

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

THIRTEENTH DAY

SEPTEMBER 15, 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**

Testimony Taken By:

Lucia Braaten & Alison Mahoney - Court Reporters

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

(*THE MEETING WAS CALLED TO ORDER AT 9:38 A.M. *)

P.O. LINDSAY:

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

MR. LAUBE:

Good morning, Mr. Presiding Officer.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. ANKER:

(Not Present)

LEG. EDDINGTON:

(Not Present)

LEG. MONTANO:

Here.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

(Not Present)

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Fourteen.

LEG. ANKER:

Here.

MR. LAUBE:

Fifteen. (Not Present at Roll Call: Legs. Schneiderman, Eddington and Nowick)

P.O. LINDSAY:

Okay. Could everyone rise for the presentation of our colors? The Color Guard this morning is Ed O'Shea from one of our veterans organizations from Brentwood, and Charlie Armstrong from another veterans organization from Greenlawn.

*(*Presentation by Color Guard*)*

Also in attendance is Suffolk County Commander Thomas Bergen. And our Pledge will be led by Legislator Wayne Horsley this morning.

*(*Salutation*)*

Thank you, gentlemen. Our visiting Clergy will be introduced by Legislator Wayne Horsley.

LEG. HORSLEY:

Good morning. I am -- it's my pleasure to introduce the Reverend Dr. Joanne Bond, who received her B.S. Degree in Business Management in Communications from Adelphi University in Garden City. She has earned a Masters of Divinity from the New York Theological Seminary in New York City, and a Doctor of Ministry from the Lutheran Theological Seminary in Philadelphia. Pastor Bond currently serves as Pastor at Cross of Christ Lutheran Church in Babylon. Reverend Bond also is a resident of Babylon. And I may want to say, also, that Reverend Bond is a true member of the Babylon Village, Babylon area community, and she -- I draw special attention to the fact that the Lutheran Church in Babylon Village has reached out to our poor people's in the Town of Babylon, working with a clergy cluster in feeding so many peoples that are unable to secure food in this society and the problems in which we have today. And I am just honored, honored to introduce Reverend Bond, because she truly is a woman of God, and that is -- and I say that with the utmost respect, because she cares for

our community, and what better calling is that? Reverend Bond?

PASTOR BOND:

Thank you very much. Thank you for your help. Last Sunday was a very difficult time in our nation and our community. As we continue to pray for peace, this Sunday, September 18th is a day we commemorate Dag Hammarskjold as a renewer of society. Dag Hammarskjold was born in Sweden in 1905, the son of the Prime Minister. He studied law and economics, and he worked in Civil Service in Sweden. He began work with the United Nations and was later elected as Secretary General of the U.N. He died in a plane crash in 1961. Dag Hammarskjold worked for peace in his work as an international civil servant and Diplomat. His book *Markings* was published after his death. And I'd like to offer a brief prayer and close with a brief prayer from *Markings* by Dag Hammarskjold. Let us pray.

We ask the Lord's blessing for those who serve the citizens of Suffolk County. Bless the proceedings of this day. Bless our land with peace and healing. And from the words of Dag Hammarskjold, "Have mercy upon us. Have mercy upon our efforts, that we before thee in love and in faith, righteousness and humility, may follow thee with self-denial, steadfastness and courage, and meet thee in the silence. Give us a pure heart, that we may see thee, a humble heart, that we may hear thee, a heart of love, that we may serve thee, a heart of faith, that we may live." In your name we pray. Amen.

*(*Amen Said in Unison*)*

P.O. LINDSAY:

Thank you, Reverend. Before we sit down, I'd like a moment of silence for former Legislator Nora Bredes, who passed away recently at the age of 60 after a long battle with cancer. Ms. Bredes served as a Legislator from 1992 to 1998, representing the Three Village area of northern Brookhaven Town. She will always be remembered as a primary organizer of the grassroots campaign that kept the Shoreham Nuclear Power Plant on the North Shore of Long Island from opening in the 1980's. And around here, she was the cosponsor of the original smoking legislation that was first started here in Suffolk County and has really swept all over the world. And she was also very much involved in the land preservation movement that this County has been involved in for the last 20 years.

Also, last Sunday, as was alluded by Pastor, we'll also remember all the victims of the terrorist attack of September 11th, 2001. And those people should never, never ever be forgotten. As Americans, we should remember them and remember the lesson of that horrendous, horrendous day. We are all Americans, no matter how great or how small. Every act of patriotism makes the nation stronger. Every act of kindness fills the nation's heart. Every act of service makes the nation more whole. God bless the souls of 9/11 and God bless America.

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

*(*Moment of Silence*)*

P.O. LINDSAY:

Thank you. You may be seated. In the last month, Suffolk County, like the whole Northeast, suffered under the thumb of Hurricane Irene, and there was an awful lot of people without power, and an inconvenience, certainly, and there was a tremendous loss of business and whatever. The effects of the hurricane could have been much, much worse if it wasn't for many, many of our citizens that stepped up to the plate and really filled in the void where our recovery efforts or our

emergency efforts kind of failed. And we have a number of them here this morning that we would like to pay tribute for two, for going above and beyond their responsibilities and their commitment to keep our community safe, to keep our citizens safe. And throughout that whole horrendous event, considering the amount of trees that came down and the amount of power, people that were without power, there was no fatalities, and that's a pretty amazing thing.

First up, is we have the Superintendent of the Hampton Bays High School, Lars Clemensen. And Legislator Schneiderman was supposed to give Lars the proclamation, but he called and he's stuck in traffic, so I'm going to give the proclamation to Mr. Clemensen. Come on forward, Lars.

Lars Clemensen, for anybody that might be interested, is the Superintendent of Schools of Hampton Bays. He's the youngest Superintendent in the State of New York, and he's doing a bang-up job, he really is. When our emergency service people, FRES, approached them about being a shelter provider, they readily agreed. And the deal was they were supposed to provide the high school, turn over the keys to the Red Cross and then really walk away. And as it turned out, there were some glitches, and when Lars got there, when the shelter opened, there wasn't enough people to staff it. There really -- the food supply was kind of inadequate to feed what amounted to more than 300 people that sought the shelter. Lars spent the whole weekend there, slept in the building, called in his public safety people, called in his janitorial people, went out and spent money to feed these folks, got all kinds of donations from the Hampton Bays community of food, probably what, to the tune of \$10,000?

MR. CLEMENSEN:
Cost?

P.O. LINDSAY:
Yeah, yeah, to feed these folks. The problem was that the meals that were supplied were microwavable meals. They didn't have any power.

*(*Laughter*)*

All they had was an emergency generator. So we just want to say thank you. Thank you for filling in that void. And your school district and yourself were one of many people across our County that filled in that void and really probably saved some lives, and certainly made people more comfortable when they were told to evacuate their homes.

MR. CLEMENSON:
Thank you.

P.O. LINDSAY:
But on behalf of the County Legislature, we have a proclamation signed by actually 17. Legislator Schneiderman, as soon as he gets here, he'll sign it. All right? Thank you.

*(*Laughter*)*

But thank you again. Would you like to say anything?

MR. CLEMENSON:
Sure. Thank you, Legislator Lindsay, and to the entire Legislature. My colleagues that ran the shelter and other school districts as well, I think we'd be -- we're ready and willing to do it again. We're working with the Red Cross and the County to make sure that next time we're better prepared, we're in a ready position. And we thank you for the recognition. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Legislator Browning will present a proclamation to Superintendent Mark Nocero and Vice President Kenneth Cooke of the Eastport-South Manor School District for their service to the community as an emergency evacuation shelter during Hurricane Irene.

LEG. BROWNING:

Good morning. I think Legislator Lindsay said it very well. We had in my district, the Mastic Beach community was evacuated and they were sent to a number of shelters, Eastport-South Manor and also the Longwood School District. So I am here to say a special thank you to the Eastport-South Manor School District, because we know that you didn't just open your doors. Like Legislator Lindsay said, you don't just open your doors and make it available, you always go above and beyond. So I am very grateful for what you've done for my constituents in the Shirley/Mastics community. And with that, I'll pass it on to Legislator Romaine.

LEG. ROMAINE:

Well, Eastport-South Manor School District is in my school district -- is in my Legislative District. I've worked very closely with Mark and the school board. They do an excellent job. We had a great 9/11 ceremony that was extremely moving and touching. Whatever the school district puts its energies or efforts to is successful. Mark is truly a leader, as is his school board. And helping us during this crisis is just one more thing that this school district has done, not only for the district, but for the entire surrounding community, including Kate's district and others that sought shelter from the storm. Many people were evacuated, myself included. Fortunately, as our Presiding Officer had said, it wasn't as serious as we thought. But had it been, this school district was prepared to help all, and we thank you very, very much. Both Legislator Browning and I have prepared this proclamation to thank the school district, the school board, the Superintendent for their efforts on behalf of the wider community. Thank you again.

MR. NOCERO:

Thank you.

*(*Applause*)*

LEG. BROWNING:

The Longwood School District is not here, they're stuck in the traffic, too. Oh, there you are. Hi. Hang on and we'll come back. Vivian, he's here. Would you like me to wait and come back?

P.O. LINDSAY:

Wait a few more minutes.

D.P.O. VILORIA-FISHER:

You can wait. You can wait. Legislator Montano has a proclamation for Michael Schumer. Michael Schumer led a great fund-raising drive for the Wounded Warrior project. And he's actually a constituent of Legislator Schneiderman, who hasn't been able to make it yet because of the traffic that's snarled, but Legislator Montano knows the family and will be making that presentation.

LEG. MONTANO:

Mr. Presiding Officer and my colleagues, I would like to present to you Michael Schumer. Michael, a 14-year-old young man, is a nationally ranked tennis player on the Junior League; am I correct?

MR. SCHUMER:

(Nodded yes).

LEG. MONTANO:

And this summer, as we know, we just passed 9/11, Michael single-handedly organized a tennis tournament at Le Club, Westhampton, in Westhampton Beach. And Legislator Schneiderman was supposed to be here and present the proclamation with me, he'll be here shortly. And this young man was a student at Jericho High School, organized a fundraiser called "Points for Patriots," as I said, in Westhampton. He was joined by 30 other players. They raised a total of \$14,687. The money raised will be donated to the Intrepid Fallen Heroes Fund.

For your information, the Intrepid Fallen Heroes Fund was established in the Year 2000. The fund has provided over 120 million in support for the families of military personnel lost in service to our nation and for the severely wounded service members and veterans. This organization is a leader in supporting the men and women who serve in the armed forces, as well as their families.

We would like to publicly thank Michael and his parents, Dr. Mark Schumer, who has a practice in Babylon, and his wife, Margo Schumer, for their support to the men and women who serve in the armed forces, and I'd like to present this proclamation. And the fact that Legislator Schneiderman is not here is unfortunate, because he is also on the proclamation. Ladies and Gentlemen, Mr. Michael Schumer.

*(*Applause*)*

MR. SCHUMER:

First of all, thank you for having me, everyone. And thank you, Legislator Montano, for all that you've done for us, and thank you for coming to the event. I decided to do this event because for my love of tennis and my compassion for the Wounded Warriors. So -- and with the 10th anniversary of 9/11 that was coming up, I felt that it was appropriate, and I hope I made a difference in my efforts. So thank you very much for having me.

*(*Applause*)*

LEG. MONTANO:

Okay. In the same spirit, I would also like to present a proclamation to the Central Islip Cougars. They are the champions of the National Junior Baseball League in the Boys 12 Central Division and Boys 13 Sectional Division. Cougars, would you come forward, please? National Champs from Central Islip.

*(*Applause*)*

I also want to thank their parents for their support. And, by the way, this is an all volunteer organization. The kids did a great job. Is Legislator Kennedy here? Yes, Legislator. I see here in the proclamation that they have developed a friendly rivalry with Smithtown. And they had originally lost, but they've taken over, so beware. This is the team of the future.

LEG. KENNEDY:

Keep up the good work.

LEG. MONTANO:

What was that? Legislator Kennedy, would you like to come up?

LEG. KENNEDY:

Keep up the good work.

*(*Laughter*)*

LEG. MONTANO:

This is competition amongst the Legislature. These kids did a great job. And I also want to point out Legislator Tom Muratore, who's sitting. Tom, would you stand up or come and join us? Tom is a former Central Islip -- born and raised in Central Islip, I think, Tom, and former baseball player there also. And I think his dad -- did you start the Little League?

LEG. MURATORE:

No, Ric. You know I'm not that old, but my father --

LEG. MONTANO:

His Father.

LEG. MURATORE:

-- in '55, along with a few other fathers, did start the Central Islip Little League.

LEG. MONTANO:

You hear that? So --

LEG. MURATORE:

And, you know, this is wonderful to see the fruit of his work, you know, to have some champions from Central Islip. Congratulations, Cougars. God bless you.

LEG. MONTANO:

I thank you all of you. And we have certificates for all of the young Cougars.

*(*Applause*)*

LEG. MONTANO:

Does anybody want to say anything on behalf of the team? We have one spokesperson here. He has his own speech, future Legislator.

MR. OVIEDO-TORRES:

I would like to take a moment and say thank you to a few people who helped make all this possible. None of us would be standing here without the support of our parents. They drove us to the games and practices. They sat in the hot sun on 100-degrees-plus days and made sure that we stayed hydrated. They washed our uniforms, and for those of you who don't think it's such a big deal, our pants were white, and we all love to steal bases and slide. They were our biggest cheerleaders and no way will we have won without them. Thank you.

*(*Applause*)*

All of us would also like to thank our coaches, their willingness to sacrifice their time and energies to coach a bunch of rowdy teenage boys. Well, it's inspiring. And even though we tend not to show it, we are grateful. We would also like to thank their wives for letting them coach, because, as my Dad says, "If the wife says no, no smart husband goes."

*(*Laughter*)*

So thank you to all the wives. The Central Islip Little League would also like to thank Legislator Ricardo Montano for his longtime support of the League and his programs, and for bestowing upon us the great honor. The Central Islip Little League would also like to thank Legislator Tom Cilmi.

Legislator Cilmi is a recognized supporter of youth sports, and even though the League is not in his district, he has been kind enough to lend his support to the League and its players, and we thank him for that.

Thank you for your patience and I hope you have a great day.

*(*Applause*)*

LEG. MONTANO:

Go Cougars. Isn't that -- isn't that remarkable? Thank you very much. Very diplomatic. He covered both sides of the aisle.

P.O. LINDSAY:

Okay. We're going to go back to Hurricane Irene proclamations. I would call on Legislator Browning to the podium for the purpose of two other proclamations.

LEG. BROWNING:

So everybody's having a hard time getting here with the traffic, and I see Legislator Schneiderman, he's still stuck, poor guy. But anyway, again, we have Vice President of the School Board for the Longwood School District, Dan Tomaszewski, and I know many of you already know him. And again, Mastic Beach was evacuated during the hurricane, and many of them were also sent to the Longwood School District. I know the Longwood School District took in about 400 evacuees. And again, I heard many great stories about Longwood School District and the fact that, again, they didn't just turn over the keys and let the Red Cross handle it, they jumped in and they helped out wherever they could. And I know the Yaphank Fire Department, who is not here, many of them also went up to help out.

So I have a proclamation, again, to give to the Longwood School District to say a special thank you for their help and assistance during the hurricane evacuations. And Legislator Romaine also represents the Longwood School District, so I'll pass it off to you.

LEG. ROMAINE:

Thanks. It's my pleasure to represent the Longwood School District in East Yaphank, and Ridge, and a whole host of other areas that they cover. I work very closely with the School Board and the Superintendent. They have done marvelous things in their community. I was there for their concerns about gangs and drugs and they ran a great seminar. And they're always there for the community, another school district that is always there for their community, advocating for their community. They spoke deeply and passionately about development in Yaphank and their opposition to it. So they are concerned, not only about education, but the entire community. And the fact that they served as an evacuation center and they went beyond is just more evidence of their commitment to the Longwood community and all of their neighbors. So great thanks to Longwood School District and to the Vice Chairman of their School Board, Dan.

*(*Applause*)*

MR. TOMASZEWSKI:

If I could just say a quick word. I should remember, I should know the drill.

LEG. ROMAINE:

I'll hold it, I'll hold it.

MR. TOMASZEWSKI:

Thank you. This is an example, this effort after Irene is a critical example of how it's so important

for agencies to come together in time of need. And on behalf of our community, a special thanks to the County and all of your -- I know you all work tirelessly and your departments, and whatnot, and it was our pleasure. We put our generators in place a number of years ago just so we would be ready for such a disaster and it held up. And our employees who left their families to come down and be there around the clock, it was an incredible job.

And a special thanks to Legislator Eddington for staying in touch continually with our Superintendent, and he sends a warm thank you for your concern and your efforts. And all of you, job well done as well. Thank you so much.

*(*Applause*)*

LEG. ANKER:

I'm sorry. Can I just say something related to Longwood?

P.O. LINDSAY:

Go ahead.

LEG. ANKER:

Again, I want to thank Longwood. I had gone to the shelter and I was just very impressed by what you were doing as a district. And if there's any way we can help you, because you were going beyond the call of duty as a district to supply what the community needed. So again, thank you so much, appreciate it.

P.O. LINDSAY:

Kate, I'm going to break it up. You go take the photo, I'll do another proc. We'll get away from Hurricane Irene again for a minute. Legislator Schneiderman has arrived. He's beat through all the traffic.

I'm going to give a proclamation. I'd like Jerry Gilmore, the former President of the Suffolk County Police Superior Officers Association. Jerry just retired two weeks ago. In recognition of his 39 years of service to Suffolk County Police Department, if you could come forward, Jerry.

*(*Applause*)*

MR. GILMORE:

Be nice.

P.O. LINDSAY:

I will always be nice to you, Jerry. I have a proclamation signed by all 18 of us. Jerry Gilmore we've all worked with for years, and is the consummate professional. He's a professional Police Officer, he's a professional officer within our ranks of the Police Department, and he's a professional labor leader. I can't tell you how many times we've had discussions about County issues and his insight, his advice, his help, is -- I'm going to miss tremendously. I said to Jerry before, he's retired two weeks, he already looks ten years younger.

*(*Laughter*)*

Really, really, I'm so, so happy for you. I know that you're very dedicated to the Superior Officers Association, and they're going to miss you, we're going to miss you. Not that we have anything against Tim Morris, he'll do a great job, too, but this is just simply to thank you for all your years of service. I couldn't put it -- that's about the simplest way I could put it, but thank you very much. Would you like to say anything?

*(*Applause*)*

MR. GILMORE:

Thanks, Bill. Well, I guess I've been coming here since I guess 1986, and I know many of you for a long time, some of you for a shorter time. It has been a great experience coming here. I don't think all of you get as much appreciation as you should. You do a great job for the citizens of Suffolk County. It's a difficult job. You know, sometimes they used to call it a part-time job and we all know that's not true. So you've always been very cooperative with my union and, you know, at least listening to us and our problems, and you've been great with your support of the Police Department over the years. So I would just like to say thank you on behalf of my Union and myself for all the work you do and for the citizens of Suffolk County, too. Thank you.

*(*Applause*)*

*(*A Photograph Was Taken*)*

P.O. LINDSAY:

I'm going to say something that's usually the kiss of death. I just said to Jerry --

LEG. NOWICK:

Don't say it.

D.P.O. VILORIA-FISHER:

Don't say it.

P.O. LINDSAY:

I just said to Jerry, his retirement party's tonight, if we get out early enough, I'll stop in. Every time I usually say that, we're usually here until all hours. Legislator Browning, are you ready for our last --

LEG. BROWNING:

Sure.

P.O. LINDSAY:

-- hurricane proc?

LEG. BROWNING:

You coming up there, Bill?

P.O. LINDSAY:

Sure.

LEG. BROWNING:

I guess if all the -- Director of the nursing home, Mr. Carey, and the Foley workers that are here, if you want to come up and join me. All of you, Linda, everybody. Oh, Dr. Crowley, you're here. Come up here.

LEG. ROMAINE:

Kate.

LEG. BROWNING:

You want to come up? I didn't know if you wanted to recuse yourself.

LEG. ROMAINE:

No, no, not on this.

*(*Laughter*)*

LEG. BROWNING:

Okay. I think we're joined here by the Director of the Nursing Home, the Administrator, Mr. Kevin Carey, and Dr. Crowley, Linda Chester who runs admittance, and Kathy Reeves. I'm going to draw a blank on everybody's names. Linda Ogno.

MS. EMBLETON:

Kathie Embleton.

LEG. BROWNING:

I'm sorry, and Kathie Embleton. As you all know, I'm a big supporter of our John J. Foley Nursing Home, and we had had a lot of controversy as to whether we should sell it, close it, and thank God we didn't sell it or close it this year. We had a hurricane and John J. Foley was not advertised as a hurricane evacuation shelter for special needs people. And I know that I've been to many of those meetings where it was announced and has been designated as a special needs shelter. And throughout the hurricane, there were people who went to, I know, Longwood School District and Eastport-South Manor School District who in turn were redirected back and sent over to John J. Foley Skilled Nursing Facility because of their needs. And I think you wound up with a total of about 109 residents, and those 109 residents weren't just from the Shirley/Mastics community. Yes, there were some. However, I do want to read -- there was some thoughts that were shared by people who were evacuated to the John J. Foley Nursing Home. I did read these at the Health and Human Services, but I think it's appropriate to make sure that you're all aware who they serviced during that evacuation.

