we should. But I also am compelled to say we've got to get some money, and \$12 million in next year's budget is a lot of money and I think I'm going to support it for that. But I would -- if we could figure out a way to put this on the ballot, I think the voters would support it as well and I think we should do that if there's time to do that.

**P.O. LINDSAY:**

Go ahead, DuWayne.

**LEG. GREGORY:**

I will be sporting this bill. And I appreciate the efforts of Legislator Horsley and the Administration coming up with a compromise. I do appreciate Legislator D'Amaro's and Romaine's comments and concerns about a public referendum. I don't like everything about it from a budget standpoint in the sense that, you know, someone used the word raiding different accounts or different funds. I think, you know, we should be in a better budget situation, but unfortunately, due to economic times, we're not and we have to do that.

I would be more in favor of a public referendum if this provision or this compromise didn't have a sunset. Since it has a sunset, I can live with it, obviously. If it were a permanent change, then I would certainly think that there should be a public referendum. You know, I support the efforts of the bill, as I said, and Legislator Horsley's efforts, and I think it's going to help us with our budget deficit and I encourage my colleagues to support it. We need to get as much funds from anywhere we can legally that we can get our hands on until we get through these tough times. I urge everyone to support the bill.

**P.O. LINDSAY:**

You want to speak, Legislator Horsley?

**LEG. HORSLEY:**

Go ahead. Did you want to speak?

**P.O. LINDSAY:**

Well, I was just going to ask Robert, what does this mean in terms of budget relief in '11 and '12?

**MR. LIPP:**

In terms of -- you're talking about for General Fund portion, it would be about \$20 million combined; five in '11, fifteen in '12.

**P.O. LINDSAY:**

Okay, that's all I wanted to know.

**LEG. BARRAGA:**

About 21 million.

**P.O. LINDSAY:**

Twenty-one million.

**LEG. HORSLEY:**

Fifteen in '12.

**MR. LIPP:**

Yes, correct, five plus fifteen.

**P.O. LINDSAY:**

I'm going to support this resolution because I don't know what else to do. I just don't know what else to do. You know, we're looking at a \$180 million hole. You read the articles this morning, the County Executive's planning to lay off people. I don't think we've got enough workers now to meet the needs of our citizens. If we take this on as a challenge now, \$20 million, to make up \$20 million you have to lay off a hell of a lot of people; I don't want to see that happen.

You know, we -- you know, weathered the worst recession since The Great Depression, and we weathered it. We came through it, we had some reserve funds, we made the right moves. And we're waiting for sales tax to come back, our revenue source; it ain't coming back yet. We've got to stay alive until that comes back. Simultaneously, the State's killing us; I mean, they're just killing us. Between -- again, you know how I feel about the pension costs. I think the increases are unwarranted, but it means \$86 million over the last two years. So, I mean, we could beat ourselves all we want that we didn't do this right, we didn't do that right, the hole that's before us, not all of our doing, is almost insurmountable. But if you take this \$21 million out of the equation, I don't -- I mean, first of all, we can't raise taxes enough to make up that hole, even if you had a mind to do that. You know, Legislator Vilorio-Fisher talked about a cup of coffee; you could raise the General Fund 10%.

**LEG. HORSLEY:**

Twenty.

**P.O. LINDSAY:**

Twenty percent, you could double it, it ain't enough to bail you out of this hole. So, I mean, I don't think anybody likes this bill. You know, I don't think anybody likes what we're doing here. But the fact of the matter is I don't know how to make up the \$21 million.

So I would hope that my colleagues would hold their nose and support this. All right? And Legislator Horsley, I appreciate his work on this. And the main change from the original bill, this policy was going to extend out to '21, 2021 I think was the original, and Legislator Horsley, you know, wait a minute, I don't want to go that far. I'll go along with it for two years, but I want us to relook at it in two years, and I think that was a very wise change. So that's really all I have to say. You want to say anything, Legislator Horsley?

**LEG. HORSLEY:**

Yes. I -- Jay, you wanted to say something first?