We have a resident from West Islip who said, "In a very bad situation, we were evacuated to your facility. Thanks to all of you, it turned out to be a very happy experience. Your nurses and all your staff have been helpful" -- "have been wonderful to us, caring and experienced people who took care of our needs, especially Vera, and Nurse Maddie and Margie."

There was a resident from Bay Shore. "You're whole staff was great, friendly, courteous, and even changed my wound. Very nice people throughout the nursing facility that I will talk to, was very nice staying here." And they said they stayed there Saturday, Sunday and Monday.

Another Bay Shore resident. "I feel if for some reason I need the care of John J. Foley, it would be my luck to be here. The staff is very nice."

Another Bay Shore resident. "I had a wonderful time. The staff was excellent and I will recommend this place to my friends."

A Mastic Beach resident. I never -- "I never expected to spend my stay under such an excellent condition. When I was leaving home, I thought I would be taken into a special shelter with certain medical accommodations, but I wound up in an almost luxury spa."

So these are comments of just a few of our Suffolk County residents, and I know there's been more that have come in, but to show that they came from all over Suffolk County, not just the neighboring low-lying areas.

So, with that, I want to say a special thank you to John J. Foley. I will continue to support them,

and I know that they're a very valuable asset to Suffolk County. And with that, I'll pass it on to the Presiding Officer.

P.O. LINDSAY:

I'll just be very brief because Legislator Browning covered a lot of what I was going to touch base on.

I just want to personally thank the Director, the entire staff of J.J. Foley Nursing Home for going above and beyond, again, in a time that we needed everybody to pull together. And I mentioned before with the school district about no fatalities, and you guys actually saved lives. Well, that goes double for J.J. Foley, because you guys dealt with a population that's very fragile. Many times they can't exist without electricity in their houses. They can't exist without a caregiver, and caregivers were limited in how they could get out during the storm. So Foley really provided a tremendous boost to this fragile population.

It's true what Legislator Browning said, we've been going through a debate here, unfortunately, for the last couple of years about whether to sell it or close the facility, or whatever, and we have it again in the budget that we got yesterday, the closure of the facility is in the budget, and now it's up to us to try and figure out this whole thing. But something that's not talked about enough in our fiscal discussions is besides the service that you provide every day, it's our primary special needs shelter in case of emergencies. What do we do if the facility isn't there? And I don't know if anybody's thought that out enough. But with that, I'll turn it over to Legislator Romaine.

LEG. ROMAINE:

Thank you. I probably have a longer history than most people around this horseshoe. When I was elected in 1985 to the Legislature, at that time, my district included the old nursing home. And I met its Director, Ken Gaul, got to know its staff, and then moved. I represented the Second District. The Third District was represented by a man by the name of John J. Foley, and as I sat next to that man for the next four years in the Legislature and we worked and we planned for the new building, the building that you're currently in. I visited many times.

My first wife had died in 1998, and in 2007 I remarried, and I remarried someone that has, I think, got her 35-year pin working at the nursing home. And from that time, unfortunately, I've had to recuse myself, and appropriately so, but I can't comment. But suffice it to say, what you did in this storm is symbolic of what you do each and every day, reach out to those in need, reach out to those who have multiple afflictions, reach out to people, help save lives, provide comfort.

I know that the East Northport Nursing Home, I think it was Saint Johnland, was evacuated to your building. And I remember listening, because now I hear every night about the nursing home, not just during the daytime, how they were evacuated to the fifth floor and you cared for all of those people because they had had a horrible time. They had lost power. LIPA did not respond. They were evacuated to a church. The church's sewer overflowed. So it went from bad to worse, and eventually they were evacuated to John J. Foley after a long and difficult process of five or six days, and you took care of them, you cared for them, as you care for all of your patients. You do an excellent job and I certainly join with my colleagues in commending you for your efforts during this storm.

*(*Applause*)*

LEG. KENNEDY:

My colleagues have said most, but I will say to each and every one of you that the work that I saw that you did there that night when we were there was commendable, but also was typical, because each and every time we've been there at the facility, there is an overwhelming sense of care,

engagement, and residents that are given an opportunity to live in dignity and peace, as they should be.

Mr. Carey, I know yourself and Dr. Crowley came to the facility and stayed around the clock to make sure that you accommodated each and every resident as they came in during an unprecedented time in our County. Linda, you man the office each and every day and work hard to go ahead and give County residents an opportunity to go ahead and join. Ladies, you go ahead and take care of residents with great dignity. And Kathy, you know I'm married to a nurse, so nurses have a special place in my heart.

I think each and every Legislator knows that one of our primary responsibilities as the policy entity in this County is public safety. And what John J. Foley represents in a County with 43 other nursing homes that clearly lacked the capacity to provide public safety is an entity that meets what our core mission is.

So I thank each and every one of you for continuing to do the good job you do every day, and particularly for what you did during the hurricane. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Next, I'd like to call on Legislator Cilmi for the purpose of a proclamation.

LEG. CILMI:

Thank you very much, Mr. Presiding Officer. If I could ask Senior Probation Officer Rich Bernier to join me at the podium, please.

Senior Probation Officer Rich Bernier has been a Probation Officer with Suffolk County for 16 years. He's currently assigned to the Probation Department's Alcohol Treatment Program. On June 27th of this year Officer Bernier was doing routine visits in the Selden area when he encountered a man walking down the street with a baseball bat in his hand. The man, who appeared to be intoxicated, shouted that he heard gunshots in the woods. Officer Bernier cautiously approached the man. During the interview the officer heard a call dispatched from the Sixth Precinct of gunshots fired in the woods nearby. Attentive to both the radio and the person he was interviewing, Officer Bernier realized that the description of the suspect matched the individual that he was interviewing. The Officer immediately handcuffed the individual and, despite a struggle, was able to keep the situation under control until Sixth Precinct officers arrived. Later the suspect was positively identified and the gun was recovered.

Officer Bernier, however, is no stranger to this sort of extraordinary circumstances. You may remember back in January of 2008, a car being driven by two elderly women was driven off a dock in the Bay Shore area into Great South Bay. Officer Bernier, who was in the area at the time, responded to that scene and assisted in the rescue of those women, as well as one of the Police Officers who had also gone into the water. It's incidents like these that underscore that our Probation Officers are truly the unsung heroes of our public safety team here in Suffolk County. They do what they do, they do it well without public fanfare, and oftentimes without public credit. That's why it's appropriate today and almost every meeting that we pay tribute and pause this morning once again to say congratulations to our Probation Department, all of our Probation Officers, and especially this morning to Officer Rich Bernier for a job extraordinarily well done. God bless you. Thanks.

*(*Applause*)*

P.O. LINDSAY:

Okay. Legislator Stern and Legislator Horsley for the purpose of a proclamation.

LEG. STERN:

Thank you, Mr. Presiding Officer. Good morning to all of my colleagues. Legislator Horsley and I are here to recognize a special group of individuals and to present a proclamation to the American Legion, which is part of the nation's largest veterans service organization. We're all very familiar with the outstanding work that they do for our veterans, for their families, and, of course, for our entire community. So we have representatives from several parts of Suffolk County today who are going to accept this proclamation on behalf of the organization, and to recognize a very important day that we're about to recognize here in Suffolk County.

LEG. HORSLEY:

Thank you very much, Legislator, and thank you --

LEG. ROMAINE:

Button.

LEG. HORSLEY:

Thank you, Ed. I'm honored to stand before these gentlemen who are behind me who are representing the American Legion. The American Legion, as we all know, and every one of the Legislators here know that the American Legion not only stands to represent those veterans across the United States and their interests once they leave service, but also they are members and parts of our community. They're the folks that run the Memorial Day parades, they are the folks that are -- that run charitable drives in our community, and the list goes on and on and on, depending on which community that we're talking about, but they are the centers of our communities and they represent the men and the women who protected our freedoms for -- throughout the centuries. And we're just so proud to -- and I thank Bob from the Wayne Middleton post in North Babylon, saying that, you know, we should recognize American Legion Day in Suffolk County, and that's what we're going to do. And I couldn't be more pleased to stand with Legislator Stern and promote that day, and say thank you to the American Legion for all they do, not only in Suffolk County, but across the United States. Thank you, guys, we appreciate it. Applause.

*(*Applause*)*

MR. DE VAUL:

The American Legion was born right after World War I in 1919, and since then, we've had millions of warrior or veterans, combat veterans join the American Legion to help give back to the communities. They saw the devastation, the orphans and the widows and raised money to help them and that's what we do. We're part of the community and we work hard every day to help our communities. Thank you.

MR. BERGIN:

Ladies and Gentlemen, we are dedicated to the community, the State and the nation. However, our main dedication is to the veterans. I would expect or request that any issue coming before this board, you will vote favorably in any veteran bill that would come before you. There's just one reminder that I want to make before we leave. The veterans and our military, because of them our lives are free. Because of them, this country lives. Because of them, the world has been blessed. Any veteran coming over requesting help, assistance, please, give it to them. Do not act as we did act when we returned from Vietnam. Thank you. Thank you for the proclamation. Have a wonderful day.

*(*Applause*)*

P.O. LINDSAY:

Okay. Volunteer Recognition Program for firefighters and EMS personnel. Resolution 339 of 2001 established a Volunteer Recognition Program for Firefighters and EMS personnel whereby each Legislature -- each Legislator has the opportunity to formally nominate one person in his or her district for their outstanding service to the community as a firefighter or EMS worker. At today's General Meeting I'll read into the record, and I'll be joined by Deputy Presiding Officer, Legislator Vivian Vilorio-Fisher to assist me, the names and a brief description of each districts designated volunteer, and the presentation of the proclamation will be done in each individual district. But if any recipients are in the audience, please stand when I read your name.

From the First District, Samuel Bail. Legislator Romaine nominates Mattituck Fire Chief Samuel Bail as the volunteer for the First Legislative District in recognition of his efforts last year in saving two elderly people from a burning house in Laurel. In May 2010, upon hearing the fire department's radio call of a burning home in close proximity to his own home, Chief Bail arrived on the scene within moments and entered the burning structure. Once the elderly woman was directed out of the house to safety, Chief Bail began assisting the elderly gentlemen out of the home, picking the man up and dragging him towards the door, meeting another firefighter at the door for additional help. His vast firematic training and ability to act quickly saved the lives of the people's -- of these people's lives.

From Legislator Schneiderman's district, George Simonson. George Simonson has been a dedicated and active member of the Sag Harbor Volunteer Fire Department since 1972. He embodies the spirit of community service every day of the year as he stands ready to protect the lives and homes of his neighbors. George has held just about every position in the department. As a volunteer for the Fire Department, he helped establish the Length of Service Award Program for the firefighters, and has been instrumental in organizing the department's annual fund drive. He is also the President of the South Fork Volunteer Fire Department Association. In 2011 he was honored as Man of the Year by the New York State Fire Police Association, which boasts a membership of 15,000 statewide. George selflessly gives his time, knowledge and energy to making his community a safer place to live. He's a man truly worthy of a day's honor and unending admiration and gratitude of Suffolk County.

Legislator Browning has nominated Douglas Warner. Legislator Browning would like to honor Douglas Warner of the Mastic Beach Ambulance Company. On the evening of August 11th, 2011, Doug Warner was driving an ambulance transporting a patient to a hospital when he was involved in a traffic accident and the ambulance was overturned. Despite the intensity of the impact and without any regard for any injuries he might have sustained, Douglas Warner immediately managed to notify the dispatcher of the accident, allowing other rescue vehicles to respond. He then freed himself and made his way back into the patient's treatment area of the ambulance. Once in the back, he helped treat the patient and two injured EMTs. Douglas Warner refused medical treatment and transport to the hospital the last of his crew were removed from the scene of the accident. Douglas Warner's actions prevented further injuries and to the patient and the crew of that ambulance, while he demonstrated a complete lack of concern for himself or his possible injuries. Douglas Warner is a true hero.

Legislator Muratore has nominated Chief Derek Anderson. Chief Derek Anderson is an outstanding volunteer of the Centereach Fire Department. In his 30 years of service, Chief Anderson has been an exemplary fireman and leader. He has continually put his community first when called to duty, and has been a mentor to the younger members. Chief Anderson has served in many positions in the Fire Department, including First -- Second Lieutenant, Lieutenant and Captain. In August 2011 Derek was nominated and elected as the Second Assistant Chief of the Department. Derek is well respected for his excellence and skill in rescue operations. A most recent example would be the

dump truck accident. On July 15th, 2011, when a dump truck, fully loaded with dirt, flipped over onto a minivan on Nicolls Road, trapping the driver, the Fire Department responded with all the volunteers, did an incredible job. At the lead was Derek Anderson, who, using his skills and knowledge, led the extraction of the driver from under the dump truck. The driver was free of serious injury and was transported to the hospital. Thanks to Derek and the skilled volunteers on the scene, the man was saved.

Legislator Anker has nominated Edith Tilley. Legislator Sarah Anker is honored to recognize Edith Tilley of the Port Jefferson Ambulance Company. Edith has volunteered with Port Jeff Ambulance Company for 30-plus years. Her dedication and commitment to the community, including ten years as Commissioner and Chief, is greatly appreciated by the residents of North Shore Brookhaven.

Legislator Eddington recognizes Brian J. Greck, First Police Lieutenant. Brian Greck is the Advisor/Coach for the Medford Fire Department Junior Maverick Racing Team. He has been the Junior's Coach since 2003. He is also a committee member of the Nassau/Suffolk Juniors and Medford Fire Department Kitchen Committee member. He has served as the Fire Police Lieutenant since 2005, and has been a member of the Medford Fire Department since January 2003.

And I recognize Jamie Atkinson as Volunteer of the Year for the Eighth Legislative District. Jamie Atkinson is currently the Community Ambulance Company's Chief of the Department and has proudly served the communities of Bayport, Bohemia, Oakdale, Sayville and West Sayville. Jamie volunteered as a teen-ager in the Ambulance Youth Squad Program, and he has served as Lieutenant, Captain and Assistant Chief before he was elected as Chief in 2010. Under Jamie's leadership, the Community Ambulance Company has provided the best emergency medical care and responded to over forty-three hundred calls last year alone. The Suffolk Regional Emergency Medical Service Council recently selected Community Ambulance Company as Suffolk County's "Agency of the Year" for 2010. I am proud and honored to recognize the achievements of Jamie Atkinson and the Community Ambulance Company.

And now I'll turn it over to Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you. Thank you, Mr. Chair. Legislator Horsley wishes to commend -- can you hear me? Am I close?

P.O. LINDSAY:

Yeah.

D.P.O. VILORIA-FISHER:

Wishes to commend all of the Firefighters in his district who put themselves in harm's way to protect the residents of Legislative District 14, including the Babylon, North Babylon, West Babylon, Lindenhurst, and North Lindenhurst Fire Departments.

Legislator Montano makes a statement that on August 26th, 2011, while the East Brentwood Fire Department was assisting with mandated evacuations of Good Samaritan Hospital in preparation for Hurricane Irene, the Department received a call of a motor vehicle accident on Suffolk Avenue in Brentwood. Upon arrival to the scene, Lieutenant Frank Vasquez immediately assessed the situation and assumed care of a critically injured four-year-old boy who was in and out of consciousness due to head trauma. Immediately, Lieutenant Vasquez activated advanced life support and contacted Suffolk County Police Department Aviation for a MedEvac. These steadfast actions resulted in this child receiving the best care that he could have received, which furthered the progress of a positive recovery.

Legislator Gregory. Marvin Canada, a firefighter from the Copiague Fire Department, was traveling the Southern State Parkway on his way home from work and came upon an accident where he attempted to assist the New York State Police with their rescue effort. Marvin Canada, or Canada -- I'm not certain how to pronounce it -- gained entry into the burning vehicle and removed the victim without any protective equipment or regard for his own personal safety. He is truly a hero. His selfless and heroic efforts followed the finest traditions of the fire service and resulted in the saving of a human life.

Legislator Stern. Marybeth Grubert, Emergency Medical Technician, Critical Care EMT CC, is the coordinator of the Deer Park Senior Outreach Program since its inception two years ago. She works full-time in the Deer Park Fire District EMS Program where she has served with distinction and dedication, always providing the highest levels of care to her patients within the Deer Park community. One of the services she provides for Deer Park senior residents is filling out "Vials-4-Life," which speaks for you when you can't speak for yourself, providing medical information that can assist emergency personnel in administering the proper medical treatment. She also checks blood pressures and medications, tests fire alarms and smoke detectors, and most importantly provides a sense of reassurance to seniors who need this care most.

Legislator D'Amaro. Carl Peyser of Melville tirelessly dedicates himself to serving the residents of the Melville Fire District and its surrounding area. He first joined the department in 1975 and has risen to the level of First Lieutenant in the Rescue Squad, and is an advanced life support provider. Despite holding down a full-time job that requires him to commute to New York City every day, he coordinates all duty crews, as well as overseeing supplies on the ambulances. Some would call it a thankless job, but the community is truly thankful for all he does.

Legislator Cooper. Legislator Cooper's nominee for 2011 Firefighter, EMS Volunteer of the Year is Dr. Lehti Laas-Ramos. She is a 15-year EMS volunteer and currently serves on the Board of Directors at the Huntington Community First Aid Squad. A Huntington Station resident since childhood, Dr. Lehti co-founded "Huntington Station Happy Helpers" in 2008, a group whose mission is to strengthen community relations by encouraging others to take pride in Huntington Station, a neighborhood which has recently been beset with violent crime. Congratulations to all of the recipients.

P.O. LINDSAY:

Thank you, Legislator Viloría-Fisher, for the assistance. That concludes our proclamations for today. However, I'd like to extend my thanks to the Suffolk County Girl Scouts for providing breakfast this morning for every -- for Legislators and staff, and congratulate them on beginning their 100th Anniversary celebration.

*(*Applause*)*

With us today is Yvonne Grant, the President and CEO of the Suffolk County Girl Scouts, who will make a short presentation to the Legislature about the good work that the Girl Scouts do.

MS. GRANT:

Good morning. I'd like to first thank this body individually and collectively for all the support you have given us over the years, and we hope that we can count on you for continued support in our 100th Anniversary year and beyond.

I want to share with you the exciting news that Girl Scouts began in 1912, and continues today, and so our anniversary will be in 2012. But Girl Scouts in Suffolk County began in 1915, so we were really on the cutting edge of the Girl Scout program, and we continue to be. Here in Suffolk we serve more than 40,000 girls and their families with the help and support of more than 9,000 adult

volunteers. Each year, as our membership continues to flourish and expand, so, too, does our involvement in the service of the community.

Girl Scouts is a program, build's girls of courage, confidence and character. We have girls entering the program as Daisies in kindergarten, who 12 years later are leaving as strong, confident young women. The journey they've taken with us is a momentous one, and the experience and the opportunities they have had are unlike any other. These young women are the voices and the future of a brighter tomorrow.

Throughout the next year we will celebrate the difference that Girl Scouting has made in the lives of so many. We are reconnecting alumni through social networking. We have partnered with Long Island Cares to have a food collection project that will run the entire year. Girl Scouts across the County will display lawn signs in a show of unity. A portion of Moreland Road, where our main office is located, will be christened Girl Scout Way. And we are forever green. Girl Scouts will plant thousands of saplings all in their local areas. As appropriate for a centennial, we have a number of other events and celebrations throughout the year. And by March 12th of 2012, Girl Scouts in Suffolk will have completed a year-long project of 100,000 hours of community service. You can watch the countdown on our website.

Girl Scouts has always been more than camping and cookies. Our girls are in engineering and science programs. Our girls send cookies to the military personnel serving overseas and in military hospitals. Our girls learn how to operate a business. Our girls tutor and mentor, and set an example for all of us. Our girls make the world a better place.

We ask for your assistance in helping us to continue our service to girls, to reach out to children in underserved areas, to give young women the tools they need to succeed. In partnership, we can ensure brighter tomorrows for all young women, and we look forward to another hundred years of changing the world. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Yvonne, and congratulations on this really historic benchmark. A hundred years is really something.

MS. GRANT:

Right.

P.O. LINDSAY:

Thank you very much.

MS. GRANT:

Thank you.

P.O. LINDSAY:

The next part of our agenda is reports of other elected officials. And from the County Executive's Office, Eric Kopp would like to be taken out of order and talk about a couple of CNs that are in the packet today. Can you hear me Mr. Kopp, wherever you are? I know you're in the building.

MR. KOPP:

What's the question?

P.O. LINDSAY:

You asked to make a presentation before we started, no? Didn't you --

MR. KOPP:

No.

P.O. LINDSAY:

Did you want to talk about any legislation today?

MR. KOPP:

No.

P.O. LINDSAY:

Okay. Then I misunderstood the note. I'm sorry that --

MR. KOPP:

What I did suggest was that we had a resolution for the Probation Director that we might want to take out of the order so he doesn't have to stay here all day.

P.O. LINDSAY:

Is he -- is he here?

MR. KOPP:

He just stepped out into the lobby.

P.O. LINDSAY:

Okay. Well, we'll start in on the agenda.

MR. KOPP:

Thank you.

P.O. LINDSAY:

I just thought you wanted to talk about it. And I also had -- is there anyone here from the D.A.'s Office? They had asked to talk about a CN as well. No? Okay. Let's go to the agenda.

D.P.O. VILORIA-FISHER:

Wait. What about the --

P.O. LINDSAY:

Oh, the public portion, excuse me. That would be nice. First up is Rosalie Hanson.

MS. HANSON:

Hi. My name is Rosalie Hanson. Good morning. You have to excuse me, I'm a little under the weather today, but it's important that I be here. I'm here today to tell you a story of a horrific tragedy that happened to one of my neighbors in the Gordon Heights community. A fine young man named Chauncey Scott was dragged into the middle of a family situation that ultimately led to his death. It involved a family member of Mr. Scott, her boyfriend, who she had an order of protection against, and Chauncey Scott. It started as a quarrel involving the three of them on the 4th of July and escalated into a confrontation on August 7th, where the boyfriend ended up stabbing Mr. Scott with a screwdriver. This incident happened on the corner of Pine Grove and Baldwin in Gordon Heights in plain sight of the Gordon Heights Children's Park. By the way, one of Mr. Scott's aunts happens to live on Baldwin Lane.

During the fight between Mr. Scott and his cousin's boyfriend, neighbors came outside to see what was happening and witnessed the stabbing. Two people ran to Mr. Scott's aunt's house and screamed for her to dial 911. This is where the real tragedy starts to unfold. The aunt picked up her house phone and dialed 911 and was put through to an answering machine. When she heard, "Please hold on for the next available operator," she thought to herself that she must have made a mistake in dialing the number, so she hung up the phone and dialed again. Again, she was put through to an answering machine telling her to "Please hold on for the next available operator." While waiting on hold on her house phone, she picked up her cell phone and dialed 911 and finally got through to an operator. She told the operator that she needed an ambulance.

Meanwhile, across the street, one of the neighbors, who saw Mr. Scott lying on the ground dying, also dialed 911 and was put through to an answering machine telling him to please hold on. Another neighbor grabs his own phone and dialed 911 and received the same answering machine, saying the same exact thing. He also hung up and tried dialing 911 again and he was finally able to get a live operator.

Why did it take several tries from at least three different people to finally get a live operator on the phone? Personally, I find it totally unacceptable that someone dialing 911 should not reach a live person on the very first attempt. The Suffolk County Police are the highest paid and best trained officers in the State of New York. What good are they if we can't get a call out to them to respond when we need them the most?

We, the people, live in a false sense of security. We believe that if we need the police, all we have to do is dial 911 and help will arrive. I cannot understand why someone would be put through to an answering machine when dialing 911. Why does it take six or more attempts from all these people that I know of to reach a live operator? Can anyone here answer that question for me?

Since it is my nature to always go to the root of the problem, I find myself wondering how many of the budgeted 911 operator positions are filled, and if they're not filled, then why not? Since Steve Levy is our County Exec, I will direct my questions to him. Mr. Levy, do we have adequate 911 operator coverage? Are there seats that are budgeted for 911 operators left unfilled? If yes, why? And has there ever been an audit done on the response times of 911 operators? If so, when and what were the results? I would like to have an answer to each one of these questions, as our lives depend on it.

Lastly, I need someone to please explain to the Scott Family why in their darkest hour at least three separate people were unable to reach a 911 operator on their very first attempt, because, quite frankly, I am at a loss for words. Thank you.

LEG. BROWNING:

Bill. No, I don't want to ask her a question.

P.O. LINDSAY:

I know, but we don't comment under public portion.

LEG. BROWNING:

I just wanted to let you know, I contacted Police Headquarters.

P.O. LINDSAY:

Okay. I was just -- Miss Hanson, under our rules we don't answer questions and we don't comment.

MS. HANSON:

No, I know, I was --

P.O. LINDSAY:

But let me just finish, okay?

MS. HANSON:

Okay.

P.O. LINDSAY:

You will get a written response to each one of your questions. I'll ask Legislator Eddington, who's in charge of the Public Safety Committee, to respond to that. The short of it is we don't have people. And if this current budget goes through with another 700 people, it's going to get worse, not better. Okay? Thank you.

MS. HANSON:

Well, I find it --

P.O. LINDSAY:

No, can't be any dialogue.

MS. HANSON:

Okay. Thank you for your time.

P.O. LINDSAY:

Gary A. Wunsch.

MR. WUNSCH:

All right. My name is Gary A. Wunsch. I'm a New York State certified backflow tester. Legislator Cooper submitted legislation, a resolution that was passed, Public Safety, about all backflow testers now have to be either master plumbers or work for a master plumber. I've been in business now for six years. I started this business after becoming certified. I am a stationary engineer. I'm a New York State high pressure boiler operator. I worked at the Shoreham Nuclear Power Plant. When I read this legislation and it says that the reason why they want a plumber is because of a catastrophic event, and I'm paraphrasing that wrong, because of the possibility -- I'll wait. Excuse me. Everybody voted 18-nothing on this and it's very -- I'm passionate about this. I don't mean to insult anybody, but, please, this is my livelihood we're talking about and my sons'.

I left messages with Legislator Fisher in her office and they have gotten back to me, as well with Jon Cooper. My son has worked for me for now six years, he's 29 years old. He bought property in Suffolk County. I have spent probably \$80,000 starting this business up and now they want me to turn it over to a plumber. With President Obama speaking last week about small businesses and helping them out, I ask everybody here for their help. Why can't they grandfather me in my qualifications of turning off a water valve to do a test? I think it was the lobbying of the plumbers who caused this.

I appreciate public safety and Legislator Cooper coming forward with this, but did they really think of the consequences of what's going on? I haven't received one call or complaint from my tester, my son, myself or my other son. It's a family operated business. My wife retired last year so she could be the office manager in my business. I have not received any pay except for my son. It seems absurd that now I have to turn my business over.

I have over 2,000 customers. I'm currently one of three companies that have a contract with

Suffolk County Water Authority. They didn't take me because of my good looks, my warm personality, which it is warm. Right now, I apologize, I'm very passionate about this. It's because of my pricing. I bid -- I received a couple of calls all from plumbers saying to me, "How can you do these backflows for \$40 per inspection when we're charging 75 and 125?" And I thought, I'm not a plumber. When there's -- if there is a problem, I have three master plumbers that work for me, and if we find a problem, we forward it to them or they can use a plumber of their choice. And the only thing I receive, calls from these plumbers complaining about my pricing, which I think is very fair. My price is fair, not them questioning me. If this was a lobbying effect by the union, which I suspect it was, I think it's unfair, and I'm asking for everybody's help. Grandfather me in. How do I get seven years -- excuse me. How do I get seven years --

P.O. LINDSAY:

Mr. Wunsch, you're out of the time.

MR. WUNSCH:

I'm out of time?

P.O. LINDSAY:

Yep. Everybody gets three minutes.

MR. WUNSCH:

I'm asking for everybody's help. Please, can someone get back to me and ask -- and tell me how, how do I continue my business without losing it?

P.O. LINDSAY:

Peter Quinn.

MR. WUNSCH:

Thank you for everybody's time.

MR. QUINN:

Good morning, members of the Legislature. It's nice to be back after a long hiatus. I'm here today to talk about Covanta. Covanta, as you know, has a business of waste burning in Suffolk County. There's one in Nassau, there's seven statewide, there's 33 nationwide, with offices in New Jersey. They are seeking before the Public Service Commission to get something like \$250,000 a year over a period of several years by claiming that they are a renewable energy, which they are not. The problem -- one of the problems is that Newsday wrote an article and left out two important paragraphs written by Brian Nearing from the New York -- from the Albany Times Union, which stated that Covanta paid a fine of \$375,000 for a Wallingford, Connecticut site where dioxin was released, which everybody knows is a carcinogen. And in addition, in July, they paid an additional \$400,000 for releases of dioxin, and now they're claiming before the State Public Service Commission that they should be entitled as a renewable energy source, when, really, the proposal was initially only for solar and wind.

So I am asking that this Legislature, individually and collectively, call on the Public Service Commission, two of whose members come from Long Island, James Larocca and Pat Acampora, to challenge them to vote down this effort by Covanta to kind of re-regulate the rules to include them as a renewable energy source. Thank you very much.

P.O. LINDSAY:

Thank you, Peter. And we have missed you around here. It's nice to see you back.

MR. QUINN:

Thank you very much, appreciate it.

P.O. LINDSAY:

Mary Finnin.

MS. FINNIN:

Good morning, everybody. I'm here again to speak across the board and say health care cuts hurt everybody. I read the paper today and I see same old, same old. Cuts for health services, cuts for John J. Foley, RFP's to eliminate public health nursing, cuts to our health centers, cuts to all of the related health programs in Suffolk County. You lay off 700 people, that's 700 people without health care. Health care is a public safety issue.

As you heard earlier, the John J. Foley Skilled Nursing Facility is not only a facility that we need here in Suffolk County, it's the only public health building, unit, facility that is available in times of emergency in Suffolk County. And it is also located near the site of the command center for emergencies, so that if you're unable to replace your staff because the roads are flooded or you can't move around on Long Island during emergencies, it is a place where you can have respite for your command center workers, if they need a few hours sleep, to get food, whatever. It's a multi-use facility in times of emergency.

The health centers are already cut to the point that we're unable to provide the services needed in Suffolk County. We're also seeing a reduction in the number of patients coming because they can't afford the \$75 fee. One of the missions, a core mission of Suffolk County, I believe it's in your Charter, is to provide health services regardless of ability to pay. Please, remember that when we're looking at the budget. And I once again would like to see a Legislative and a Department of Health plan for health care in Suffolk County, and then look at what you're going to do with the budget that's being put before you with the County Exec. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Mary. Kathleen Reeves.

MS. REEVES:

Good morning. My name is Kathy Reeves. I have been up here many times before in the past. I'm a nurse at John J. Foley Skilled Nursing Facility, and I just wanted to add, in addition to the Saint Johnland people that we got during the evacuation, we also got people from the Birchwood Nursing Home in Northport. And we're here again to fight and try and keep this going.

I find it very ironic that we get a proclamation on one hand, and we read in the paper that we're going to be closed on the other. As Mary Finnin said, we provide very important services to Suffolk County, and in a time of evacuation, we are the only facility in Suffolk County for residents whom have special needs. Good Sam was evacuated, Southside was evacuated. That's two full hospitals that couldn't take anybody in. We took many people in. We took a little over 100 people in. One of them was an ex -- a former correction officer who they were going to send originally out to Southampton. He wound up at John J. Foley. We were able to take care of him, we were able to take care of his wounds.

And I know some of you are -- in the past have been dead set against keeping John J. Foley open, that it's just a drain, but with proper administration, and we do have an Administrator now who really wants to make the place work and is trying very hard, and bringing everything around and getting people in that we can take care of, that you really need to take a look at that budget,

because you lose John J. Foley, you're going to lose one of -- a very, very big asset in Suffolk County. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Kathy. Nancy Dallaire.

MS. DALLAIRE:

Good morning. I prepared a speech for this meeting, but then Hurricane Irene hit us, so I made copies of that speech for you, along with a copy of my last letter to Mr. Levy.

I was very glad to see the works of John J. Foley recognized today, but I was concerned to learn that John J. Foley was not on a list of places to go for citizens who were evacuated with special needs. I could not understand why the County Special Needs Unit would send a Mastic Beach resident all the way to Hampton Bays during an emergency when Yaphank is so close to his home. This should be investigated, and I pray that something will be done to correct this serious oversight by the time we need to use that evacuation plan again.

I've always been dismayed by the fact that the residents of this County were unaware of this County facility, that the County itself does not utilize their very own asset does not make sense to me, and I hope that this will be changed.

And I must also take this time to thank Miss Kate Browning and Mr. and Mrs. Kennedy for not forgetting about those at John J. Foley. Your continued support has been appreciated more than we can express. And I know that if it had not been for your efforts, we would not have had John J. Foley to use as that safe haven for over 100 evacuated citizens during and after the storm. We cannot forget that even in an emergency, emergencies happen.

So many have been so quick to question the cost of this County facility, but to know that it can be counted on when it counts, that's priceless. And I heard them credit the Sheriff's Department for handing out free ice, and not to take anything away from their department, but when their ice machine was exhausted, where did they turn to for help to meet the demand? I just think that this should be noticed.

The efforts of everyone who pulled together to get the job done deserve to hear how much their hard work's appreciated. And although most of those workers will say they were just doing their jobs, they still deserve to be recognized. We should not question their commitment. Instead, we should question if we are sure we want to replace those Civil Service employees. I know that they are worth every cent of my \$58.80 I paid in County taxes that pays for their salary and for the crucial County services that we deserve.

I was witness to the actions of many, and everyone's response was amazing. We should all be proud of these extraordinary workers, and as a taxpayer, I am thankful and grateful for their service.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Nancy. Linda Ogno.

MS. OGNO:

Hi, Linda Ogno, proud member of John J. Foley, and taxpayer citizen of Suffolk County. Nancy

didn't include in her thing the Sheriffs got their ice from John J. Foley when they ran out.

We were lucky during Hurricane Irene because we were hit with a hurricane that wasn't as bad as they thought it was going to be. And we all know it's coming because of the place that we live. We are going to be hit with a big hurricane and we have to be prepared. It's up to this member and our citizens to take care of the people of Suffolk County, that's what we do, and pull together. We have to make sure you do the right decisions, like we sat here last month and we talked about the houses that are up for County auction. Nobody knows about these County auctions. Like the moratorium, ten-year moratorium, that you have to stay in these houses. There is a good compromise on these things and it's up to you, our lawmakers, to do this. I've been in these areas. One of my sons lives in Kate Browning's District and there a lot of houses there that these people buy up and then put in Section 8. We need to get homeowners in there who will care for theirs, and it's up to this board to get these houses out there to first-time home-buyers, and there are a lot of people out there. I have two kids that live in my house that I'd like to get them out to be a first-time home-buyer.

*(*Laughter*)*

So anything you do would be greatly appreciated. And thank you for the good job that you do.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Thank you very much, Linda. That's the end of the cards. Is there anyone else that would like to speak under the public portion? Seeing none, I'll accept a motion to close the public portion. Motion by Legislator Viloría-Fisher, seconded by Tom -- Legislator Barraga. Before we go to --

MR. LAUBE:

Sixteen. (Not Present: Legs. Romaine and Browning)

P.O. LINDSAY:

Let me just do the Consent Calendar on Page 3. Motion by Legislator Viloría-Fisher, second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Romaine and Browning)

P.O. LINDSAY:

I have a couple of requests here. Is there anyone from the D.A.'s Office here yet? Okay. Please come up. They're telling me in the CN packet is Reso 1826, which I haven't looked at yet. But please identify yourself and --

MR. HEILIG:

My name is Edward Heilig. I'm a Division Chief with the District Attorney's Office.

P.O. LINDSAY:

Okay.

MR. HEILIG:

And we're here for the application, it's under the anti-nepotism statute. We are hiring Timothy Flanagan, who is the son of District Court Judge James Flanagan.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

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

P.O. LINDSAY:

Legislator Kennedy makes a motion to take CN **1826 (*Approving the appointment of Timothy Flanagan as an Assistant District Attorney*)** out of order.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

I got 16. (Not Present: Legs. Romaine and Browning)

LEG. KENNEDY:

I make a motion to approve.

P.O. LINDSAY:

Okay. The motion is before us. Motion by Legislator Kennedy to approve, second by Legislator Muratore. On the question. Is there any additional information you'd like to add to this reso?

MR. HEILIG:

The only thing I'd like to add is that the young Mr. Flanagan had recently graduated from Touro Law School. He took the Bar exam in July. We anticipate him passing that bar exam. And he's already been over at the office. He volunteered to come in prior to the start date that when the vacancy occurred because we had training. And he came in as a volunteer and spent a week-and-a-half training, and he's been with us ever since then. And I would recommend, and on behalf of Tom Spota would recommend that you approve this legislation.

P.O. LINDSAY:

And I was just asked. That isn't unusual for us to hire young law school graduates before they pass the Bar; isn't that correct?

MR. HEILIG:

No, it's common.

P.O. LINDSAY:

It's common.

MR. HEILIG:

We hire a class every year in August. It's after they've taken the July Bar exam. And then they have -- under County Law, they have 18 months in which to become admitted. And if they're not admitted within 18 months -- that usually gives them two tries at Bar exam. If they're not admitted within 18 months, they're automatically off the payroll. It's by operation of law.

P.O. LINDSAY:

Okay. Thank you very much. We have a motion and a second on 1826. All in favor? Opposed?

Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Romaine)

P.O. LINDSAY:

Thank you.

MR. HEILIG:

Thank you.

P.O. LINDSAY:

Okay. I see a whole contingent from Social Services here, and it has to do again with a CN having to do with the Safety Net. And what is the number?

MR. NOLAN:

1771.

P.O. LINDSAY:

1771. It's the first one in the red packet. Commissioner Blass, would you like to make any comments about it?

COMM. BLASS:

Just briefly, Mr. Chairman. Good morning, everybody. This resolution was amended to remove -- well, let me step back for a second. The necessity for this budget transfer arises from the fact that Safety Net for the last quarter of 2011 is insufficiently funded. If this resolution is adopted, it will be relying upon offsets. One of the offsets that was of concern in the discussions or communications I've had with members of the Legislature related to the payroll account for the Child Protective Services. We have carefully reviewed the most recent trends with Safety Net for this year, and because the increase is steadying somewhat over the last couple of months, we're convinced that we can delete that CPS offset, which this amended version under the CN of 1771 provides for. Accordingly, there'll be no impact on Child Protective Services' payroll accounts to arrive at this 8.3 million rather than an 8.7 million dollar transfer for the last quarter.

P.O. LINDSAY:

Mr. Blass, if you would just stay there, because there's several questions from Legislators.

COMM. BLASS:

Sure.

P.O. LINDSAY:

But what you didn't mention in your presentation, and, again, I remind my colleagues, and I want to point out to everybody in the audience, Safety Net is a State-mandated program. New York is one of ten states that have this extended relief to people that need assistance for an additional five years. We don't have any choice in funding it, we're mandated to provide this program. In a time when our country is going through tremendous hardships and this population is growing, the State, in their infinite wisdom, has cut the subsidy from 50% to 29%. Thus, there's another 8.7 or 8.3 million dollars that the County has to come up with in a time when we don't have any money. I mean, we heard testimony today from a citizen who can't get through to 911. We've talked about shelters and some of the challenges that we faced in providing care for our citizens during this emergency, and this is just another example of the State just keeps piling it on us. And it has nothing to do with the offsets, but I just had to put that in there, because it's very, very troubling to me, and I don't know where it's going to end, I just don't where it's going to end. Legislator

Barraga, did you have a question?

LEG. BARRAGA:

I have one or two questions I'd like to ask the Commissioner. This Safety Net Program, as I understand from the background information that I received, there's been a 54% increase in the program in the last 24 months. And as was pointed out by the Presiding Officer, this is a State-mandated program. As I understand, the New York State adopted State budget of 2012 reduced the reimbursement rate from 50% to -- down to 29%, shifting 21% of the burden back to Suffolk County. Were any steps taken to reduce the number of recipients in order to avoid the fourth quarter shortfall of 8.7 million dollars when you became aware of the fact that the State of New York, based on its budget, was reducing the reimbursement rate to Suffolk County?

COMM. BLASS:

Yes, sir. We, in fact, have instituted program, a management efficiency program with reviewing them on a case-by-case basis, which is labor intensive. But we have been able to turn over some Safety Net cases that are fully funded by the County -- by the State and County to Family Assistance, because we determined that their eligibility would arguably be a Family Assistance case, which has a much better reimbursement rate. And that management efficiency is just beginning to take hold, and that's why we had a leveling off somewhat of the increase in Safety Net that we've been witnessing over the past couple of years, and that's why we think the offset removal that we had talked about earlier would be able to be accomplished.

LEG. BARRAGA:

Was there any effort on the part of Suffolk County to make the State aware, after they approved their budget, that Suffolk County was facing a 179 million dollar deficit and would not be able to pick up the additional 21% that New York State would no longer be reimbursing the County based on the passage of their budget six months ago?

COMM. BLASS:

Yes, in many forms and venues we have voiced that strongly. We had a New York Public Welfare Association conference Upstate during the summer where that point was made. When the Commissioners of Social Services have the opportunity to communicate with the State level of OTDA and some of the Governor's staff, we have made that known, that -- and one of the things that came out of those discussions is that, as difficult as things are in the Long Island region, there are many counties all over the state from these discussions we've learned that are fiscal train wrecks. And we are a little bit ahead of the curve in addressing some of the Safety Net problems, but the bottom line is Safety Net is still something the State has adopted, it's constitutionally provided for, and it was an addressed -- it was intended to address welfare reform so that those would come to an end of their 60 months of family assistance, who were still desperately in need, would have some kind of support. But it is becoming an increasing burden upon the County and upon the operations of our department.

LEG. BARRAGA:

In making Suffolk County's point of view known to the State, and going along with what you've just said in terms of other counties finding themselves in the same financial predicament, obviously, there was there was very little response from the State.

COMM. BLASS:

I would agree with that assessment, the State has not been responsive, it has -- the budget process that the State --

LEG. BARRAGA:

Yet this is a State-mandated program. And as you pointed out, you know, there's a 60-month time

limit normally as it applies to TANF. And New York State, along with a few other states, made the decision to use State funding to extend that program and come up with the Safety Net program. And my point being is that if you're going to use State funding, use State funding to fund the program, as opposed to what they've always done, just push it down in terms of mandates on localities.