**LEG. SCHNEIDERMAN:**

But you also added the permissive referendum.

**LEG. HORSLEY:**

I did, the permissive referendum is in the bill, and agreed to that. You know, I take all your comments seriously. The reason why I got into this, the reason why I got into this, the reason why I challenged the County Executive on his bill was because he asked me to join in with him and, "This will be your opportunity to bring sewers to Suffolk County." I jumped in because of that reason. I've been to almost all of your districts over the last couple of years talking about sewers, talking about the economic development that can occur when you don't have to worry as much about property sizes and you can increase density in downtowns; all the smart growth that we talk about incessantly comes with sewers to the first -- the first place in which you have to go to bring smart growth to Suffolk County is you have to have infrastructure. And let me ask Robert this, let me reverse the comment, the question that the Presiding Officer asked you; how much will this bring to sewers in the first couple of years?

**MR. LIPP:**

It will bring 25, about 34 million in 2011-12 combined, and another ten million in '13.

**LEG. HORSLEY:**

Which is -- give me a total?

**MR. LIPP:**

Forty-ish.

**LEG. HORSLEY:**

Forty million dollars.

**MR. LIPP:**

Closer to 45, actually.

**LEG. HORSLEY:**

Closer to \$45 million for sewers. And each of you Legislators recall what your constituents were saying, recall -- Sara, you weren't here. Recall about Rocky Point, recall Kings Park, recall Patchogue, recall Mastic Beach, recall the Forge River, recall -- and I could go on and on. The north section of Babylon.

**LEG. GREGORY:**  
Wyandanch.

**LEG. HORSLEY:**  
Wyandanch.

*(\*Laughter\*)*

**LEG. D'AMARO:**  
Deer Park.

**LEG. HORSLEY:**  
Deer Park. How many times have the folks of Deer Park said, "What we need in this County is sewers"?

**LEG. D'AMARO:**  
And the Feds need to pay for it.

**LEG. HORSLEY:**  
And I agree with you. Now, the likelihood is that we're never going to be able to afford this on our own, and we know that. But 40% -- forty million, \$45 million is a good matching grant with the EFC of New York State, or maybe those Feds sometime will come around where they can fund something with infrastructure. This opens up the possibilities of changing our County. And it's not only economic development, it is also environmental. Let's save the Forge River. You want to save the Forge River? Put in sewers.

**LEG. EDDINGTON:**  
What kind of vitamins are you taking?

**LEG. HORSLEY:**  
This is late at night, too, guys. You know, that -- that is the reason why I got involved with this. And I don't want --

**LEG. NOWICK:**  
Hey, what does he got there?

*(\*Laughter\*)*

**LEG. HORSLEY:**  
I implore you, don't lose the opportunity. I recognize the faults of this bill, that's why it was a compromise. And as they say in Washington, compromise stinks, but it might be the best thing for us.

**P.O. LINDSAY:**  
Okay. I'm exhausted just listening to him. Can we vote?

**LEG. MONTANO:**  
We're half an hour over our six hours, right.

**P.O. LINDSAY:**  
All right. Where are we with resos? Do we have a motion and a second?

**MR. LAUBE:**  
That's correct.

**P.O. LINDSAY:**

And we don't -- we just have a motion to approve and a second?

**MR. LAUBE:**

That's correct.

**P.O. LINDSAY:**

Okay. Roll call.

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

**LEG. HORSLEY:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

No.

**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:**

Abstain.

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

No.

**MR. LAUBE:**

Fifteen (Opposed: Legislators D'Amaro & Vilorio-Fisher - Abstention: Legislator Romaine).

**P.O. LINDSAY:**

Okay. 1666, Amending -- we're in the CN file yet.

*1666 - Amending Resolution No. 560-2010 and amending the 2011 Capital Budget and Program to increase funding in connection with improvements to North Highway, CR 39, from Sunrise Highway to Montauk Highway, Town of Southampton (CP 5528.311) (Co. Exec.)*

**LEG. SCHNEIDERMAN:**

I make a motion.