COMM. BLASS:

The State budget process this year was one of the most unusual we've ever seen. Very little was known about its provisions, particularly as they apply to Safety Net and Social Services programs, and the readjustment of compensation to the counties until after it was adopted. And that presented a real problem for us, because we had no issue to identify until the issue became a fait accompli with the State budget.

LEG. BARRAGA:

Okay. Thank you.

P.O. LINDSAY:

I have some other Legislators, but I just want to add something to Legislator Barraga's remarks. This is just one of multiple programs where the mandates are getting overwhelming. You know, we just went through a whole thing with the State Health Department about our health centers, where they wanted to claw-back 20 million dollars. After four months in negotiations, we were successful in cutting that to 10 million dollars. I mean, that's equivalent to a thief walking into your bedroom, putting a gun to your head, and said, "I want to take all your money," and you negotiate with him, he only takes half. And again, I'll get on the pension again. Eighty-nine million dollars last year, 181 million dollars next year for a fund that's fully funded. For a fund that's fully funded. I don't know where to get the money. I don't know where to get the money, and like this case, we don't have any choice. We don't have any choice but to pay the bill. Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. And I completely agree with what you just said, because we're looking at this in so many areas. And I have to commend the Commissioner regarding child care, that you were able to find the money. Of course, because of the state reimbursement not being what it should be, and you didn't want the long waiting list, but, unfortunately, the way you had to find the money was to charge a higher cost to the users.

COMM. BLASS:

Parent fee.

D.P.O. VILORIA-FISHER:

To the parents who are using our child care services. But you had to think creatively. I also wonder if you are -- our Welfare to Work Commission has been doing a lot of good work over the years and I wonder if they've been asked to help out with those people that you're trying to move from the Safety Net to the Family Assistance, or move them out of -- you know, out of -- away from public assistance to work. Have you employed that group of Commissioners to help --

COMM. BLASS:

Yes, we attend their meetings regularly. We consider the Welfare to Work Commission a partner to the Department. The relationship and the interaction between the Department and the Commission has improved significantly and we are very grateful for their help, definitely.

D.P.O. VILORIA-FISHER:

Good. Thank you. I was concerned about one line that's left as an offset, and I just want to ask Budget Review to weigh in on this. It's the Family Child Adult Services, there's still \$50,000 coming

out of that. Gail, are we comfortable with taking that 50,000 out of that? I know that we had concerns about that particular line.

MS. VIZZINI:

That's a supply line.

D.P.O. VILORIA-FISHER:

Okay.

MS. VIZZINI:

So we don't have as grave concerns had it been, say, personnel lines.

D.P.O. VILORIA-FISHER:

Okay. All right. Thank you, Gail. I just know that -- you know, that's an area that covers a large group. Okay. Commissioner, thank you, and thank you for amending this --

COMM. BLASS:

Right.

D.P.O. VILORIA-FISHER:

-- so that we have a greater comfort level. And are you going to be able to find that other 400?

COMM. BLASS:

Well, we don't think that we will be able -- we think that we'll be able to work without that 400 -- 400,000, because of the management reform that we talked about with Safety Net is just beginning to show results. And while January to March showed the continuing climb in caseload, it began, as we were slowly transferring cases into Family Assistance from Safety Net, it's began to level off. It's not by any means going to turn us around completely with Safety Net, but to the tune of between 400,000 and half-a-million for the last quarter, we think we'll be able to do it.

D.P.O. VILORIA-FISHER:

Now you said that was a very labor intensive process. Is it possible to hire back some retirees on a part-time basis to help get -- hasten that process?

COMM. BLASS:

We do have consultants assisting the different divisions. We call them consultants or adjuncts, but those are -- there are not very many of them because there's a restriction, especially now on bringing in new consultants like that.

D.P.O. VILORIA-FISHER:

Thank you, Commissioner.

COMM. BLASS:

Thanks.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah, I know that we've talked about this at length already, but I did send my letter off to the Governor requesting -- I know we talked about residents coming from Florida, Arizona, that I personally have experienced in my own district, who have expired their 60 months in that state, now coming to New York, because they know that there's a Safety Net. I believe we had somewhere

about, up to the present, over 1,000 people that you have identified that are non-New York residents. One of my requests is to start -- that the State is going to have to require a residency.

I know I asked Ken, and I don't know if you were able to get back with me on that, because we talked about those people who are not residents who have come from other states, and were you able to put a dollar amount on that?

MR. KNAPPE:

My name is Ken Knappe. I'm the Director of Finance for Social Services. Legislator Browning, we are researching that. We're pulling up some computer reports and generating the reports, so we are working on that number for you and looking at some other things that might be of some interest as well.

LEG. BROWNING:

Okay. Thank you. Also, Gail, maybe the DSS 6103, I believe that -- is that Medicaid assistance cap?

MS. VIZZINI:

That's the -- yes, that's --

LEG. BROWNING:

And where is that money coming from, is that --

MS. VIZZINI:

That's our local share of the Medicaid payment. We did have discussions with the County Executive's Budget Office and the Department, and, as you know, this is the line item that, in addition to being our share of the Medicaid cap, is where the IGT payment to the nursing home is budgeted. However, the schedule for revenue to the nursing home, the 9.4 million dollars, which the State confirmed we will be receiving, will be received over the '11-'12 fiscal years, and it's basically evenly divided between '11 and '12.

LEG. BROWNING:

So this three million dollars is money that would be probably going to John J. Foley if we weren't using it here?

MS. VIZZINI:

We would have to change the schedule to front all the monies in the current fiscal year, which, from a cash point of view, could present somewhat of a problem, and may not be critical to the continued operation of the facility. The 2012 budget abolishes the facility, so it is not necessarily a bad thing to anticipate that revenue in 2012.

LEG. BROWNING:

That's a little confusing. And I was going to ask you something else, I'm drawing a blank.

D.P.O. VILORIA-FISHER:

So that's what that look meant. I thought you were done.

LEG. BROWNING:

No. I was going to ask something else before that blank look. I'll get back to it.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Gail, can you speak to that again? I apologize. Did I hear you say that one of these offsets is associated with the nursing home?

MS. VIZZINI:

The Medicaid cap line and -- where's Ken? The Medicaid cap line is where Social Services pays our 38% share of the IGT revenue. So we got notification from the State that the nursing home is entitled to 9.4 million dollars.

LEG. KENNEDY:

Based on services that have already been rendered. IGT reflects '08, '09 and '10, I believe.

MS. VIZZINI:

Well, it's now incumbent upon the County to tell the State which of the three payment dates they want to receive the money. So our schedule shows that we will be receiving a payment in '11 and in '12, that that 9.4 is basically split. And if you have something different --

MR. KNAPPE:

No.

LEG. KENNEDY:

But let's stay on that for a second. We elected to advise the State when we'd like to take receipt of that?

MS. VIZZINI:

No. The State tells you, they say, "County, you're going to get 9.4. You can get paid any one of these three dates. You could take it all in '11." And don't forget, you have a 38% share that you have to pay --

LEG. KENNEDY:

Correct.

MS. VIZZINI:

-- in '11, or you could take it -- you could defer it all to one of two dates in '12, or you could split it into three payments. You have to tell us how do you want to divide this 9.4 million. So it's my understanding, I haven't confirmed in the budget, but we're dividing it half in '11 and half in '12.

D.P.O. VILORIA-FISHER:

And that was our option.

MR. KNAPPE:

That was our option. And I don't believe there's any loss in revenue, it's just a matter of spreading it out between the two budget years. And with the expenditure, you know, we split up the IGT payment, that governmental transfer between 2011 -- I think it's the Fall of '11 that a payment has to be made, and a payment would be made I think in late Spring 2012.

LEG. KENNEDY:

How could there be a payment made in '12, were the Exec's budget to go through unaltered, when he's electing to close the facility in 60 days from now?

MR. KNAPPE:

It's not for expenditures that are occurring in 2012, it's part of the whole Federal, the FMAP reimbursement that has occurred since April '09 through -- I want to say June or July of 2011. It

was the extra Federal reimbursement that we had to it. It's all reconciliations from that.

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

LEG. KENNEDY:

But I still don't understand why this offset is included here then.

In other words, you previously budgeted for a higher amount to take all of the IGT in '11? How can we have 1.2 offered as an offset if that was our 38% match?

MR. KNAPPE:

I believe originally, when the Medicaid cap compliance budget appropriation was adopted back through September and November of last year, that there was a higher reimbursement rate that we had to pay the State related to this, and I will defer to Ms. Vizzini on that. But I believe that the 38% that came out in the State letter reduced our expenditures that we had to make to New York State Department of Health.

MS. VIZZINI:

On page 231 of the recommended budget, we didn't get any IGT in '10, although when we were doing the '11 budget we thought we would get `10 and '11, which was somewhere around 7.4 or 7.6. What the recommended budget shows is, yeah, we're going to get 4.6 in '11 instead of the 3.6 we adopted, but we're going to get the -- that would be almost the equivalent -- a little bit more than the '10 payment, and we're going to get 9.5 in '12. So the revenue, regardless of whether the facility is operational, the IGT revenue is anticipated to go to the fund.

LEG. KENNEDY:

Okay. Can I -- thank you. I appreciate that, Ms. Vizzini. Mr. Chair, I'm going to make a motion to table this to committee, because I don't have the ability right now to make the determination of the full impact between what's clearly a selective decision at the administration's perspective as to how the money is parsed between the two years. We have the more fundamental issue of what he's just handed us less than eleven hours ago to close the whole nursing home. I want the ability to be able to see how the decision to appropriate this between the two calendar years affects what we're doing now and what we're doing going forward. So I'm going to make a motion to table to committee.

P.O. LINDSAY:

What motions do we have before us now?

MR. LAUBE:

You haven't taken it out of order yet.

P.O. LINDSAY:

Oh, okay. So we should --

LEG. KENNEDY:

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

P.O. LINDSAY:

Motion by Legislator Kennedy to take it out of order. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Where's Steve? There he is. Eighteen.

LEG. SCHNEIDERMAN:

I'm sorry; this is the CN we're taking out of order or the bill from committee?

P.O. LINDSAY:

This is just to take the CN out of order, 1771, that's all. So, did you call the vote?

MR. LAUBE:

I did, eighteen.

P.O. LINDSAY:

1771-11 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover the shortfall in Safety Net appropriations in the Department of Social Services (County Executive).

Okay. And now Legislator Kennedy has made a motion to table and I still have people that want to discuss and ask questions.

LEG. MONTANO:

Table or commit?

P.O. LINDSAY:

Table -- to commit, not to table, sorry. Legislator Montano.

LEG. MONTANO:

I'll pass for now.

P.O. LINDSAY:

Is there anybody else that would like --

D.P.O. VILORIA-FISHER:

Tom wants to speak on this.

P.O. LINDSAY:

Okay, Legislator Barraga.

LEG. BARRAGA:

I have some concerns with reference to this particular piece of legislation, because I think it's a classic example of the whole question of mandates from one level of government down to another.

The TNAF Program, as I recall it, really came about in the latter part of the 1970's and replaced Aid to Families with Dependent Children. And as was pointed out by the Presiding Officer and others, there is a maximum of 60 months of benefits under TNAF within one's lifetime. A State generally -- a State generally may not use Federal funds to provide assistance to a family that includes an adult head-of-household or a spouse head-of-household who has received assistance for 60 months. New York State, on its own, on its own, because it has this so-called progressive reputation, has no lifetime limit. Benefits continue for the whole family under the Safety Net Program.

The State is supposed to use State-only funds to provide assistance to families that it wishes to exempt from the time limit or the families that have reached the 60-month limit, according to the Federal code. The problem is this; instead of New York State taking its own State funds from its own State budget to fund the S and P, the State Legislature and the Executive Branch designed a program that called for a 50% reimbursement to the counties for administering the program. What we have here with the S and P Program is a bunch of Albany politicians taking credit for a program that the Federal government does not require and they at the State level are basically no longer funding, putting us in a position as a County, because of the reduction in the reimbursement from 50% to 29%, to go in and use the term "surplus" to basically take monies from other worthwhile programs to make up the deficit of eight and a half million dollars, and then spending most of our time discussing whether or not the taking of these programs is really justified and the effects the taking will have on other programs that are worthwhile, when the more fundamental issue is the whole concept of mandates.

Bottom line, we cannot and should not fund a program that should be paid for at the State level. The State Legislature and the Executive Branch put this program in place because they wanted to go beyond the Federal requirements, they had an obligation, and they know it, to fund it a hundred percent, but like all other mandates, they do not. Sooner or later, based on the fiscal situation in Suffolk County and other counties, someone must challenge the whole premise of mandates in the courts, because we cannot function as municipalities and school districts allowing others to dictate charges on our budgets that we should not be paying for to begin with.

If we come to a vote on this, with all due respect, I have no intention of transferring funds to this program. This is a program, in essence, we should not be paying for at all. This was a decision made at the State level by the State Legislature and the Governor, they should fund this program, not Suffolk County or any other County.

P.O. LINDSAY:

Is there anyone else that would like to speak? I've got a question for Commissioner Blass. I agree with Legislator Barraga totally and completely, to the point that it sounds like I'm maybe an alarmist, but we're getting to the point where the State will pass mandates that we have to pay for. We don't have any choices here at all because we'll have no other money left to do anything any local programs that we have a choice on. I mean, they make the decisions, we pay for it, and that is classic taxation without representation.

But my question for you, Commissioner, is what happens -- there's a motion to recommit this bill. What happens -- because we won't be able to address it until October; what happens then? Go through the scenario.

COMMISSIONER BLASS:

First, this is a program that is part of the Constitution. That's how -- that's the mantle that this mandate wears, it's a Constitutional obligation of the department to provide for it. If we run out of funding and are, therefore, in the position where we are turning people away -- and these are the desperate cases. These are the cases who can't get out of the Family Assistance cycle, not because they just choose not to, but because they don't have the ability to get gainful employment or they have disabilities that don't just yet qualify them to go on the Social Security Disability, and a number of other reasons that they are in a desperate situation and that they need help. And even on Safety Net we mandate those who are able to find employment and we get them back on their feet. There's no grass growing under the feet of the department when it comes to moving people out of Safety Net.

But we're in the fourth quarter now, we are in need of the funding as we speak. And if -- I would

fully agree with the sentiments expressed about the injustice of the State process of mandating expenses upon localities. Yet without Safety Net funding that we projected as a department was going to be needed back last year when we requested the correct amount of funding, coupled with the enormous increase in everything we do -- this isn't limited to Safety Net; our Food Stamp Program, our upcoming HEAP Program, our programs for child care. The demand with the economic pressures on so many families, the latest statistics of which horribly were just released yesterday, which I'm sure you're all familiar with, just put this department in the position where we have to have the funding to provide for those who are in need, people who are unaware of the meaning of mandates and the fine points of arguments of the issues between the State and the localities.

Of course there's a lot at stake, there's no question about that. But what's also at stake is what do we tell people who would be turned away? And when we start turning them away, when we have no longer the ability to fund Safety Net, that is when the State uses its other hand with a club to fine the County. And is that a battle that's worth fighting? It may very well be. Should we challenge the State's pushing us into a corner and then when we're unable to comply they then adopt punitive steps? That, too, is a legitimate argument to make. But the bottom line is the funding has to be there to provide for those in need, that's what this is about.

P.O. LINDSAY:

Okay. The money on hand, when do you project that you'll run out of that money in that fund, without this resolution?

COMMISSIONER BLASS:

If this resolution is not adopted at all, we won't make it to December.

P.O. LINDSAY:

I didn't ask you that. Money on hand. The motion is to recommit this to committee rather than address it as a CN, are you going to run out of money next week --

COMMISSIONER BLASS:

No.

P.O. LINDSAY:

Two weeks later?

COMMISSIONER BLASS:

We --

P.O. LINDSAY:

Can you get to the October cycle?

COMMISSIONER BLASS:

Yes, we could. We understand that you have a 6/October committee meeting that this would be scheduled for?

P.O. LINDSAY:

(Nodded head yes).

COMMISSIONER BLASS:

It puts things very tightly for us, but to be honest, yes, we could do that. But remember, that's at a time when so many other house-cleaning, if you want to use that term, issues are going to be presented to the Legislature and its committees, and I think that the offsets that we have in this resolution are responsible. I think that the Medicaid issue that's been raised with the offset that has

neither a revenue nor an expense impact, and I would contend as a department head that the nursing home would not be impacted by this offset; but if you wish to study that further, that is the prerogative of the Legislature.

P.O. LINDSAY:

Why do you say it won't have an impact?

COMMISSIONER BLASS:

It won't have an impact on the nursing home because it's neither a revenue nor an expense offset. I'll ask Ken to explain it, he can explain it better than I can.

MR. KNAPPE:

The payments that Budget Review was talking about related to the nursing home, they are for care and for costs that have already occurred.

P.O. LINDSAY:

Right.

MR. KNAPPE:

It's just a matter of when the expenditures and the revenues are going to materialize in Suffolk.

P.O. LINDSAY:

So you're taking the money now and committing to pay it in '12?

MR. KNAPPE:

Not even taking the money now. We were given the option of what we had to pay the State to get the revenue to do it in two equal parts, or close to equal parts, in a Fall disbursement of 2011 and a Spring disbursement of 2012.

P.O. LINDSAY:

We're talking about the IGT money now.

MR. KNAPPE:

That's correct.

LEG. KENNEDY:

Mr. Chairman?

P.O. LINDSAY:

So how are you's using that as an offset? You're losing me.

MR. KNAPPE:

I think -- you know, I'll defer, once again, to Ms. Vizzini. I think it's a couple of different issues that were raised. The offset itself of the \$3 million coming from that appropriation is a viable, logical offset in the minds of DSS and it's available.

P.O. LINDSAY:

Gail, can -- I know we talked about this yesterday, but I'm still not understanding it.

MS. VIZZINI:

If we adhere to the schedule that the County has sent to the State where we're going to divide the

9.4 into two almost equal payments in '11 and '12, the 38% share of the '11 comes from his budget, in that Medicaid. The Medicaid cap, that's where that money comes from, our local portion. So even if we take the three million, we're still consistent with the schedule of dividing the 9.4 into the two payments over the '11 and '12 fiscal year.

P.O. LINDSAY:

IGT is Federal subsidy specifically for publicly-owned nursing homes; am I correct?

MS. VIZZINI:

Generally speaking, yes, but there is a local portion of that payment.

MR. KNAPPE:

Now you're getting into the more the Department of Health area than DSS' piece.

P.O. LINDSAY:

Well, that's my whole point, Ken. How can you take a subsidy -- an offset from the Health Department that came via the Federal Government and use it as --

LEG. KENNEDY:

Enterprise funding, come on.

P.O. LINDSAY:

Go ahead.

MR. KNAPPE:

This offset is DSS' cap compliance, it does not impact the nursing home's operation.

COMMISSIONER BLASS:

Nor was it from the Health Department.

MR. KNAPPE:

Nor is it coming from the Health Department's appropriations also. This was available money in the Medicaid cap compliance and that three million would be transferred from Medicaid Cap Compliance to the -- which is one mandated program to the mandated program of Safety Net with no impact to the services at the nursing home or impact in expenditures or revenue. It's a net result of zero for the County as well.

P.O. LINDSAY:

Okay. I'm not going to monopolize. I don't understand it, but I'm going to turn it over -- I have a list of Legislators. Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Presiding Officer. The bottom line here, if you strip away all of the -- you know, all of this technical stuff, the bottom line is that we're robbing Peter to pay Paul. But the problem is that Peter's broke; you have to find somebody to rob, you know, for Peter to rob from. So the State continues to force all of these mandates upon us and we just don't have any more money to pay for them, and the list, as many of us have articulated here, goes on and on and on.

The Commissioner asked the question, "Well, who do we send all of these folks who are desperately needy to if the money runs out?" I would suggest that you send them to their State Legislators and to the Governor, because it's disingenuous for the Governor and New York State to say they're providing a program that Suffolk County is providing. And you know what? The County Executive has apparently proposed a budget with more than 700 layoffs in it. What do you tell those people?

They're going to be on those -- they're going to need the Safety Net before too long, and then what, then where do you get the money from?

It's -- this is just a culture of a shell game that's really gone too far. And New York State really needs to be responsible for their actions and stop passing the buck to Suffolk County and all the other counties and local jurisdictions in the State. Thanks.

P.O. LINDSAY:

Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Commissioner, it was my understanding when we first spoke about this that during what you call the house cleaning, end-of-year, that these monies would be returned to these -- that they would be found and returned to these different --

COMMISSIONER BLASS:

No, these monies would be spent on Safety Net.

D.P.O. VILORIA-FISHER:

They would be spent. And there's --

COMMISSIONER BLASS:

But they're in existing budgets that, if utilized, would not impact other County operations. We found one exception with the CPS salary fund. We argued back and forth about whether we could require that; that was not how our recommendation to make that an offset to begin with, that came from the Budget Office, but nevertheless, we were convinced that we can work without it.

Maybe it would help in this discussion, and I just offer this, if I could ask someone from our department to describe what the Safety Net population is all about. Would that contribute to this discussion, Mr. Chairman?

P.O. LINDSAY:

I don't think it would hurt. I don't think it's the issue of the worthiness of the program as much as it is us railing against the State cutting their portion to us. I mean, to mandate a program and then to cut -- I mean, it was a 50/50 deal that they mandated, we pick up half, they pick up half. Now, suddenly the mandate hasn't changed but they reduced us to 29%.

COMMISSIONER BLASS:

Right.