**P.O. LINDSAY:**

Motion to approve by Legislator Schneiderman.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Second by Legislator Browning.

**LEG. SCHNEIDERMAN:**

I think this just reflects the fact that we have more Federal or State money, Marchicelli funds in this project. It's already an approved project. Gil, this -- I think it did go through committee. I think just the numbers have just been adjusted to reflect -- we got a little bit more money from the State or from the Federal Government here?

**COMMISSIONER ANDERSON:**

We have -- this was brought -- I advised the committee that we were going to be submitting a number of CN's because of the issue of timing of Federal funding. This particular one, we have the ability to -- let me step back. We, again, are about to go out to bid with this project, we did a final estimate. We've added a grade crossing work to the project which will allow us to increase, you know, the lanes for this project; that's added additional cost, brought the project cost total from 4.8 million to 5.085 million. And we are able to take advantage of Federal funding, and that's the reason for this legislation.

**P.O. LINDSAY:**

And the County share is \$50,000 --

**COMMISSIONER ANDERSON:**

Correct.

**P.O. LINDSAY:**

-- of the \$5 million project. Okay. Do we have -- we have a motion and a second. Any other questions? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

And I don't have --

**MR. NOLAN:**

We have a Bond, yes.

**P.O. LINDSAY:**

Yeah, we have a Bond; I don't see that, George.

**MR. NOLAN:**

We never get the Bonds, but the Bond was issued.

**P.O. LINDSAY:**

Okay. So can I just take a vote on it?

**MR. NOLAN:**

You can vote.

**P.O. LINDSAY:**

Okay, so on the accompanying Bond Resolution, *1666 A - (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$248,000 bonds to finance a part of the cost of the rehabilitation of CR 39, North Highway, from Sunrise Highway to Montauk Highway (Phase 3) (CP 5528.311)*, same motion, same second. Roll call.

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

**LEG. SCHNEIDERMAN:**

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. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, *1667 - Appropriating funds in connection with the purchase of Hybrid Electric Vehicles of various models for County fleet and accepting Federal Aid (CP 5601) (Co. Exec.)*

And again, it looks like 80/20; 80 by the Feds, 20 by us. Do I have a motion?

**LEG. BARRAGA:**

Motion.

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

I'll make a motion.

**P.O. LINDSAY:**

Motion by Legislator Barraga, second by Legislator Viloría-Fisher. All in favor?

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

I just have a question.

**P.O. LINDSAY:**

Yes, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, thank you. I just had a quick question for the Commissioner. And the last bill, also, we're not -- you know, we have a committee process coming up next week. I'm curious why we're doing these by CN. I mean, you know, we're talking about two weeks in a cycle. Why are we not -- why are we doing a CN here?

**COMMISSIONER ANDERSON:**

Because of the timing. There are certain time limits that we have to meet; for whatever reason, we did not submit these in a timely enough manner to get them. If we go through the normal Legislative cycle, we are likely to lose the ability to fund these projects that we're going to be discussing tonight, and that's the only reason we submitted them as CN's rather than go through the cycle.

**LEG. D'AMARO:**

The reason why I ask is because, you know, I'm looking -- there's a bunch of these coming up and, you know, we have debates here all day, and people are certainly talking about debt and really not getting an opportunity to -- you know, when you start adding up all these resolutions, it's substantial. We're not having an opportunity to even talk about this in committee, we're kind of like looking at these at the last minute and just authorizing further and further debt for the County without any real discussion. So I think for that reason I'm going to abstain on these.

**P.O. LINDSAY:**

Okay. Anybody else?

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

Question.

**P.O. LINDSAY:**

Legislator Vilorio-Fisher.

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

Gil, are these cars bought in Suffolk County? How does that work?

**COMMISSIONER ANDERSON:**

Um --

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

Are they bought from dealers, dealerships?

**COMMISSIONER ANDERSON:**

If the dealership -- they're put out to bid. They're funded through the CMAQ funding. We put out to bid specific vehicles if a manufacturer makes -- it's CNG vehicles, that's what these will be for. So if a manufacturer -- I don't know the two brands that --

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

Well, I saw Prius' here, for example.

**COMMISSIONER ANDERSON:**

Yeah.

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

Would it be from the Riverhead Toyota?

**COMMISSIONER ANDERSON:**

We would put it out to bid. And assuming Toyota is interested in bidding with and doing work with us, they would put in the bid.

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

I see. Okay.

**P.O. LINDSAY:**

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

**LEG. D'AMARO:**

Abstain.

**MR. LAUBE:**

Seventeen (Abstention: Legislator D'Amaro).

**P.O. LINDSAY:**

And there's the accompanying Bond, *1667 A - (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,375,000 bonds to finance the cost of the purchase of hybrid vehicles (CP 5601.512)*, same motion, same second. Roll call.

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

**LEG. BARRAGA:**

Yes.

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

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Abstain.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

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.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen (Abstention: Legislator D'Amaro).

**COMMISSIONER ANDERSON:**

If I may, Mr. Presiding Officer? I just want to make one correction. It wasn't for 60 CNG vehicles, it's for 60 hybrid electric vehicles. Still Federally funded, CMAQ funds.

**P.O. LINDSAY:**

Yeah, but my -- no, it says electric in the reso.

**COMMISSIONER ANDERSON:**

Right.

**P.O. LINDSAY:**

The next one is gas.

**COMMISSIONER ANDERSON:**

Correct.

**P.O. LINDSAY:**

*1668 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with the purchase of Compressed Natural Gas (CNG) Vehicles of various models for County Fleet and accepting Federal Aid (CP 5602). (Co. Exec.)* Okay.

Do I have a motion?

**LEG. BROWNING:**

Motion.

**LEG. KENNEDY:**

I'll make a motion, Mr. Chair.

**P.O. LINDSAY:**

Motion by Legislator Kennedy. Second by Legislator Browning. This is for 50 vehicles and this is one eight by the Feds and 450 by us; is that right?

**COMMISSIONER ANDERSON:**

The --

**LEG. KENNEDY:**

Just one quick --

**P.O. LINDSAY:**

Go ahead.

**COMMISSIONER ANDERSON:**

Okay, the share is correct, it's 450 by us and one eight by the Feds. It's for 134 CNG vehicles.

**LEG. KENNEDY:**

Just one quick question, Mr. Chair?

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Okay. Gil, when we start to take delivery on these, are we going to be retiring any of our existing fleet?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. KENNEDY:**

Okay. So we'll basically be looking at a one-for-one?

**COMMISSIONER ANDERSON:**

Yes.

**LEG. KENNEDY:**

Okay. Thank you.

**P.O. LINDSAY:**

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

**LEG. D'AMARO:**

Abstain.

**MR. LAUBE:**

Seventeen (Abstention: Legislator D'Amaro).

**P.O. LINDSAY:**

On the accompanying Bond Resolution *1668 A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,250,000 bonds to finance the cost of the purchase of Compressed Natural Gas (CNG) Vehicles of various models for County fleet (CP 5602.513),* roll call.

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

**LEG. KENNEDY:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Abstain.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

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.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen (Abstention: Legislator D'Amaro).

**P.O. LINDSAY:**

Okay. Next, **1669 - Appropriating funds in connection with the County share for participation in the construction of Compressed Natural Gas (CNG) Fueling Facilities (CP 5603, PIN 075961). (Co. Exec.)** I guess if we're buying the vehicles, we better have the fueling facilities, huh? I'll make a motion.

**LEG. BARRAGA:**

I second it.

**P.O. LINDSAY:**

Second by Legislator Barraga. And Federal aid on this one is three million three thirty-five. And our cost is 330,000; am I reading that right?

**COMMISSIONER ANDERSON:**

My understanding for the CNG fueling facilities is --

**P.O. LINDSAY:**

Is 100%, is that it?