P.O. LINDSAY:

I think that's the genesis of the problem we're having here and how to attack it, I guess. And there's some concerns about using the nursing home IGT money that I know for one Legislator Kennedy fought very, very hard, and Legislator Browning, to get that subsidy from the Federal government, and to use it to bolster up a State subsidy has a lot of us concerned.

COMMISSIONER BLASS:

I understand, Mr. Chairman.

D.P.O. VILORIA-FISHER:

I was deferring to him to --

P.O. LINDSAY:

Oh, I'm sorry.

D.P.O. VILORIA-FISHER:

It's okay.

P.O. LINDSAY:

I'm sorry. Go ahead, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Okay. Greg, where I want to go now is looking at the three lines from Patient Care in Health Services, and I think -- Legislator Kennedy, I echo your concern regarding what we just went through with the Health Centers, what we're going through with J.J. Foley.

LEG. KENNEDY:

One point seven mill.

D.P.O. VILORIA-FISHER:

If we -- exactly, how can we afford to divert \$1.7 million out of Health Services when, you know, I've heard Legislator Montano talking about his -- the health center in his district being shortchanged, a health center in my catchment area was threatened to be closed, so I'm just having difficulty wrapping my arms around this.

But further to that, I want to go back, because I'll just ask all my questions at once. When Legislator Barraga spoke, he said that the Federal government in their providing the ability of states to create a Safety Net, had a provision that the states would then -- it was incumbent upon the states to provide the financing for this. Did I understand you correctly, that it was mandated that the states finance these?

LEG. BARRAGA:

No. The Federal government doesn't require any state to do a Safety Net Program.

D.P.O. VILORIA-FISHER:

No, but if a state chose to do it.

LEG. BARRAGA:

But a state has the option and the flexibility --

D.P.O. VILORIA-FISHER:

Uh-huh.

LEG. BARRAGA:

-- to put together, in this case, a Safety Net Program, but they have to use State funds.

D.P.O. VILORIA-FISHER:

Okay, that's what I'm quoting, that they have to use State funds. So -- and I understand the worthiness of those people who are in the Safety Net Program and the issues that we have with that. But I'm just curious as to what kind of standing the State would have to sanction us if we didn't find the money for this, if, in fact, they are required by the Federal Government to provide the funding for it. I find that a very odd set of circumstances that we find ourselves in.

COMMISSIONER BLASS:

It goes back to the point I made before about the State Constitution specifically provides for -- by the court decisions so far that have interpreted it, that we not only have an obligation to provide for the needy, but that the Safety Net Program is a Constitutionally-supported program as well. To get the State to turn around on this is a complicated process, time consuming. Not long ago there were 14 states that had Safety Net Programs, now it's down to ten. Will it come to the point where New York will abandon it also or modify it somehow? I don't know. But I know that for the fourth quarter of this year we have a line, literally, of cases that need to be dealt with.

D.P.O. VILORIA-FISHER:

I wasn't suggesting that the State abandon it.

COMMISSIONER BLASS:

No, I know.

D.P.O. VILORIA-FISHER:

But rather the responsibility of the State to finance it. Because I don't know if the courts -- the court cases to which you're referring --

COMMISSIONER BLASS:

Haven't touched upon that particular issue, not to my knowledge.

D.P.O. VILORIA-FISHER:

Haven't touched upon the issue that the Federal Government, I guess, statutorily requires the State to finance it if they so opt to carry it.

COMMISSIONER BLASS:

There's no Federal mandate regarding State Safety Net Programs, they're strictly on a State level.

D.P.O. VILORIA-FISHER:

I know that the State chooses them, but if the State chooses to have a Safety Net Program, the State must fund it; this is what Legislator Barraga, you know, stated. Can you verify whether or not that's, in fact, the case, or is it also the option of the State to divide the financing between itself and its municipalities?

COMMISSIONER BLASS:

That option, that reimbursement formula for not only Safety Net but all of them, are based upon State legislation that is adopted and approved by the Governor or either vetoed; the normal Legislative process.

D.P.O. VILORIA-FISHER:

So they have that ability, okay. I just wondered if that gave us some kind of leverage to avoid sanctioning.

COMMISSIONER BLASS:

I don't know if it does. But I can tell you that these offsets of patient care, Medicaid, we do not -- we are confident -- but the Legislature has a right to verify this, of course -- that these would not impact other County operations. And the one that we were not confident about, to wit Child Protective Services, has been deleted.

D.P.O. VILORIA-FISHER:

Okay. It's just that I have a problem believing that we have a one point seven surplus in Health Services when we've just gone crazy trying to find money to keep our health centers open.

P.O. LINDSAY:

Legislator Kennedy, I have you on the list; do you still want to talk?

LEG. KENNEDY:

Mr. Chair, I'm going to begin by restating my motion to recommit to committee. By the Commissioner's own words, we will not run out of funding before our next General Meeting. And quite frankly, I take personal offense at creating a crisis in the spending of \$8.3 million in less than 20 minutes here. It is clear there's concern with these offsets, not only the IGT, the Health Services funding. Quite frankly, I'm befuddled by 1.1 million in red light camera revenue. This is a simple request for process. We're saying put it to committee where it can be vetted and let us make the decisions and my colleagues.

Legislator Barraga brings up excellent points. It may be time to sue. We've also fought long and hard. Monroe County commenced a legal action to bring IGT forward that was embargoed by the State for four years. This is not an unreasonable request, and I'd say let's move the motion and commit to committee.

P.O. LINDSAY:

Mr. Kopp, did you want to say something?

MR. KOPP:

Thank you. I was going to come up and say we're going to take our CN off and put it through committee.

*(*Laughter*)*

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

You're a true diplomat. Okay, so the CN has been withdrawn.

MR. NOLAN:

No, just commit it to -- they amended the bill, we need to commit.

P.O. LINDSAY:

Okay.

MR. LAUBE:

You have a motion, I just need a second if you want to send 1771 to committee.

P.O. LINDSAY:

Okay.

COMMISSIONER BLASS:

If I could just make one point to speak to what Legislator Kennedy indicated. No crisis has been manufactured. This resolution and the offsets therein have already been through committee and we welcome the opportunity to repeat that, but this department under no circumstances would manufacture any kind of crisis. So I join you in taking exception to that.

LEG. KENNEDY:

Mr. Commissioner, this is not directed towards you. It is a decision on the part of the Administration to bring the matter forward in the form of a CN that I take issue with, not with you or

your operations of the department by any means.

COMMISSIONER BLASS:

I appreciate that, Mr. Kennedy. But I do want to say the one final point is that while the October 6 committee schedule and your next General Session schedule work for us, it barely does. We're in the quarter where Safety Net needs funding. And I thank you very much for your time and consideration.

P.O. LINDSAY:

And just in the interest of disclosure, the Administration did bring an original bill to us that we objected to one of the offsets.

LEG. KENNEDY:

Yeah.

P.O. LINDSAY:

You've removed that offset, you submitted a CN.

D.P.O. VILORIA-FISHER:

That's right.

P.O. LINDSAY:

Unfortunately, when they came back to us, I don't think any of us realized that the nursing home IGT money was affected in that and I think that's really the focus of -- we have to get -- wrap our arms around that to understand how it isn't going to affect the operations there on a short-term basis or a long-term basis.

Legislator Browning, did you still want to say something or do you want to second the motion to commit?

LEG. BROWNING:

Yeah. Well, just real quick. I mean, as far as the IGT money, yeah, I can. But the IGT money -- because I'm trying to understand, if you're pulling \$3 million from John J. Foley Nursing Home and you're saying it's not going to affect the operation, what would you be doing with that money? Wouldn't it be shifted to John J. Foley, and isn't that money to help with the operations of John J. Foley if you don't use it here?

MS. VIZZINI:

IGT money will go to Foley, it is directed to the nursing home fund. The nursing home is going to -- according to the recommended budget, it's going to end 2011 in the negative, nine and a half million dollars.

LEG. BROWNING:

Well, that's --

MS. VIZZINI:

So the revenue in '12 will go to mitigate some of that. So regardless of whether we were to approve this or not to profit it, right now there is a schedule for those IGT payments to be made to the nursing home but divided over two payments, one in '11 and one in '12.

And Mr. Presiding Officer, if I may. I just wanted to point out that of this, 8.3 million, 4.3 million is

coming from mandated line items to address this mandated program. We could not have used that 4.3 million to offset the concerns regarding the health clinics. The clinics are a discretionary expense. So those surplus areas could not have been used to mitigate the discretionary shortfall.

LEG. BROWNING:

But also, Bill --

P.O. LINDSAY:

I think we're going to have more discussion about this.

LEG. BROWNING:

You know, I'm just concerned that we're stealing money from the nursing home for DSS and the nursing home's having troubles as it is.

P.O. LINDSAY:

Legislator --

LEG. BROWNING:

I do want to ask, though. I know I asked about residency. On the applications, when people come in and submit an application, do you -- you do request what their former address was prior to the current, right?

MS. STAAB:

Yes. Hi, I'm Kimberly Staab, I work for the department for 33 years. The application does indeed indicate where they resided prior to coming. However, it could have been that they lived in one town, in let's say Babylon, and the year prior they might have come from another state. So it's not a perfect system. We really don't have a good track history of knowing where people have come from.

LEG. BROWNING:

I think it's important to do that, because not only coming from another state, but say even Nassau County. Because now we're funding out of the County taxpayers here 71%, and what if they move from Nassau County and they're shifting them from Nassau County or from Westchester or wherever?

MS. STAAB:

Right. Well, within New York State, that's allowable. There's rules within the State that they can come from one County to another, it's usually just out of state. But even though our form that we used, our application is state-subscribed, so we're required to use the State form, which doesn't have the right kind of questions.

LEG. BROWNING:

Yeah. I mean, that was okay maybe when it was a 50/50, but now it's becoming, what, 71%?

MS. STAAB:

Right, correct.

LEG. BROWNING:

That's a big difference, and I'm very concerned that we're going to wind up getting a bigger burden. So I think maybe that's another issue to look at is the former address, not just in Suffolk County.

MS. STAAB:

Certainly.

LEG. BROWNING:

Thank you.

P.O. LINDSAY:

But do I understand you correctly; we don't have the option even to adjust the residency requirements; is that correct?

MS. STAAB:

That's absolutely correct. In fact, I actually looked it up because I've been here for so long, that back in I think '96 when welfare reform came in, New York State tried to do a residency requirement for six months and limit the amount of assistance someone received and it was canceled. We were -- a lawsuit was brought against New York State.

LEG. BROWNING:

But I believe there are other states that do have residency requirements, and we're only ten states that have Safety Net.

P.O. LINDSAY:

Well, there's 40 other states that don't have it at all.

LEG. BROWNING:

Correct.

P.O. LINDSAY:

It just doesn't make sense that you can't adjust -- I mean, I'll buy that the State has the ability to adjust the residency requirements, but you -- in other words, the State could cancel the whole program, but they can't adjust the residency requirements.

MS. STAAB:

Well, I don't know if they can really cancel the program. Because you have to understand, prior to Safety Net, in 1996, we had the Home Relief Program, and the Home Relief Program did the same thing that the Safety Net Program now does, it cares for not only people that aged out of TNAF, but it also cares for single and childless couples. And it was a pretty large population, we have 4,000 individuals that are on Safety Net that are single.

P.O. LINDSAY:

What do the other 40 states do that don't have Safety Net?

MS. STAAB:

I believe -- I don't know, to be quite honest, but their Constitution probably does not require that they, you know, do this where our Constitution does.

P.O. LINDSAY:

Okay. Legislator Horsley.

LEG. HORSLEY:

Yeah, hi. I just have a quick question to George. You know, Legislator Barraga has talked of a lawsuit, the possibility of a lawsuit against the State requiring us to pay for mandated services that they pull out of themselves. What is -- has this ever been tested in the courts before? Maybe it's something -- and you don't have to answer this now, but just take a look at the possibilities of success of this? You know, particularly if we went in with other counties that must be under the

same stress and duress that we are under at this point in time. Is this something -- and again, you don't have to answer this immediately. Is this something that we should entertain and is it sensible?

MR. NOLAN:

I'll get back to you.

LEG. HORSLEY:

Okay, fair enough.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, I just have a couple of questions, actually with respect to the offsets. Gail, the \$1.1 million, one million, one hundred and fifty thousand from the red light cameras; if we move this money into this -- pursuant to this bill, how much would be left in that category?

MS. VIZZINI:

I think there was about 14 million in the appropriation. I'd have to see what the recommended budget shows in terms of what we're -- what we've already spent. There would be several -- there is -- there would be several million dollars --

LEG. MONTANO:

Left over.

MS. VIZZINI:

Correct; in the appropriation, correct.

LEG. MONTANO:

All right. When you say in the appropriation, what does that mean exactly? Does that mean what we anticipated collecting or what we collected?

MS. VIZZINI:

This is an appropriation, it's not the revenue. I note that the red light camera project manager, Kim Brandeau, is stepping to the podium and she may be able to answer your questions.

LEG. MONTANO:

Okay; Eric just presented her there. How are you?

*(*Laughter*)*

P.O. LINDSAY:

The red light camera lady is in black. Go ahead, Miss Kim.

MS. BRANDEAU:

Yes, good afternoon. The way that the red light camera revenue works is we get the revenues in to the program and then the vendor bills us monthly for a portion of the revenues based upon the number of citations issued. So the way that it's budgeted is we budget the gross revenues that we think we're going to receive and then we budget the expected expenditures to pay the vendor. Since the revenues were lower this year than budgeted --

LEG. MONTANO:

That was going to be my question. How much --

MS. BRANDEAU:

There are additional --

LEG. MONTANO:

How much did we anticipate receiving, whether it be gross or net, and how much did we actually receive; again, respectively, gross or net?

MS. BRANDEAU:

We had earlier projected that we would be netting about half of what we initially thought. So we're looking at about \$10 million, ten million plus --

LEG. MONTANO:

All right. Well, you're going too fast for me? Was it --

MS. BRANDEAU:

-- in net.

LEG. MONTANO:

Oh. So it was 20 million gross and we had anticipated 20 million -- I mean, half of that for ourselves, am I correct?

MS. BRANDEAU:

We are estimating ten million, a little over ten million net for the County this year.

LEG. MONTANO:

Is that the estimate that you are projecting today or is that estimate that you projected when we did the budget?

MS. BRANDEAU:

It's what's in the budget.

LEG. MONTANO:

All right. And are we going to be meeting our budget projections?

MS. BRANDEAU:

Yes, we believe so.

LEG. MONTANO:

Okay. So when we -- when we move the one point -- and what was that expenditure for; was it earmarked for anything or was it simply just earmarked as revenue?

MS. BRANDEAU:

No, the expenditure is just a pure expenditure line that goes to the vendor. So what happens --

LEG. MONTANO:

So there would be in excess -- in other words, once -- it's revenue, but the expenditure would be half the amount of the revenue for the vendor. But what about the other half that we collected, was that earmarked for anything in particular?

MS. BRANDEAU:

It's -- all the revenue that we receive for the red light program goes into a General Fund revenue code, all of it. So 100% of the revenue; every time somebody pays a red light citation, we get that \$50, it sits there in our General Fund.

LEG. MONTANO:

All right. So it's available is what you're saying.

MS. BRANDEAU:

Yes. This has no impact on the revenue whatsoever.

LEG. MONTANO:

All right. Has any portion of that money been taken out since -- it's in a segregated category?

MS. BRANDEAU:

Yes, there's a revenue code in DPW in the General Fund for red light.

LEG. MONTANO:

And how much is sitting in that revenue code at this minute?

MS. BRANDEAU:

I would have to look that up, I don't know.

LEG. MONTANO:

Well, did we expend -- have we taken any money from that revenue code prior to this appropriation, or this movement of money from one category to another?

MS. BRANDEAU:

No, the revenue code doesn't get altered. This resolution only addresses an expenditure line which is completely separate from the revenue code and what stays in the revenue. The funding -- the appropriations are available to transfer out because of the projections for what we think we're going to need to pay the vendor this year based on the number of citations that we are.

LEG. MONTANO:

All right. So just so I'm clear, the projection is that there's \$10 million in this account, we are now going to deplete it by \$1.15 million, so the balance remains in that projected revenue category?

MS. BRANDEAU:

No. Actually, we have a revenue code that's completely separate. And I don't have my numbers in front of me, Legislator Montano, but we have a revenue code that has a certain amount of money in it and then we have a separate expenditure line that has -- and I think -- I don't know, Gail, if you have it there, it's like \$14 million in the expenditure line. If you take this --

LEG. MONTANO:

But that -- just so I'm clear; that expenditure line is for the vendor.

MS. BRANDEAU:

Correct.

LEG. MONTANO:

All right. And there is no other -- there is no other expenditure category associated with this income, revenue, whatever you want to call it; am I correct?

MS. BRANDEAU:

There is no other expenditure associated with the revenue, it's this one particular revenue line -- expenditure line in DPW in a 456 fees-for-service account.

LEG. MONTANO:

So if you do the math, we have a little bit under \$9 million in the category if we were to approve this resolution; is that accurate?

MS. BRANDEAU:

No.

LEG. MONTANO:

Okay. Then explain it to me, because I feel like I'm going in circles.

MS. BRANDEAU:

Okay. The expenditure line -- can I just borrow -- Gail, can I borrow the budget?

MS. VIZZINI:

Fourteen total, and seven.

MS. BRANDEAU:

We budgeted in 2011 about \$14 million to pay for the vendor and we're estimating I think a little over seven million to pay for the vendor, that's what we're going actually going to need to spend this year.

So that leaves excess appropriations in the expenditure line. That doesn't impact anything to do with the revenues or anything else.

LEG. MONTANO:

Is that a net positive or a net loss?

MS. BRANDEAU:

It's a net positive. This program is a net positive to the County.

LEG. MONTANO:

Okay. So once we expend the \$1,150,000, how much do you anticipate -- how much is left in that account, on your projections? Approximately, I don't need an exact number. Is it five million? Do you know?

MS. BRANDEAU:

Well, are you asking me what has been expended to date out of that line? I don't have those numbers with me. You're asking me what the projection is? The projection was about \$7 million for this year.

LEG. MONTANO:

All right. No other monies other than this movement have been -- has affected that line; is that accurate?

MS. BRANDEAU:

That is accurate.

LEG. MONTANO:

Okay. Thank you very much. I appreciate it.

P.O. LINDSAY:

Okay. Moving right along, Legislator Cilmi.

LEG. CILMI:

I'm sorry. Just for you, just a quick question. I just wanted to make sure I heard something correctly. I've heard that remark a couple of times today already. Did you say that we are projecting to receive revenue from the red light cameras on budget from 2011?

MS. BRANDEAU:

No, what I was saying is that earlier in the year when we looked at what we thought we would come up with this year in terms of net revenues in the program, we still feel that we are going to reach that. So no, we're not -- we are not achieving what was budgeted. We talked about this in the Public Works Committee about the installation, delays and some different items that impacted the number of citations being issued, but no, we're not what's budgeted, but it's been consistent in terms of we think we're going to net -- net revenue to the County with no other cost -- over \$10 million this year.

LEG. CILMI:

So this is a key distinction. Because Legislator Montano specifically said -- was addressing what we were budgeted versus what we're receiving. So if you could just reiterate, then, for us --

LEG. MONTANO:

Thank you for clarifying.

LEG. CILMI:

-- what was -- the amount of money that we were to net in our budget, and then what have we netted or what do you expect to net at the end of this year?

MS. BRANDEAU:

When we adopted the budget in 2011, we thought we would net approximately \$20 million in the -- for the Red Light Camera Program, and now we're estimating a little over \$10 million for this year.

LEG. CILMI:

Okay. That clarifies it for me. Thank you.

MS. BRANDEAU:

All right. Thank you.

P.O. LINDSAY:

Thank you very much, everybody. Everybody is all questioned out?

LEG. MONTANO:

Yes.

P.O. LINDSAY:

Okay, Legislator Kennedy, you made a motion to commit this bill to committee?

LEG. KENNEDY:

Yes, Mr. Chair, that's correct.

P.O. LINDSAY:
Do I have a second?

LEG. CILMI:
Second.

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. We have Director Cook here; please come forward, Director Cook. Again, it's another CN, it's 1715.

MR. NOLAN:
It's a regular.

P.O. LINDSAY:
Oh, it's not a CN, it's a regular resolution, I guess it's under Public --

LEG. EDDINGTON:
Page five.

P.O. LINDSAY:
Tabled, it's under the Tabled category. 1715 is under Resolutions Tabled. Do I have a motion to take it out of order? Motion by Legislator Eddington. Seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
It's before us.

1715-11 - Confirming appointment of County Director of Probation, (Gerald J. Cook).
Director Cook, I apologize, I thought that we would take it sooner than we did.

LEG. MURATORE:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Muratore.

LEG. KENNEDY:
I'll second it.

P.O. LINDSAY:

Seconded by Legislator Kennedy. I'm going to make a motion to table again. And it's no reflection on you, Mr. Cook, at all. The reason I'm making the motion, we're in the fleeting hours of the current administration and whoever the next County Executive is, I would like them to appoint their Commissioners and Directors as much as possible.

I know it's been pointed out to me that the position of Director of Probation serves at the will of the County Executive and I understand that, but I -- and I certainly have no objection at all for you to continue as the interim Director. So we have a motion to approve and a second.