**COMMISSIONER ANDERSON:**

It appropriates 500,000 for planning for the new CNG facilities. It's not actually for the construction. This is CP 5603. Again, it's Federal money, yes.

**P.O. LINDSAY:**

Does Budget Review know --

**MS. VIZZINI:**

What's the question?

**P.O. LINDSAY:**

What is our share?

**MS. VIZZINI:**

This is a block grant, a Community Development Block Grant of 3.3 million and it basically is saying that -- it doesn't appear that we have a share.

**P.O. LINDSAY:**

Wait a minute.

**MR. CHAMBERLAIN:**

Mr. Presiding Officer?

**P.O. LINDSAY:**

Yes?

**MR. CHAMBERLAIN:**

It appears that there's a mistake in the collating. The bill that's before you is 1669.

**P.O. LINDSAY:**

Right.

**MR. CHAMBERLAIN:**

And the caption bill on page two is for a HUD Grant.

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

1696.

**LEG. ROMAINE:**

Is this for Community Development Block Grant funding?

**MR. CHAMBERLAIN:**

No, sir. The bill that we're discussing is the CNG bill.

**P.O. LINDSAY:**

Ah, yeah. Thank you.

**MR. CHAMBERLAIN:**

There's a mistake in the collating.

**P.O. LINDSAY:**

Now it makes a little more sense. I was trying to figure out how we got the block grants into the CNG facility.

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

It's a neat trick. We're going to have them in apartment houses.

**P.O. LINDSAY:**

Are we going to -- is somebody going to get us -- is it our folks that did that?

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

Can we just send this to committee? I think they should all go to committee, it's two weeks.

**MR. CHAMBERLAIN:**

Can we skip over this and we'll clear it up, myself and Ann Marie?

**P.O. LINDSAY:**

All right.

**MR. NOLAN:**

What's the right number?

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

1669.

**MR. NOLAN:**

It says 1696 on the resolution.

**P.O. LINDSAY:**

Yeah, I know, but it's the -- yeah, the resolution doesn't go with the cover page.

**MR. NOLAN:**

Right.

**P.O. LINDSAY:**

One's 1669, the other is 1696.

Okay, *1670 - Authorizing the County Executive to execute an agreement with the Metropolitan Transportation Authority (MTA)/Long Island Railroad (LIRR) for entry upon lands owned by railroads, in connection with improvements to CR 39, North Road in the vicinity of Flying Point Road Crossing, Town of Southampton, Suffolk County, New York (CP 5528). (Co. Exec.)* This has to do with the expansion of 39; is that it?

**COMMISSIONER ANDERSON:**

That's correct.

**LEG. SCHNEIDERMAN:**

This is drainage structures, right?

**COMMISSIONER ANDERSON:**

Well, this is the expansion of 39, too. This is the project that we just --

**LEG. SCHNEIDERMAN:**

Yeah. No, but it's drainage related to the 39 project, right?

**COMMISSIONER ANDERSON:**

Yes.

**P.O. LINDSAY:**

Okay. We have a motion by Legislator Schneiderman. Do I have a second? Second by Legislator Browning. Yes, Legislator D'Amaro.

**LEG. D'AMARO:**

Very quickly. Is there a cost to the County on this, or is it -- is there a cost to the easement?

**COMMISSIONER ANDERSON:**

This was -- this allows us to go in there and do the work that's needed to do -- to be done. It was -- the funding and everything was appropriated in the earlier funding resolution.

**LEG. D'AMARO:**

Okay. Just a point of order. What happened to the prior bill; we're just waiting on that?

**P.O. LINDSAY:**

We skipped over it until the collation can be corrected, if possible.

**LEG. D'AMARO:**

Okay.