LEG. KENNEDY:

On the motion to approve, Mr. Chair?

P.O. LINDSAY:

Well, let me just get all the motions, please.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Is there a second to the tabling?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the motion, go ahead, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Notwithstanding the fact that the calendar I think reflects 104 days left of this current administration, but I'm not exactly sure. As you know, the Director of Probation is an extremely important position, one that is a position that ultimately governs or has direct responsibility for some 270 Probation Officers, a number of Civil Service personnel and a significant number of court mandates. And I think you know, and you've concurred, that Mr. Cook comes to us with a whole career of experience. And I offer the motion to approve based on the fact that I think it sends an important message both to the workforce and to the courts that we have an individual that is with full competence and authority to administer throughout the department. So that's my basis for offering the motion to approve.

P.O. LINDSAY:

Anybody else? Seeing none, we have two motions, the motion to table goes first. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

I'll table for one cycle.

MR. LAUBE:

Oh, sorry. Romaine? We're going from the top this meeting.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

MR. LAUBE:

Horsley?

*(*Laughter*)*

P.O. LINDSAY:

Did you vote?

MR. LAUBE:

No, I didn't hear anything.

LEG. MONTANO:

No, he's taking a survey.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Didn't you vote already?

LEG. MONTANO:

Yeah, I thought you said you would table for one cycle?

D.P.O. VILORIA-FISHER:

No, he had to start from the other side.

MR. LAUBE:

I went from the bottom, I was supposed to go from the top; we're in an odd-number month. Now I took the vote officially. Ten.

D.P.O. VILORIA-FISHER:

Do I get a vote?

MR. LAUBE:

Viloria-Fisher.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Ten.

D.P.O. VILORIA-FISHER:

That makes it eleven.

MR. LAUBE:

That's ten.

P.O. LINDSAY:

Okay. Yes, Legislator Romaine.

LEG. ROMAINE:

We have a number of people who have been waiting here from Shelter Island and I'd like to take a motion to take the North Ferry rate proposal out of order, please, just so they could go home before lunch.

P.O. LINDSAY:

Where is it on the agenda?

LEG. ROMAINE:

On the agenda, it's under Public Works, sir. It is the North Ferry, and I'm looking for it.

P.O. LINDSAY:

I've got it, page seven.

LEG. ROMAINE:

Right, 1488.

P.O. LINDSAY:

We have a motion to take 1488 out of order. Seconded by Legislator Schneiderman.

LEG. MONTANO:

What page is that?

P.O. LINDSAY:

Page seven. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1488 is before us. *1488-11 - Authorization of alteration of rates for North Ferry Co., Inc. (Presiding Officer Lindsay).*

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion to approve. Second by Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Okay. Anything on the motion?

D.P.O. VILORIA-FISHER:

I have no problem.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We've got five minutes, anybody else want to take something out of order?

LEG. MONTANO:

Yeah, lunch (laughter).

P.O. LINDSAY:

No.

LEG. MONTANO:

We can't take lunch out of order?

P.O. LINDSAY:

Okay, page five, *Resolutions Tabled to September 15th:*

1267-11 - Dedicating certain property in Yaphank as County parkland and authorizing its transfer to the Suffolk County Department of Parks, Recreation and Conservation for open space preservation (Browning). Legislator Browning?

LEG. BROWNING:

Oh, sorry. I was reading something else. What was the bill?

D.P.O. VILORIA-FISHER:

Your bill.

P.O. LINDSAY:

Page five, you're the sponsor, 1267.

LEG. BROWNING:

Motion to approve, I'm sorry.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Browning. Is there any discussions?

D.P.O. VILORIA-FISHER:

No, seconded by Legislator Cooper.

P.O. LINDSAY:

Oh, Legislator Cooper, excuse me. Is there any discussions on 1267? Legislator Romaine.

LEG. ROMAINE:

A quick question. Which lands are these involved?

LEG. BROWNING:

It's the Parcel A.

P.O. LINDSAY:

This is Parcel A where the arena was going to go on part of the Yaphank property, the part closest to the Carmans River, the environmentally sensitive portion.

LEG. ROMAINE:

Absolutely. Thank you. I recall, it's all just east of where the storage shed is.

P.O. LINDSAY:

That's correct.

LEG. ROMAINE:

Right, got it. Thank you.

P.O. LINDSAY:

Legislator Vilorina-Fisher.

D.P.O. VILORIA-FISHER:

And Legislator Browning, the storage sheds and those other buildings have been carved out, correct?

LEG. BROWNING:

Yeah, it's only the open space.

LEG. ROMAINE:

Okay.

LEG. SCHNEIDERMAN:

So just the --

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just if we can get it on the record, because I had asked the issue last time about TDR's, whether we had sellable TDR's that we could remove before we sold it or bank in some way and sell. Maybe Legislator Browning or somebody can work out something.

P.O. LINDSAY:

I'd like Counsel to weigh in on that. Because as far as I know, I had a motion -- I had a bill a couple of years ago to sell our TDR's off of property we preserved and you guys wouldn't vote for it. How can you do it here?

LEG. BROWNING:

Yeah, Bill, I checked with Real Estate and I checked with our Planning Department also, we cannot transfer a TDR. State law does not permit transferring TDR's from municipally-owned land.

P.O. LINDSAY:

Do you agree with that, Counsel?

MR. NOLAN:

I mean, we've done it with a number of our programs where we've purchased land and we peel off development credits. So I don't think it's an across the board ban on that practice.

D.P.O. VILORIA-FISHER:

I think -- Legislator Browning, I think it might have been --

P.O. LINDSAY:

Legislator Vilorina-Fisher.

D.P.O. VILORIA-FISHER:

-- the State's Pine Barrens Act.

LEG. BROWNING:

It's under the Pine Barrens Act, yes; I'm sorry.

D.P.O. VILORIA-FISHER:

Under the Pine Barrens Act, the municipally-owned land did not have the availability of having TDR's.

P.O. LINDSAY:

But this isn't in the Pine Barrens.

D.P.O. VILORIA-FISHER:

Yes, it is.

P.O. LINDSAY:

It is in the Pine Barrens.

D.P.O. VILORIA-FISHER:

Yes, yes. It is in the Pine Barrens.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

And that's why it comes under the Pine Barrens Act and that's why we can't do the TDR's

P.O. LINDSAY:

Okay. That answers the question.

LEG. SCHNEIDERMAN:

The entirety of the property is in the Pine Barrens core now?

LEG. BROWNING:

No, just the Parcel A.

LEG. NOWICK:

It's a portion.

MR. NOLAN:

This parcel is.

D.P.O. VILORIA-FISHER:

Just this parcel.

LEG. SCHNEIDERMAN:

Just this piece that --

LEG. BROWNING:

This particular parcel.

P.O. LINDSAY:

Okay. We have a motion and a second to approve 1267. 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). Legislator Cilmi.

LEG. CILMI:

Motion to table, Mr. Presiding Officer.

D.P.O. VILORIA-FISHER:

Second.

LEG. CILMI:

I'd like to -- at this point, although I still believe in this bill, if we pass it today, which is unlikely, it would obviously affect this year's budget process and it's just too late to do that. So I'd like to table it, we'll amend the bill so that effectively it takes effect next year's -- for next year's process and we'll move forward from there. Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

And that's you again, Tom.

P.O. LINDSAY:

Legislator Cilmi?

LEG. CILMI:

Motion to table.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 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). Do I have a motion?

LEG. BROWNING:

Motion to table.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to table. Second by Legislator Romaine.

LEG. ROMAINE:

We'll wait for the next administration.

*(*Laughter*)*

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

He has a way with words.

P.O. LINDSAY:

1556-11 - Adopting Local Law No. -2011, A Local Law in relation to disposition of auction properties (County Executive).

D.P.O. VILORIA-FISHER:

What's going on with that?

LEG. BROWNING:

I'll make a motion to table.

P.O. LINDSAY:

Motion to table.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. Anybody on the issue? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it's 12:30. Everybody be back at 2:30 bright eyed and bushy tailed and maybe we'll get through the rest of it. All right?

Thank you very much. We stand recessed until 2:30.

*(*The meeting was recessed at 12:31 P.M. & was reconvened at 2:34 P.M. *)*

P.O. LINDSAY:

Mr. Clerk, please call the roll.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:
(Not present).

LEG. MURATORE:
(Not present).

LEG. ANKER:
Here.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Yep.

LEG. D'AMARO:
Here.

LEG. BROWNING:
Here.

LEG. COOPER:
(Not present).

D.P.O. VILORIA-FISHER:
(Not present).

LEG. KENNEDY:
Here.

P.O. LINDSAY:
Here.

MR. LAUBE:

I've got fifteen (Not Present: Legislators Muratore, Vilorio-Fisher & Cooper).

P.O. LINDSAY:

Okay. Welcome back, everybody. We have Public Hearings. If you would turn to page two in our agenda. We have very few cards, so maybe this will go quickly.

IR 1314 -- oh, Public Hearing on ***Southwest Sewer District Assessment Roll***. I don't have any cards on this subject. Is there anyone in the audience that would like to talk to us about this subject? Seeing none, I'll make a motion to close.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Vilorio-Fisher & Cooper).

P.O. LINDSAY:

Okay. Next up is ***Public Hearing on IR No. 1314-11 - Adopting Local Law No. -2011, A Charter Law to establish a truth and honesty zone for clean campaign practices in Suffolk County by banning improper fundraising (Romaine)***. I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator --

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Vilorio-Fisher & Cooper).

P.O. LINDSAY:

Public Hearing on IR No. 1468-11 - Adopting Local Law No. -2011, A Charter Law creating a program for public financing of County campaigns and the banning of certain donations to curb potential conflicts of interest (County Executive). I don't have any cards on this subject. Anybody in the audience want to speak on this subject?

LEG. ROMAINE:

Motion to recess.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Vilorio-Fisher & Cooper).

P.O. LINDSAY:

Public Hearing on IR No. 1605-11 - Adopting Local Law No. -2011, 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 no cards on this subject. Is there anyone in the audience who would like to address us on this subject?

LEG. MONTANO:

Recess.

P.O. LINDSAY:

Seeing none, motion to recess by Legislator Montano. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislators Vilorio-Fisher & Cooper).

P.O. LINDSAY:

Public Hearing on IR No. 1703-11 - Adopting Local Law No. -2011, A Local Law to establish the Gabreski Airport Conservation and Assessment Committee (Schneiderman).

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, does anybody -- Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I'll move to close. I just want to just check with Counsel because I amended the bill --

MR. NOLAN:

They were made.

LEG. SCHNEIDERMAN:

It was amended prior to today?

MR. NOLAN:

Yep, today.

LEG. EDDINGTON:

Second.

LEG. SCHNEIDERMAN:

So we don't have to reopen the hearing?

MR. NOLAN:

No.

LEG. SCHNEIDERMAN:

Okay. Then I'll move to close, please.

P.O. LINDSAY:

Motion to close. Seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: Legislators Viloría-Fisher & Cooper).

P.O. LINDSAY:

Public Hearing on IR No. 1704-11 - Adopting Local Law No. -2011, 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 (County Executive).

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

LEG. EDDINGTON:

Recess.

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Romaine. Do I have a second? Second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (ACTUAL VOTE: Seventeen - Not Present: Legislator Cooper **(CHECK that)**)

P.O. LINDSAY:

Okay, ***1716-11 - Adopting Local Law No. -2011, A Local Law to reduce the use of disposable bags by retail stores (Viloría-Fisher)***, and I have a couple of cards on this subject. First, Brian Chin.

MR. CHIN:

Hi. Good afternoon. First I'd like to start off by reading a letter by my brother and Executive Director of COARE, the Center for Oceanic Awareness, Research and Education. I've been informed by the Clerk that that should be part of the record already and in front of the Legislators.

"I grew up on Long Island and still consider it a home away from home. I was recently visiting friends and family near Smithtown, and every time I return I am always struck by the thoughtless distribution and acceptance of single-use bags. We believe that much of the impetus for change and consumer habit can be driven by change in the legislation and we would endorse the current proposal to impose a fee on single-use, carry-out bags in Suffolk County. However, while a fee on both paper and plastic bag use and single-use bags may encourage more people to employ reusable bags, we respectfully urge you to take this opportunity to pass an ordinance restricting the distribution of single-use plastic bags."

"While both paper and plastic bags have economic and environmental costs in production, the effects of plastic pollution are thoroughly pervasive and longer lasting. There are countless environmental benefits of a plastic bag ban. These include reduced use of natural resources for bag production, reduced wildlife fatalities from strangulation and suffocation and improved water quality. Plastic trash harms the health of ocean ecosystems. More than 216 marine species have been found with plastic in their stomachs or tangled around their bodies, thus interfering with feeding, movement, reproduction and causing injury and death."

"For all intents and purposes, plastic never biodegrades but rather slowly photodegrades. As it photodegrades, plastic film breaks into smaller and smaller pieces that attracts surrounding toxins. When mistaken as a food source, these plastic particles form a progressively greater health risk to

food chain contamination, nearly one in ten small fish collected in the middle of the Pacific Ocean have plastic in their bodies and researchers have estimated that fish are eating as much as 24,000 tons of plastic each year and that the plastic enters the food chain in this manner. Nothing we use for a few minutes of convenience should end up polluting our oceans for hundreds of years."

"In addition to the countless environmental benefits of a plastic bag ban, there are also economic benefits. A plastic ban ordinance would help lower clean-up and environmental compliance costs. Only a tiny percentage of single-use plastic bags are actually recycled; the rest end up in landfills and as litter. Sacramento, California, for example, and along with other municipalities State-wide, spends more than \$25 million each year to clean-up plastic, single-use bags from public places, storm drains and in our waste stream. Local taxpayer dollars are also spent to comply with storm water permit requirements and other standards in communities with trash-impaired waterways as defined under the Federal Clean Water Act. Education and recycling cannot keep pace with the generation of plastic bag pollution. Despite a 2006 law in California requiring retailers to place bag recycling bins in front of their stores, still fewer than three to five percent of these bags are recycled. We suspect that New York sees similar, if not lower, rates of recycling."

"Bans and fee programs quickly reduce plastic bag distribution. Ireland established a fee equivalent to 28 U.S. cents per bag back in 2002 and saw plastic bag use drop by 90% within the first year. Washington D.C. implemented a much smaller five cent tax on plastic bags and the number of bags distributed by food retailers fell from 22.5 million per month to 3.3 million per month. One year, after banning plastic bags at supermarkets and pharmacies in 2007, San Francisco businesses distributed 127 million fewer plastic bags, overall bag waste reaching the city landfill dropped by nearly 10%. Ocean-bound waste and plastic marine pollution is a global problem with local solutions. Banning the free distribution of plastic bags is widely considered an appropriate and practical legislative action that can protect our environment and save financial resources. At least twenty nations and dozens of local governments have adopted this approach and implemented bans on single-use plastic bags. In California, more than fourteen cities, municipalities and counties have already adopted such bans and many more are in progress. We urge you to join the growing global movement to ban plastic bags altogether and place a fee on paper bags. We will happily assist with language requirements and can provide or recommend sample model ordinances. Thank you for your consideration on this important issue. We strongly urge your Legislature to pass this important resolution, preferably with our recommended amendments."

On a personal note, I have been a resident of the 13th District for coming on 30 years now, and as a local scuba diver, I have to attest that plastic bags are in our waters, they're in the sound, they're tangling in seaweed. I believe that we really need to take action on this as soon as possible. I understand that, as written currently, we cannot really move forward with this issue because we lack the state-enabled legislation to impose a tax or a levy on single-use plastic bags -- single-use plastic bags. However, if this bill were to be amended to ban plastic bags altogether in Suffolk County, I believe that it would be a benefit to everyone involved. Thank you very much for your time.

P.O. LINDSAY:

Mr. Chin, there's a couple of questions for you. Legislator Cilmi.

LEG. CILMI:

Yes. Thanks, Mr. Presiding Officer. Just one question. You cite several statistics in your testimony, one of which was that 24,000 tons of plastic are eaten by fish every year?

MR. CHIN:

That is correct, sir.

LEG. CILMI:

Where does that come from? That's an awful lot of plastic.

MR. CHIN:

Well, I actually have to defer that answer to my brother, that was his letter that I was reading. He did give me documentation, but unfortunately I came here on my lunch hour and I didn't print it out and bring it with me.

LEG. CILMI:

Okay. Well, I appreciate your testimony --

MR. CHIN:

But I can forward that to your office.

LEG. CILMI:

-- but if you could sort of validate some of those assertions with some background information, that would be great.

MR. CHIN:

Absolutely, sir.

LEG. CILMI:

Thanks.

P.O. LINDSAY:

Legislator Viloría-Fisher, Mr. Chin, also has a question.

D.P.O. VILORIA-FISHER:

Mr. Chin, thank you for coming down. And I think my office can also give you some of that information, Legislator Cilmi. Can you repeat the name of the organization that you mentioned when you introduced yourself? I missed it.

MR. CHIN:

Certainly. It's the Center for Oceanic Awareness, Research & Education, COARE.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

That's it?

D.P.O. VILORIA-FISHER:

Thank you, yes.

P.O. LINDSAY:

Okay. Thank you, Mr. Chin. Nobody else, right? Thank you very much.

MR. CHIN:

Thank you.

P.O. LINDSAY:

Next is Tara Bono.

MS. BONO:

Good afternoon, Legislators. Thank you for the opportunity to speak today. As you may know, I represent Citizens Campaign for the Environment, a local organization representing 80,000 members between New York and Connecticut. We work to protect our national environment and public health by empowering communities and advocating solutions. We know that research has shown that single-use bags, including paper and plastic, you know, are extremely harmful to our natural environment. We strongly support legislation that decreases the use of these single-use bags. As stated previously, we do support this current legislation, placing a five cent surcharge on single-use bags. Although we do support, as Brian stated before me, and prefer that the legislation be changed to an all-out ban on both paper and plastic bags.

Limiting the amount of bags through legislation is not a new or groundbreaking concept. This is something that's been done for over a decade across the nation; across the world, actually. To date, astonishingly 25% of the world's population lives in areas where there are bans or surcharges in place, and some of these areas include developing countries like China, India, Bangladesh are even ahead of the curve than us on this. In Bangladesh, the ban came after the country experienced massive floods as a result of plastic bags causing clogs in storm water infrastructure. In India, the ban came after they found that cows, which were sacred there, were found with 50 to 60 plastic bags in their stomach each. In China, they did it as a preemptive measure before the Olympics, and since then they have reduced their plastic bags by over 40 billion plastic bags.

The first legislation in the U.S. was San Francisco in 2007. And to date, over 200 individual plastic bag reduction legislations have been implemented across the U.S., most of these are on the west coast from California to Alaska. One of our favorites is the Washington D.C. legislation which places a five cent surcharge. In D.C., in just one year, they saw a reduction of 19.5 million bags. In our region, unfortunately, the only legislation exists on the Coun -- I'm sorry, the town or the village level, as we saw with our neighbors in East Hampton and Southampton villages. We strongly support Suffolk County emerging as a leader on this and becoming a catalyst for change in movement in the northeast.

Now, all of us here have heard the argument that the answer to this is in recycling plastic bags. We're CCE, we love recycling, but we do stress that first comes reduce and reuse. There are important programs in New York State for recycling plastic bags and this legislation would not impact those programs at all. It's important to have places where people can recycle their newspaper bags, plastic films and other plastic bags in their households. To suggest that we keep using plastic bags only to sustain companies and industries that use this plastic bag for plastic decking or other products is akin to saying that we should encourage crimes just so that Police Officers can keep doing what they're doing; it just doesn't make any sense.

At the last hearing it was raised -- I believe it was you, Legislator D'Amaro -- who is The Chemistry Council; well, I now have an answer. The Chemistry Council is an industry group representing over 150 companies, including major chemical, oil and gas, agricultural and pharmaceutical companies. They have 125 employees and \$120 million in annual revenues. Council representatives have attended nearly every hearing on plastic bags that we've been to in opposition to any bag ban or surcharge that has been introduced. The Council last year spent \$8 million on lobbying against plastic legislation alone. In 2008, they were successful in defeating a surcharge in Seattle by breaking the record on the amount of money spent on a single referendum in the city; they spent \$1.4 million on broadcasting scare tactics and false costs to get residents to vote against the surcharge on plastic bags.

Last summer we attended a really great event with our friend Andy Keller of ChicoBag at Jones Beach showing the harmful effects of single-use bags through his character the "The Bag Monster",

which is just made up of 500 plastic bags, the average number of bags people use every year. This year, unfortunately, the activist was slammed with major lawsuits from plastic bag companies stating that he caused irreparable harm to their products and their companies. Fortunately, this Monday the lawsuit was dropped, they came to an agreement after two of the companies dropped out; the single company left settled on Monday with Andy and the ChicoBag company. As part of the settlement, the company had to agree to stop using the statistic that 12% of plastic bags are recycled because this is, in fact, not true. This 12% statistic takes into account bags I mentioned before like newspaper bags, plastics films and the like.

On Long Island, consumers and grocery stores agree that single-use bags are harmful and they welcome new legislation that changes people's behavior to reduce reusable bags. The new supermarket ALDI, which just opened last month in Bay Shore in Legislator Cilmi's district, charges ten cents for each plastic bag used. This policy has been effective in their stores across the country and globally in keeping costs down at the stores. You know, just a visit there, CCE, talking to the managers and the cashiers, got some feedback from the policy. They stated that the reaction was varied across customers. First, you know, coming in the consumers were a little bit surprised that they had to pay ten cents for a bag, you know, something that they had never heard of before, something they didn't consider, not realizing the damage that plastic bags may incur. But they said that repeat customers and regular customers have changed their habits quickly, they always bring their reusable bag and they recognize this charging ten cents a bag as one of the methods that the store can keep their costs down, because it is known as an affordable and no-frills supermarket.