**P.O. LINDSAY:**

Okay. We have a motion and a second on 1670. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. Next, **1671 - Authorizing the County Executive to request a public hearing from the New York State Department of Transportation and execute an agreement with the Metropolitan Transportation Authority (MTA)/Long Island Railroad (LIRR) for entry upon lands owned by railroads, in connection with improvements to CR 100, Suffolk Avenue in the vicinity of Brentwood Road Crossing, Town of Islip, Suffolk County, New York (CP 5065). (Co. Exec.)**

**LEG. MONTANO:**

Can we get an explanation on this, Gil?

**COMMISSIONER ANDERSON:**

Yeah, this is -- this is part of the project that's already under construction. Part of what we need to do to be able to expand the grade crossing on Brentwood Road is to have a public hearing. We found out from the State that we have to have a formal Legislative approval for that public hearing, so that's what this is, is just more or less, I guess, a pro forma that states that we agree and we're going to go -- we're going to have a public hearing. The Public hearing has been set by New York State for August 17th already. So that's the reason, number one, because we are under construction already and, number two, because they've set the date and we don't want to postpone it any farther back. We ask for it to be put in as --

**LEG. MONTANO:**

Where's the public hearing going to be, do you know?

**COMMISSIONER ANDERSON:**

I believe it's actually Upstate.

**LEG. MONTANO:**

Oh, it's Upstate? All right, I'll make a motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro -- Legislator Montano. All right, let me get a second and then I'll recognize you, Legislator D'Amaro. I'll second it. Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. I don't have time to read the 20-page agreement that's attached to this, but I do notice on the first page that there's a cost not to exceed 449,000 and change. Who pays that; is that to us or the County incurs that?

**COMMISSIONER ANDERSON:**

That is, I believe, what is already currently anticipated to be spent on the widening of that grade crossing. It was already appropriated, so this is not any additional cost.

**LEG. D'AMARO:**

All right, so that's part of our Capital Project.

**COMMISSIONER ANDERSON:**

Yes.

**LEG. D'AMARO:**

Okay, thank you. Thank you.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Opposed: Legislator Nowick).

**P.O. LINDSAY:**

Okay. *1672 - Accepting and appropriating Supplemental Adult Funds from the New York State Department of Labor for the Workforce Investment Act (WIA) Program. (Co. Exec.)*

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

Motion.

**P.O. LINDSAY:**

It's \$157,000, 100% Federal. We have a motion by Legislator Viloría-Fisher. I'll second that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1674 - Accepting and reappropriating 100% funding for Program Years 2009 and 2010 Adult, Dislocated Worker, Youth and Administrative Funds from the New York State Department of Labor for the Workforce Investment Act (WIA) Program. (Co. Exec.)*

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy, seconded by Legislator Viloría-Fisher. It's two million bucks. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1675 - Accepting and appropriating the 100% funded Summer Jobs Express! Program grant from the New York State Department of Labor for the Workforce Investment Act (WIA) Program. (Co. Exec.)*

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

I'll make a motion, but --

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher and I'll second it.

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

George, I know it's hard with these that you're trying to read them so quickly, but isn't summer almost over?

**P.O. LINDSAY:**

Well, that's why we've got to do it by CN.

(\*Laughter\*)

**LEG. CILMI:**

It goes to September 30th.

**MR. NOLAN:**

Yeah, through September 30th.

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

So for the next month we --

**MR. NOLAN:**

I don't know if they can go back and recapture, you know, for hiring kids earlier, or people earlier, but it goes -- the program is from 6/13 through 9/30, a hundred percent Federally funded.

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

Yeah. I mean, I'm not going to turn the money away, I'm just curious as to the timing.

**P.O. LINDSAY:**

Does the Administration know anything about that? I mean, can we -- if we approve this tonight, will this cover us for the whole summer? Will we get funding for kids that we've hired already?

**MR. CHAMBERLAIN:**

I believe they're trying to draw down the funds as soon as they get the Federal -- the Federal aid.

**MR. NOLAN:**

Can we go back?

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

We'll find kids and send them to you.

**P.O. LINDSAY:**

Can we go back, though? If we hire kids June 13th --

**MR. CHAMBERLAIN:**

I don't know that answer.