So Suffolk County now has an opportunity to stand out as a leader in sustainability while protecting our marine resources, conserving fossil fuels and reducing unsightly litter. We urge the County to act swiftly to protect the 45,000 plus acres of parks and one thousand --

P.O. LINDSAY:

Tara, your time is up, so you have to wrap up.

MS. BONO:

I'm on my last sentence; 1,000 miles of marine coastline in Suffolk County from the plague of plastic bags. We encourage you to adopt this legislation and reduce the use of disposable bags. Thank you.

P.O. LINDSAY:

Okay. Stay there, Legislator Eddington has a question for you.

LEG. EDDINGTON:

Yeah, I just have one. Who gets the ten cents? Who gets the money?

MS. BONO:

I'm sorry. ALDI, I'm fairly certain that it's just the store policy, so they get the -- the store gets their ten cents.

LEG. EDDINGTON:

So the store -- so it benefits the store to do this.

MS. BONO:

Exactly. Because other stores obviously have to pay for plastic bags and its hidden in the cost of their groceries. In ALDI, the people only requiring a plastic bag pay for the bags; so the cost isn't spread over all consumers, only the consumers who actually need the bag.

LEG. EDDINGTON:

Okay. Thank you.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Yes, thanks. The -- I'm all in favor of ALDI's program. I think, you know, God-speed, more power to them to do that. And you know, it's kudos to their corporate structure that, you know, for them to offer that.

The problem I have is when government, you know, is injecting ourselves into these sorts of things. And, you know, it seems like one after the other we're passing or attempting to pass legislation that bans this or bans that or restricts this or restricts that, to the point where, you know, we're putting people out of business. I recently heard that we have a fairly large manufacturer of these bags right here in Suffolk County, somewhere in the Babylon area. I'm not sure how many people they employ, I'm sure it's a significant number of people; certainly if it's one person, to that one person, their job is significant. So I guess my question is where you do stop? You know, Citizens Campaign for the Environment is a great organization, I love Adrienne Esposito. You guys use computers in your office, I would imagine.

MS. BONO:

Correct.

LEG. CILMI:

All right. E-waste is a huge problem; would you suggest that we stop using computers? You know, and I'm going to ask a couple of rhetorical questions. We have pens that we use, right? Pens are made of plastic; are we going to stop using pens? At what point do we kind of take a step back and say, you know, what are we doing here? How much can we really ban or can we rely on, you know, good corporate citizens and creative ideas like ALDI to do this work for us rather than us coming down sort of big brotheresque on these sorts of thing? You have an opinion?

MS. BONO:

Yes. I know a lot of them were rhetorical questions, but I would like to take a stab at just answering generally. CCE will advocate for everything that you mentioned, we advocate for e-waste recycling laws, for consumers and corporations to take responsibility in recycling this e-waste so it doesn't continue to our landfills. Unfortunately, a lot of corporations aren't taking this up on their own, that's why we do advocate that legislation become in place. We really need to start changing consumer culture, everything from our pens to our water bottles that we use, we really work to change all of that and have more sustainable products.

LEG. CILMI:

I guess my question, though, is that, you know, in a state like New York where -- I mean, we're widely known as being one of the least business friendly states in the country; where does it end? Where does it become a point where, you know, we hang a sign, you know, at the Verizano Bridge that says "Jurassic Park" because there's nobody here to enjoy the great environment that we have? That's my only concern, you know.

MS. BONO:

Okay. Unfortunately, a lot of businesses and corporations aren't taking responsibility on their own. And as you know, Suffolk County and Nassau County pay some of the highest taxes in the country. We as taxpayers are paying for a lot of the cost of the clean-ups and, you know, spills and stuff like that, that we are -- you know, we're paying for. So we have to make a decision somewhere.

LEG. CILMI:

I agree. It's more of a debate thing, we'll talk about it privately.

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

Hi. Thank you for coming here today, we really appreciate it. I also am very supportive of protecting our environment, and because we are -- we're an Island, we're surrounded by water, there's a lot of marine life, there's a lot of environmental issues. I commend you for working on this project.

When Adrienne was here last time, I had asked her to see if she can get me some numbers, and maybe you could do this for me also. The cost of -- you know, what we need to decide as Legislators are the pros and cons, and of course the environment and health are very important. But then there's the other money side, and Legislator Cilmi had brought that up, you know, we need to also balance that.

So if there's some way you can get me the dollars of what would happen if we pulled plastic bags from our shopping area? Again, do you have anything here today to talk about that?

MS. BONO:

I do not, no.

LEG. ANKER:

Okay. No, that's fine. But if you could get us numbers on that. Because, again, if you consider the amount of money that we lose in our marine, fishing, you know, the dangers of clean-up, the toxic pollution that's created with the bags, I think that would really be a very beneficial thing to know when deciding on this legislation. But I do commend you and Citizens Campaign for the Environment for what you're doing now and what you have done in the past. Thank you.

MS. BONO:

Absolutely. Thank you. And I just would like to say it would be great if -- you know, we will look into it and it will be helpful if anyone else could offer any resources on getting the statistics of how much we spend on beach clean-up and how much we spend on repairing infrastructure in Suffolk County. We have the storm water catch basins that require regular maintenance because of stuff like plastic bags. So we look forward to getting that information for you.

LEG. ANKER:

One other question relating to, again, environment, but the health aspects. When these bags are created, the types of chemicals used, the amount of oil or the petroleum to make these; again, that needs to be part of the equation so we can really determine the financial value of these bags versus not having them. So thank you.

D.P.O. VILORIA-FISHER:

Legislator Nowick.

LEG. NOWICK:

Just a few things. I read in the bill that it would be five cents a bag, but only one cent goes to the --

D.P.O. VILORIA-FISHER:

To the supermarket.

LEG. NOWICK:

To the supermarket. And where does the other four cents go?

D.P.O. VILORIA-FISHER:

You want to ask her?

LEG. NOWICK:

Okay.

MS. BONO:

I believe that the other four cents would go back to -- the last I looked, it was towards the County towards an environmental education program.

LEG. NOWICK:

Oh, okay.

D.P.O. VILORIA-FISHER:

And remediation, storm water remediation.

LEG. NOWICK:

The only -- one of the questions I have, and you may or may not know this, is that -- first of all, the plastic bags that I'm getting in the supermarket are made out of -- I mean, they're like tissue paper, not even; you use them once and you've got holes in them. But they do serve a purpose for many people in putting -- lining garbage pails, whether it's diaper bagging, whether it's cat litter, they're used.

Be that as it may, if a person has to buy plastic bags -- and believe me, I think for most of us we'll just buy the plastic bags and we won't think about it. But in the economy today, there are people that are on food stamps, and to buy bags, those recyclable bags that are 99 cents a piece in some stores, I'm just curious as to would the stores provide those recyclable bags free of charge to people on food stamps, or how would that work?

MS. BONO:

I don't believe that stores would provide bags free of sale. I think there are a lot of promotions where stores may provide them for a week or a lot of different companies provide them as promotional items or gifts? But the goal here is that -- the store has to pay right now for plastic bags, so by doing away with plastic bags, they would be able to reduce their cost. Albeit, you know, consumers might not recognize it very tangibly but, you know, the cost of their fruits and vegetables, their cereals would also decrease and the savings would be found there.

LEG. NOWICK:

When you're in the produce department and you grab a bag to put the oranges in; where would you put the oranges when you at the --

D.P.O. VILORIA-FISHER:

Those don't -- I'm sorry.

MS. BONO:

Yeah, this legislation doesn't include those type of bags. We still think that, you know, bags for those kinds of things and for meats and things like that that may be a health issue should also -- should continue to be provided by the stores.

LEG. NOWICK:

And just -- and one question. I can't help think that if those thin bags were not available, would people then be going into the Glad Zip-Lock bags that are twice as thick and maybe more detrimental to use? I mean, I'm thinking if I didn't have any of those bags, you need to put things in plastic bags to throw away in order to prevent -- before the garbage is picked up. Let's be honest, you know, they smell if you don't put them in a zip-lock bag, these bags that are so wonderful. Do you think that that would maybe promote more use of those thick bags?

MS. BONO:

Well, right now I think that plastic bags provided free of charge are an item of convenience for a lot of people, so they have become accustomed to using these to, as you said, you know, throw-away diapers or pick up dog waste or that kind of thing. CCE would advocate for consolidation. For example, just in my own household, we still do buy, you know, the large plastic bags for our one kitchen garbage, that's where all of our waste goes. Of course we also recycle a lot, we have composting bins for other materials, these are all things that save people money.

LEG. NOWICK:

I don't know. Okay, thank you.

MS. BONO:

Sure.

D.P.O. VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Thank you for getting that information for me, I appreciate that. I wanted to ask you, go a little bit more into the recycling aspect. Your organization of course supports recycling, we all do. And I think on the flip side of that, I don't think anyone really disagrees that plastic bags in any form are eventually harmful to the environment, but we have the usual tug of war here between the expense of banning or limiting the use of something versus the impact to the environment or helping the environment, and that's a legitimate debate to have.

So I want to ask you, if you can just tell us a little bit more about the recycling program, why that's not effective and why it's not a viable alternative. Your position I believe is that it's not with respect to the plastic bags.

MS. BONO:

Absolutely. The recycling program that I guess started here in Suffolk County and has been across New York State -- yes, thank you -- is a great program, it is successful. Unfortunately, it really only gets to the people that are actively seeking to recycle. A lot of people don't really know that these programs exist. When you walk into a supermarket, it's very easy to miss the bins that are there. They are small and they are, actually, when I go in, completely full, it doesn't look like they're being, you know, completely emptied all of the time, so that would be the one issue.

Secondly, also, the recycling is just one issue on this, as mentioned. It also includes the impacts of using fossil fuels to produce the bags or, you know, rain forests to make paper bags as well. So it's a cost borne on many different levels.

LEG. D'AMARO:

Right. So do you think it's a reasonable compromise or could we explore as a reasonable compromise the possibility of increasing awareness of the recycling? I mean, I understand that all

along the chain of producing these bags there's issues. And I also understand that there's always going to be some amount that's not recycled. And based on the materials that I've seen, in answer, I think Legislator Nowick had mentioned people would use other types of bags and I agree, but I think the problem with these bags is they're so paper thin that they almost cannot be recycled through the equipment and machinery that we have. So why is not increasing awareness and stepping up the awareness issue with respect to recycling not a viable option here?

MS. BONO:

You're preaching to the choir. CCE is all about increasing education and awareness, making people aware of the issues. Unfortunately, you know, we've been around for 25 years working on these very issues, there's some people who are, you know, entranced in their consumer culture and do not change unless there's a motivation to actually change.

LEG. D'AMARO:

Okay, fair enough. Now, when you advocate for a ban or a cost for the bags to reduce the use of them and to encourage reusable bags, do you take into account the economic impact that that type of regulation or requirement would have in a marketplace, or do you just look at it strictly from the environmental side?

MS. BONO:

Well, in the case of this legislation, I think that was Legislator Fisher's idea, was to implement the five cents; one cent would go back to the store, four cents would go back to the County, to help take care of this legislation, enacting it and moving it forward.

LEG. D'AMARO:

What was that, five -- what's the breakdown on that?

MS. BONO:

I believe it's one cent and four cents.

LEG. D'AMARO:

One cent back to --

MS. BONO:

One cent back to the store, four cents to the County.

LEG. D'AMARO:

Okay. And you're convinced that if that were put into effect, that it would vastly reduce the number of bags used by consumers?

MS. BONO:

Absolutely; it's been shown worldwide that it does.

LEG. D'AMARO:

It's been shown. Now, what's the name of that lobby group again, Chemical Council or something?

MS. BONO:

The American Chemistry Council.

LEG. D'AMARO:

American Chemistry Council, which is really just a trade organization representing, I think you said a hundred --

MS. BONO:

A hundred and fifty.

LEG. D'AMARO:

One hundred and fifty companies, including the producers of the raw materials that make the bags. And, you know, they have a right to their viewpoint, I agree with that.

MS. BONO:

Absolutely.

LEG. D'AMARO:

But, you know, it seems to me that, you know, you have really tough competing interests here. You do have an economic impact, should we go ahead with this legislation. We're in a tough economy, it's tough for people to pay for anything, and I've made that argument on other issues here at this horseshoe. And the bags are a detriment to the environment, there's no question about it, but I'm -- you know, what I'm searching for is we had a compromise with this recycling program, we're not convinced that that's effective, but maybe it's not effective because we're just simply not getting the word out there as we should. So, you know, in a perfect world, I would like to say we're going to ban these or reduce the use by imposing the additional fee, but we don't live in a perfect world and I'm not sure that the timing is even right to do something like this. Is there any other compromise? You know, I mentioned the awareness program; is there any other way to go about reducing the number of bags used while not banning them?

MS. BONO:

As far as we've seen, the only two real legislations are a complete ban or a surcharge, which both have proven effective and, you know, good for the environment and the economy as well.

LEG. D'AMARO:

Right.

MS. BONO:

One thing I did forget to mention before, one of the issues with recycling right now, is that, as she mentioned, plastic bags are extremely thin and they do get jammed in the recycling, which I believe we did address last year, we needed some more information. I did look into it and one plant, there is a quote, "One plant can" -- you know, 300,000 plastics a day get -- plastics bags a day get clogged in the machines, which is obviously a huge labor cost, I think they said it was 25% of their labor cost to actually manually remove all these plastic bags, so that is also another cost incurred from continuing to use these plastic bags.

LEG. D'AMARO:

Right, and I think, you know, that weighs in favor of reducing the impact that they have.

You know, what's interesting here is that there's always that tug between government regulation, free market, you know, what's the impact. We always have that, that's a philosophical discussion, really, as I think one of my colleagues, Legislator Cilmi referred to, and rightfully so. I'm not sure, you know, where we draw the line on this one, you know, given the times we're in right now.

And I had another question and it just flew right out of my mind. We were talking about the chemical -- what is that called, the chemical --

MS. BONO:

The American Chemistry Council.

LEG. D'AMARO:

American Chemistry Council; I can't get that through my head. You know, the thing that disappoints me in this debate is that they are so forceful in presenting that one-sided picture with this aura of independence. And I think I said this to the representative, in some and substance, when they were here, with this auro of independence, these are the facts, and I was disappointed in that because they're really not the facts. I mean, I think if you are going to have this debate about what do we do, what do the times demand and what can people afford, I think we need to put it in context and we need accurate data, and I know that you're providing that and I appreciate it. Okay. Thank you, Madam Chair.

D.P.O. VILORIA-FISHER:

Thank you. Hey, Tara. How are you doing? I want to get to some of the points that have been raised and ask you to just give me some of your own views on them. In your experience, working with CCE, what role does the government play in the common good regarding environmental factors? I mean, who do you go to first in campaign -- Citizens Campaign for the Environment?

MS. BONO:

Any specific issue, are we still talking plastic bags?

D.P.O. VILORIA-FISHER:

Most of your issues, who do you go to first to remediate the problems in the environment?

MS. BONO:

Well, I mean, it really depends. If it's a clean-up site or something like that, we know we have a close relationship with the DEC. We have a close relationship with a lot of you Legislators working on issues in the County.

D.P.O. VILORIA-FISHER:

So you go to government first.

MS. BONO:

Yes.

LEG. VILORIA-FISHER:

And it's government that has to spend the money to do the clean-up.

MS. BONO:

Exactly.

D.P.O. VILORIA-FISHER:

And regulatory issues and testing, everything else, it's government that bears that burden. Unlike ALDI who collects ten cents and that 10 cents goes to ALDI, the legislation that I've introduced, four cents comes to the government, one cent goes back to the businesses. Because before introducing this, I spoke with retailers and I spoke with people in the business and we don't want to hurt business, and the legislation I've introduced does not hurt business. It does not impact -- it may impact a particular plastic manufacturer, but I'll get to that in a minute. So in Washington D.C., have retailers gone out of business because of the nickel surcharge?

MS. BONO:

Not that I know of, no.

D.P.O. VILORIA-FISHER:

Not anything I read about either. In fact, they kind of welcomed it, it was not really a problem. If

we were to create -- and this is really important for my colleagues to hear. Thank you. If we -- no, it's important for all of us, because I do a lot of beach clean-ups with my local communities because I happen to be in -- on one of our coastal communities, and we pick up tons of plastic bags. Brookhaven Town spent a lot of money bringing in the containers for us to put all of the debris that we pick up, and there's a great deal of plastic. But if this were to be a ban on plastic bags, what would that impact be to the retailers; do you know?

MS. BONO:

From our --

LEG. VILORIA-FISHER:

In other words, which would be a worse impact to business, a ban on plastic bags or a nickel charge on anything -- any bag?

MS. BONO:

To our experience, we've seen that if it's implemented across the board, for example, not just targeting large stores or small stores, if it affects everybody, than the effect is borne by everybody and nobody, you know, has an advantage or a disadvantage. That's one of the positives by doing this on a County level, you know, compared to a municipality level because, you know, we'll see everybody in the whole County, they know, "Okay, this is what I have to do." No one has any confusion, "Okay, if I shop here I have to, you know, pay five cents."

D.P.O. VILORIA-FISHER:

I'm sorry, I might not have worded -- I said which has the greater impact, banning plastic bags or putting a nickel surcharge on all bags? Those are the two things I'm comparing.

MS. BONO:

You're talking about the economic impact on the stores, right?

D.P.O. VILORIA-FISHER:

The economic impact on retailers, yes.

MS. BONO:

I think the bigger impact, positive impact would be a ban. The stores wouldn't have to buy any more plastic bags or paper bags, they would be completely out of that.

D.P.O. VILORIA-FISHER:

So you're talking about a ban on all bags.

MS. BONO:

Uh-huh.

D.P.O. VILORIA-FISHER:

Okay. And if there were a ban on plastic bags and not paper?

MS. BONO:

No, we would strongly advocate for a ban on both plastic and paper bags. Paper bags actually cost more for the stores than plastic bags do and they are no better for the environment.

D.P.O. VILORIA-FISHER:

Okay. And I don't know about the practicality of banning all bags, although there are many box stores that ban -- that don't have any bags.

As far as corporate responsibility, you know, I think back -- and I think all of us can think back. We

mentioned this morning former Legislator Nora Bredes' introduction of the smoking ban in restaurants. There were people who were running those restaurants who had smoking in their restaurants, and what made them change their policy? Legislation. Car dealers and car manufacturers knew about safety belts; when did seat belts become common?

MS. BONO:

Right. And these are examples of things that, when borne across all equal partnerships, the effects are not negative at all.

D.P.O. VILORIA-FISHER:

Okay. Regarding the secondary use of bags. I mean, I use plastic bags when I walk my dog. I use the bags that my bread comes in, the newspaper. We take very few bags from the stores. If we were to ban the bags in the store, what other sources of plastic bags would people have? I don't think they'd have to go to the zip-lock bags that are very heavy.

MS. BONO:

No, I wouldn't think they would have to go to the zip-lock bags either. As I mentioned a little bit earlier, just to expand on, we would advocate for people to consolidate and just use the bags that they are already using. A lot of people, even if they do have the T shirt plastic bags that they say they do, they still do buy the Glad or the Zip-Lock, the large, 24-gallon bags in their kitchen or for their curb-side recyclables. We suggest that everyone use those bags and not put four or five different smaller plastic bags in those bags, it's not necessary.

D.P.O. VILORIA-FISHER:

And you talked a bit about recycling. And we're all very aware that although there has been some impact by the recycling program, it's really not enough of an impact. And we talked about motivation; probably the greatest motivation is in people's pockets.

MS. BONO:

Exactly. A lot of the stores right now offer a positive incentive when you go to the supermarket they'll give you five cents back or ten cents back, but those are positive motivations. Something like a surcharge is something that everybody would feel, not just the people who are interested and already saving five cents or protecting the environment. Everybody would recognize it, they would be -- you know, change their behavior by it.

D.P.O. VILORIA-FISHER:

And regarding people who might be on food stamps and might not be able to buy the reusable bags, I know in many soup kitchens, I've donated some of my totes to soup kitchens for them to distribute. Have you seen any distribution, free distribution of totes?

MS. BONO:

Absolutely. Our organization, CCE, did actually distribute a large number of reusable totes to a kitchen also. We've seen it done on, you know, a lot of different levels, whether it's stores or promotional items used by different companies, whether it's a real estate company or, you know, a restaurant, anything, people do it to get their name out.

D.P.O. VILORIA-FISHER:

It's a great advertising tool. I have totes that advertise about a hundred different things, including -- I think we all received a tote from The Faculty Association of Suffolk Community College. So it's a great advertising tool and I think that they're pretty readily available for free. Okay, thank you very much.

MS. BONO:

Thank you.

D.P.O. VILORIA-FISHER:

Our next speaker is Thomas Talbot.