**LEG. D'AMARO:**

Just for the record.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah. I know it's late, but the letter that says, "Congratulations, you have the grant," it is attached and it's dated June 20th, and I think this is the first meeting after that date, if I'm not mistaken.

**P.O. LINDSAY:**

No, wasn't our meeting June 23rd, wasn't it, the June meeting?

**MR. NOLAN:**

After the 20th.

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

It's congratulations and then they all reflect a 13% reduction (laughter).

**LEG. D'AMARO:**

Yeah, "Congratulations; we're giving you less."

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

A 13% reduction.

**LEG. D'AMARO:**

Yeah, I noticed that. They should include the health centers in there.

**P.O. LINDSAY:**

Our June meeting was the 21st. All right, so maybe this is the first meeting we had. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1693 - Accepting and appropriating \$22,656 additional Federal pass through grant funds from the NYS Department of Criminal Justice Services to the Suffolk County Department of Probation for the S.T.O.P Violence Against Women Act Program with 100% support. (Co. Exec.)*

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

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1694 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Health Services: Special Education Coordinator (Spanish Speaking). (Co. Exec.)*

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

Motion.

**P.O. LINDSAY:**

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

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Second by Legislator Browning.

**LEG. MONTANO:**

A Special Education Coordinator? Question.

**P.O. LINDSAY:**

Yes, Legislator Montano.

**LEG. MONTANO:**

Why doesn't this go -- why does this have to be approved by CN; why doesn't it go to committee?

**P.O. LINDSAY:**

I have no idea. Does Mr. Kopp know that?

**LEG. MONTANO:**

You know what? I'm going to make a motion to commit.

**LEG. D'AMARO:**

I'll second the motion to commit.

**MR. KOPP:**

I think this is another case of we've had the lag in meetings and we had to move along because we're getting back towards the Fall and things start picking up again. And what the department is finding is that their Special Education Coordinators are running into a number of clients in western Suffolk who speak Spanish and we want to be able to address that when the Fall school year begins.

**P.O. LINDSAY:**

Okay. We have a motion to commit and motion to approve; is that correct?

**MR. LAUBE:**

Could you -- yeah. Could you repeat the motion to commit and the second? The motion and the second to commit?

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

Montano and D'Amaro.

**MR. LAUBE:**

Thank you.

**P.O. LINDSAY:**

Anybody else want to talk on this?

**LEG. D'AMARO:**

I just -- I don't know the impact. You know, I don't even know what I'm voting on here. So I'm going to certainly support committing it. It's only a two week cycle; I don't see the harm in that.

**LEG. MONTANO:**

Yeah, I think it should -- all these positions should be vetted properly. And I don't know if there's a candidate or what's going on with this, but I think we should know.

**LEG. D'AMARO:**

And it's an amendment to the Operating Budget.

**P.O. LINDSAY:**

Okay. We have a motion to commit and a second, that goes first. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

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

I oppose.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Barraga & Viloría-Fisher).

**P.O. LINDSAY:**

All right, it's committed.

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

And here's the real 1696.

**P.O. LINDSAY:**

Yeah, I know. Let me just finish this. Okay, we have no 1695, right?

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

Right.

**MR. NOLAN:**

No. 95.

**P.O. LINDSAY:**

*1696 - Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development and authorizing the County Executive to execute agreements. (Co. Exec.)* I'll make a motion.

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

I'll second it.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1697 - Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development for an Emergency Shelter Grants Program and authorizing the County Executive to execute an agreements. (Co. Exec.)* I'll 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.

**P.O. LINDSAY:**

*1698 - Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development for a Home Investment Partnerships Program and authorizing the County Executive to execute agreements. (Co. Exec.)* Same motion, same second, same vote all right?

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

Fine with me.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

1706 - authorizing the lease of premises in the town -- we did this already, okay.

***1707 - 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. (Co. Exec.)***

**MR. NOLAN:**

We did pass this originally, but what happened was it was passed and the County Executive signed it before the State actually passed the authorizing legislation. So we have to pass this resolution again.

**LEG. ROMAINE:**

So we're voting twice.

**MR. NOLAN:**

Yeah, the State told us it's -- our prior resolution is not effective because it was passed and signed before the State Legislature acted, so we have to do this again.

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

Do we have a motion? Okay, I'll make a motion to approve, seconded by Legislator Lindsay. Okay, on the motion?

**LEG. MONTANO:**

Yeah. Do we have a record? So we're voting on the same thing we voted on prior. Do we have a record of the vote that was recorded last time; does anyone have that? Because quite frankly, I don't remember how I voted and I haven't had a chance to read this.

**LEG. SCHNEIDERMAN:**

Can I just say maybe what this is? This is that 1%; if we don't have this we're short like \$300 million, so.

**LEG. MONTANO:**

That's the problem with the C of N; I'm looking at it and I'm like what is this? Okay.

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

Okay. So we have a motion to approve and a second. All in favor? Opposed?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. We'll go back, we have the ***corrected 1669***, I've got the cover page and now we've got the proper resolution; ***appropriating funds in connection with the County share for participation in the construction of Compressed Natural Gas (CNG) Fueling Facilities (CP 5603, PIN 075961)***, and it's \$500,000, the Federal aid is 400,000; is that right, Gil?

**COMMISSIONER ANDERSON:**

Correct.

**P.O. LINDSAY:**

So we have to put up 100,000, they put up 500,000. I'll make a motion.

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

I'll second it.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher. Any questions?

**LEG. D'AMARO:**

Just on the motion.

**P.O. LINDSAY:**

Yes, Legislator D'Amaro.

**LEG. D'AMARO:**

I just want to point out again for the record I'm going to abstain because, again, these four resolutions add up the County portion about 1.2 million it looks like and, you know, we're debating here all day, you know, spending a hundred thousand, 200,000, bonding, whether or not we should be waiving pay-go. There's a lot of issues about debt and about bonding and I really think these should be going through committee, so I'm going to abstain.

**P.O. LINDSAY:**

Anybody else? Okay. We're not over yet, so don't leave, okay? We have a motion and a second to approve 1669. All in favor? Opposed? Abstentions?

**LEG. D'AMARO:**

Abstain.

**MR. LAUBE:**

Seventeen (Abstention: Legislator D'Amaro).

**P.O. LINDSAY:**

***1669 A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance the cost of the design in connection with the construction of Compressed Natural Gas (CNG) fueling facilities (CP 5603.110), same motion, same second.***  
Roll call on the Bond.

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

**P.O. LINDSAY:**

Yes.

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

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Abstain.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**MR. LAUBE:**

Seventeen (Abstention: Legislator D'Amaro).

**P.O. LINDSAY:**

Okay. Yellow folder, I'll make a motion to waive the rules and lay on the table the following Late Starters: 1708 to Ways & Means; 1709 to Public Works; 1710 to EPA; 1712 -- right, there's no 11? 1712 to EPA; 1713 to EPA; 1715 to Public Safety; 1716 to EPA, set the public hearing for 8/16, Riverhead, 2:30 p.m.; 1717 to Ways & Means; 1718 to Public Works; 1719 to Ways & Means and set the public hearing for August 16th, 2:30 in Riverhead; 1720 to Labor, Housing, Consumer Protection, set a public hearing for 2:30, August 16th, 2:30 in Riverhead; 1721 to Ways & Means; 1722 to Parks; 1723 to Ways & Means and set a public hearing for August 16th, 2:30 in Riverhead; 1724 to Ways & Means, set a public hearing for August 16th, 2:30 in Riverhead; 1725 to Public Works; 1726 to Health & Human Services; 1727 to Public Works; 1728 to Public Works. Do I have a second to that?

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

Second.

**P.O. LINDSAY:**

Second to that motion. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

I'll make a motion to adjourn.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

We stand adjourned.

*(\*The meeting was adjourned at 10:55 P.M. \*)*

*{ } - Denotes Spelled Phonetically*