MR. TALBOT:

Good afternoon, Ladies and Gentlemen. My name is Tom Talbot, I'm a resident of Middle Island, and I'm here to speak as the Chairman of the Town of Brookhaven's Keep Brookhaven Beautiful Task Force. I want to say at the outset, I'm not representing the views of the Town of Brookhaven at this point because they have not taken any action on this. But the task force, which has been established by the Town of Brookhaven and is funded by the Town of Brookhaven, feels very strongly on this topic.

The -- my litter committee organizes a couple of events a year to pick up litter. In the Spring, this last one that we did, it's our fourth year in existence, in April of this year brought out 6,800 registered people from the Town of Brookhaven to pick up other people's garbage that was informally deposited on the roads and highways of the Town of Brookhaven, and they did it to the tune of 863,000 pounds, 431 tons; a lot of garbage. So I -- actually litter; litter being garbage, garbage being litter if it's in the wrong spot. So this is my basis of experience and concern about litter.

I can't quote exactly what percentage by volume or weight that plastic bags do make up of this 431 tons, but there's a lot of bags in there, lots of them, and it's my observational experience. The -- if you walk along the sides of the roadway, walking, you'll see a lot of litter laying there. You look maybe three, four feet into the -- if it's a wooded area, there's all kinds of debris there. When you drive by, one plastic bag is going to jump out at you. It really is the epitome of litter. And the rest of the litter is basically invisible and does eventually, hopefully gets picked up or turns into something that basically disappears on the side of the road. The plastic bags don't do that; they wind up in the bushes, they wind up in shrubs, they wind up in the tops of trees. So the plastic bag litter is a thing that we have in my Keep Brookhaven Beautiful Committee has tried to focus on as being our primary source of litter.

Admittedly, these plastic bags are a very large convenience, very handy convenience. So elimination, as I was hearing in the earlier discussion, may not be the proper or all-reaching solution. We have -- in New York State, enjoying a bigger, better bottle bill for several years now, quite successful from the litter perspective. I've been turning in deposit bottles since I was probably five years old, it used to be two cents and at that time the bottle, we used the exact same bottle, then there was a hiatus and then we got to be charging the five cents deposit. I don't think if somebody goes out and buys a case of beer is going to complain about the five cent deposit on here; they know they can get the five cents back. And it's the same thing for these litter bags.

Imposing a five percent -- a five cent deposit on the litter bags is something that -- it parallels very successful New York State Bigger Better Bottle Bill and I am here -- it's the kind of thing that I am really looking for here. And I would be very pleased to -- when I'm driving down the road, not to be able to see litter flying through the trees. Litter gives a very negative experience to anybody coming into a community, and it's something that I think -- and I certainly know in the Town of Brookhaven we're very much opposed to and I hope that the Suffolk County Legislature comes up with some sort of solution as to how to deal with this. And I thank you for your time.

D.P.O. VILORIA-FISHER:

Thank you, Tom. Legislator Nowick has a question.

LEG. NOWICK:

Hi. I'm still fighting with this, because the part of me that is environmentally sensitive knows it's a good idea, but the other part of me says life as we know it, I hate to say it, is composed of plastic bags, but that's not my question. Does Brookhaven have a five cent deposit on these bags, or what kind of --

MR. TALBOT:

No. The only -- Brookhaven has the same rules that are imposed by the New York State under the Bigger Better Bottle Bill, and that includes --

LEG. NOWICK:

I mean the bags in the supermarket.

MR. TALBOT:

It does not address plastic bags at all in a deposit scenario.

LEG. NOWICK:

Oh, okay. But they don't charge five cents at the supermarket or anything?

MR. TALBOT:

No, no.

LEG. NOWICK:

No, okay. The other --

MR. TALBOT:

I am pleased to see many supermarkets having recycle bins, so we're all getting trained to do this now, you know, but not enough. And maybe the five cent thing, maybe it needs to be imposed maybe for a short duration of time and people become aware of the value of bringing these bags back.

LEG. NOWICK:

I guess you couldn't bring them back, though, because they always have holes in them.

MR. TALBOT:

Well --

LEG. NOWICK:

Well, I guess you could. Well, I think the education that Legislator Horsley has --

MR. TALBOT:

Well, I have to admit that the bags are very handy, there's no question about it. And I think that eliminating would be practically a mistake. I don't know what Ms. Fisher would use to then pick up after her dog there.

LEG. NOWICK:

Well, yeah.

MR. TALBOT:

But I do know that Sam's Club sells bags that you can buy --

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

LEG. NOWICK:

Well, that's another question then. If they sell bags, there's no deposit -- you don't buy a box of 20 bags and pay five cents on those; these are just supermarket bags, right?

MR. TALBOT:

But you could do it at Sam's Club. They sell it in a pack of a thousand, about ten bucks.

LEG. NOWICK:

Yeah, but you don't have to --

MR. TALBOT:

So it's a penny a piece. They're not going to get a deposit back on those, though.

LEG. NOWICK:

So when you were picking up the garbage along the streets, where did you put the garbage?

MR. TALBOT:

Yeah, I thought someone was going to ask the question. Ironically, we put them in plastic bags.

LEG. NOWICK:

Okay.

MR. TALBOT:

Big, large plastic bags. Okay? But what I'm addressing is not those bags, I'm addressing those conveniently called T-shirt bags, the white bags that hang up like a little T-shirt, you know, and often have store logos and so on and so forth, and they're very handy.

LEG. NOWICK:

And just so I understand, are those bags worse than the other bags, the little bags from the supermarket?

MR. TALBOT:

That's the ones that I'm dealing with. Yeah, that's the ones that we see predominantly. We very seldom see the larger bags, leaf bags, they're usually called leaf bags or contractor bags; those are not my issue. My issue are the T-shirt bags.

LEG. NOWICK:

Thank you.

MR. TALBOT:

You're very welcome.

D.P.O. VILORIA-FISHER:

Legislator Cilmi.

LEG. CILMI:

Yes. Thank you for your testimony.

MR. TALBOT:

You're welcome.

LEG. CILMI:

I wonder if the Town of Brookhaven, and possibly other municipalities, other townships in Suffolk, would entertain the idea of actually paying folks to bring their plastic bags in to be recycled; five cents a bag, three cents a bag, whatever it is.

MR. TALBOT:

Not being -- not representing the Town of Brookhaven Board or anything like that, I would have to say unlikely.

*(*Laughter*)*

LEG. CILMI:

But that may be an idea that you could bring back to the Board.

MR. TALBOT:

I'm preparing a presentation now to present to the Town Board on various litter-related issues and that's certainly one of the things that I would consider.

LEG. CILMI:

That would be a way of positively reinforcing the behavior that you want to achieve.

MR. TALBOT:

One of the problems we find with these kind of laws that apply to municipalities, when it comes -- the larger the area that participates, the more successful it is. People buy bottles, a case of beer, they'll cross a state line just to -- if they live within two or three miles of it, just to buy a case of beer so they don't have to worry about a deposit on it. You know, that's the experience that I have learned from Keep America beautiful who sponsors us.

LEG. CILMI:

Thank you..

MR. TALBOT:

You're welcome.

D.P.O. VILORIA-FISHER:

Legislator Anker.

LEG. ANKER:

Hi, Tom. I wanted to thank you so much for all your community service that you have given to your area, which is part of my area. And in working with the town, I'm just curious, do you know if they've had issues with collecting these bags? And do they collect them at the recycling plants for the Town of Brookhaven?

MR. TALBOT:

No. Actually, Brookhaven does, every other week, a recycling collection, Curby Cans and so on and so forth. Very, very -- it's been in existence for a very, very long time. I'm almost positive that plastic bags are not included --

D.P.O. VILORIA-FISHER:

They're not.

MR. TALBOT:

-- in that collection, and I'll tell you the reason. Because once they dump these piles over, the plastic bags fly all over the place, they clog up the machines and that's one of the reasons. Even when you give your leaves to be recycled, they ask, they prefer plastic -- paper bags as opposed to the plastic ones. The plastic ones, they get into the machine and they're there forever.

LEG. ANKER:

So they're a recycled nuisance type of situation.

MR. TALBOT:

I'm almost positive that they're not included in the Brookhaven recycle plan.

LEG. ANKER:

Do you think the town might be interested, though, in maybe doing a separate campaign, or the towns -- even others, in addition to Brookhaven, just to try to create some incentives so we can reduce the bags. And again, you talk about how it clogs up the recycling machines, what about the farm equipment out east and the boats in the sound and in the lakes? Again, I can see a lot of other reasons why we really need to reduce these bags related to our financial -- related to financial issues. So again, do you think you might be able to mention that to the Town to see if they would be interested?

MR. TALBOT:

I will bring that back to the Town, but the overriding factor is what market value exists that you could sell them. That's why we don't collect or the town does not collect all plastics, it only collects the one's and two's, as they're called. Three, four and five, there's no secondary market for the material, it becomes an economic decision, not a decision -- it's not based on being an environmentalist.

LEG. ANKER:

Right, and I think you've hit it right on the head. If we can create this situation to be an economic advantage than a disadvantage, then this is a no-brainer; absolutely, we will support this. But again, the Legislators are having difficulty in balancing the scale. And you even said, you know, they're so convenient, but it's a matter of social change and understanding the future benefits.

MR. TALBOT:

I think that there was -- if there was a viable secondary market for this type of plastic, I wouldn't be standing here today.

LEG. ANKER:

I think you're right.

MR. TALBOT:

We wouldn't have the problem.

LEG. ANKER:

Thank you, Tom.

MR. TALBOT:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Tom.

MR. TALBOT:

Thank you, Ms. Fisher.

D.P.O. VILORIA-FISHER:

There are no other cards. Is there anyone else who would like to speak on this? Okay. Seeing none, I'll make a motion to -- what am I doing?

P.O. LINDSAY:

Recess.

D.P.O. VILORIA-FISHER:

Thank you, to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Cooper).

LEG. BROWNING:

Tim.

MS. ORTIZ:

We got you.

P.O. LINDSAY:

Next up is *Public Hearing on IR No. 1723 - A Charter Law to update and strengthen Ethics and Disclosure Rules (Presiding Officer Lindsay)*. I don't have anyone in the audience that has filled out a card. Is there anyone in the audience that would like to chat about this subject? Seeing none, I'm going to make a motion to close.

LEG. COOPER:

I'll second it.

LEG. MONTANO:

If I may?

P.O. LINDSAY:

Yes, Legislator Montano.

LEG. MONTANO:

Would it be appropriate to outline the bill now, or -- because I understand there were some amendments and -- or is that better left for the committee?

P.O. LINDSAY:

I think it's better left for the committee.

LEG. MONTANO:

Okay. Then I'll hold the questions.

P.O. LINDSAY:

Okay. I made a motion to close; is there a second?

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Voted Amended to 18)

P.O. LINDSAY:

Public Hearing on IR No. 1724 - A Charter Law establishing a new Board of Ethics (Presiding Officer Lindsay).

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I have no cards. Is there anyone in the audience that would like to address us on this subject? Seeing none, I'll make a motion to close.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR No. 1729 - A Charter Law to amend the Drinking Water Program to Fund Remediation of Contaminated Commercial Sites (Cilmi). I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Cilmi?

LEG. CILMI:

Motion to recess, please.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR No. 1730 - A Local Law amending Local Law No. 5-2011, a Local Law to register Nonprofit Veterans' Organizations in Suffolk County (Cilmi). I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Cilmi?

LEG. CILMI:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR No. 1731 - A Charter Law to increase Legislative oversight of the RFP process (Romaine). I have no cards on this subject. Is there anyone in the audience that would like to speak to us about this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Who had the second -- Legislator D'Amaro seconds it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Public Hearing on IR No. 1772 --

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

-- A Charter Law to authorize the use of Development Rights for Municipal Fire, Ambulance and Police Districts in Suffolk County. I have no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, Legislator Kennedy?

LEG. KENNEDY:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR No. 1773 - A Charter Law to ensure an effective nonpartisan reapportionment process (Kennedy). I have no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, Legislator Kennedy.

LEG. KENNEDY:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

That concludes our public hearings for today. I would like to make a motion to set the date for the following Public Hearings of October 11th, 2011, at 10 a.m., at the Rose Caracappa Auditorium in Hauppauge:

The 2012 Operating Budget.

And I'd also like to make -- okay, we have a motion. Do I have a second for that.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. I'd like to make a motion to set the date for the following Public Hearings for October 11th, 2011, 2:30 p.m., at the Maxine Postal Auditorium in Riverhead:

The 2012 Operating Budget;

I.R. 1782 - A Local Law to establish a reporting requirement for registered sex offenders in County Parks (Lindsay);

I.R. 1810 - A Local Law to address improved auction properties that remain unsold and increase affordable housing in Suffolk County (Browning);

And that's it. Do I have a second to that motion?

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

P.O. LINDSAY:
Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay, we are up to Page 6 of the agenda. We did the Consent Calendar.

LEG. MONTANO:
Oh, that's right.

P.O. LINDSAY:
We did tabled resolutions.

LEG. MONTANO:
I'm with you now.

INTRODUCTORY RESOLUTIONS

BUDGET & FINANCE/INFORMATION TECHNOLOGY

P.O. LINDSAY:
First is *I.R. 1760 - Amending the 2011 Operating Budget and appropriating funds in connection with bonding for a settlement for medical malpractice case against the County (County Executive).*

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Did you make a motion?

LEG. COOPER:
Yes, I did.

P.O. LINDSAY:
Motion by Legislator Cooper. Second by Legislator Gregory.
Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
On the accompanying Bond, *1760A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$600,000 bonds to finance the payment of settlement in a medical malpractice liability case),* same motion, same second. Roll call.

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

LEG. COOPER:

Yes.

LEG. GREGORY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We already dealt with 1771 via CN the first thing this morning.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY

1761 - Allocating and appropriating funds (Phase X) in connection with Downtown Revitalization Program (CP 6412) (County Executive).

LEG. ROMAINE:

Motion.

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

LEG. ROMAINE:

Please list me as a cosponsor.

P.O. LINDSAY:

On the accompanying Bond, ***1761A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance the cost of the Downtown Revitalization Program Phase X (CP 6412.318)***, same motion, same second. Roll call.

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

LEG. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

ENVIRONMENT, PLANNING & AGRICULTURE

P.O. LINDSAY:

1569 - Authorizing planning steps for the acquisition of Farmland Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Riverhead Central School District property (Town of Riverhead) (SCTM No. 0600-046.00-03.00-005.000) (Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore. On the question. I am going to be opposed to this like I have been of all municipal acquisitions. We've had a policy that I've maintained in my district where a couple of years ago I had a number of citizens come to me wanting me to buy some property from the school and I refused. And if I'm not doing it in my own district, I'm not doing it in somebody's else's district. Any other discussions? Yes, Legislator Romaine.

LEG. ROMAINE:

I appreciate your comments, Presiding Officer. I would point out to you that many, many years ago the Riverhead School District bought some farmland with the intention as a district of building a school. Over the years they've leased this land, it's currently being farmed, the crop is butternut squash, to a variety of farmers and they have decided they do not need this land for school purposes.

It is totally surrounded by preserved farmland. Every single parcel around this is preserved farmland. The effort, when we started this program in 1975 under County Executive John V.N. Klein, was to protect the farming community, ensure that lands were not developed. If we don't purchase it, the land will be developed. We'll defeat the original purpose of going into this program, which is to preserve farmland and farming as an industry in Suffolk County. It is still, certainly not by acreage but by dollar value, the number one -- we are still the number one by dollar value agricultural community in the State of New York because of the Farmland Preservation Program.

So I would urge my colleagues to consider this and consider that this is in the middle of the farm belt in the Town of Riverhead, and this land has always been farmed and we'd like to keep it that way. Thank you.

P.O. LINDSAY:

Okay. Anybody else? Legislator Anker?

LEG. ANKER:

Yeah. I also -- again, I'm going to oppose this bill. Again, the same reason as Legislator Lindsay had mentioned, is that, you know, the taxpayer, the residents have already paid for this once. I really don't feel they need to pay for it again through a County acquisition. And I do understand the benefit, but I would hope that the school district would work directly with the farm, the farmer, the farming community to create a benefit for both the school districts, the residents and the farms.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair, but I think what you see before you is something that's a manifestation of a very recent change in policy at the State level, and, yet, an attempt on our part to harmonize with tenants and principles that Legislator Romaine speaks to that actually go to, once again, a groundbreaking policy throughout our whole country. The Farmland Preservation Program, as you well know, has received national recognition because of its vision early on to go ahead and to set aside scenic vistas and to create the type of area that could be a working agricultural area, as well as something that was enticing for tourism, and tourism is an important part of our economy.

We are speaking about having the opportunity to have an evaluation for this parcel from a dedicated stream of funding that our citizens have over and over and over again embraced. And we are saying that this parcel, just like the parcel that we will hopefully later consider that Legislator Muratore put forward, and perhaps the piece that I may bring forward with the Marion Carll Farm, are parcels that our school districts are now looking to jettison because of the 2% property tax cap. So we may have had principles we held to in the past, but, unfortunately, it's a new world, once again, thanks to the State of New York. So we have to reexamine some of those tenants we've held to, and I will support this bill.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:

I heard my colleague, Legislator Anker, speak about the taxpayers. I certainly should consider them, but so should the school district. And if that logic is followed, the school district could sell it for the highest and best use for development. What Legislator Anker is advocating with her opposition is the development of this property. The school district has a fiduciary responsibility to the taxpayers of the Riverhead School District for the highest and best use for development. I am trying to preserve this as farmland, as all the other land around it is farmed and preserved farmland.

The school district, and I had discussions with them because they wanted to sell it, I said, "Don't do that. Give us an opportunity to buy the development rights. Leave it in farming. Leave it in farming." And they agreed, but they felt that they weren't doing the best justice to the taxpayer. I guess they're listening to Legislator Anker and her call for development on this property.

It's absolutely something that we have to weigh; what type of future do we want for Suffolk County? We have an opportunity to preserve farmland and strengthen the farming industry, rather than see this land developed. This land has always been farmed, but the school district owes it to their taxpayers, if we don't purchase the development rights, to sell it for development. Thank you.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm going to support this as well. Certainly, the schools are not in the business of preserving farmland, that is a County function. And the school certainly could sell it to a third party, and I think once it's sold to a third party, we would probably step in and nobody would probably -- nobody would have a problem with preserving it, the development rights on it, so it's -- why should we have that extra step? We're only going to end up paying more for it down the road because we've sold it to a third party.

So I think by working with the school, we probably won't be able to preserve it for the least amount of dollars. So I certainly would support a planning steps to allow this to move forward.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just very quickly, I want to make a few points. I'm going to support the bill also. The property fits the parameters of the Preservation Program, and but for the fact that it's owned by the school district, I don't think anyone here would really disagree with the acquisition, maybe on some other grounds, but not certainly on that -- those grounds.

And I'm going to say what I said in committee, what we're doing here is we are -- it's not the taxpayers paying a second time for the property. What we're doing is simply taking a school district asset that's illiquid and we're liquidating it. The taxpayers are getting -- although they're paying from the County end, the taxpayers are receiving on the school district end, and that helps the school district.

I don't see this as buying the property using County taxpayer funds. What I see it more as is the taxpayers just making an exchange of property they own, as well as funds that they're entitled to. And again, I think -- I think Legislator Romaine makes a valid point, there is development pressure on this property. It's got a high rating, it fits the parameters of the program. And I just have to respectfully disagree that we're paying twice for the same property, I just don't see it that way.

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

I'm sticking to my guns. I really feel that we are paying twice for this property. It was paid for by the school district, by the taxpayers in Riverhead when they bought the property. Now those taxpayers are going to be paying again through Suffolk County for that same piece of property.

I hope that there is some way that can be arranged. Like Legislator Schneiderman had said, maybe there's another answer, a third party, I don't know. But I still don't feel that it's proper to go through the procedures of buying the property through a State entity that has already been purchased once.

So again, I respect the other Legislators' opinions. I admire the other Legislators, their ability to try to preserve farmland, it's a very important thing. And absolutely, it's a benefit to the -- to Suffolk County, but the bottom line is there's got to be a better way of doing this and I don't feel this is the proper way.

P.O. LINDSAY:

I was --

LEG. SCHNEIDERMAN:

Just one more thing.

P.O. LINDSAY:

Go ahead, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, just one curious thing on it. We are buying the development rights, we're not buying the fee. And typically there's a farmer involved who owns the land and we're trying to keep them farming, in this case we don't have that. So the school, I would imagine, would continue to own this property, which creates a weird situation. I actually would feel more comfortable if we would buy the whole thing and then, you know, find, you know, a land trust like the Peconic Land Trust, or something like that, that could step in and make sure it gets leased to a farmer. Because down the road we don't want it to lie foul, so we want to make sure it gets farmed.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

It is being farmed.

LEG. SCHNEIDERMAN:

I know, but right now the landlord is the school.

D.P.O. VILORIA-FISHER:

Right, but --

LEG. SCHNEIDERMAN:

That doesn't make sense in the future, you could see the school continue to be the landlord. So it's just something that probably has to get resolved, and maybe the planning steps should be amended to reflect that, buying the entire property, you know, having like the Peconic Land Trust step in to own the fee at the end.

P.O. LINDSAY:

I'm not -- well, first of all, you raised some questions, so maybe the sponsor knows this. Who is going to farm it?

LEG. ROMAINE:

Right now it's being farmed by Lyle Wells, whose family has farmed in that area since the 1650's. He is growing a crop of butternut squash, they lease the land to him. If we buy the development rights, as you know, that land can only be used for farming. The school district will take that to deal with the 2% cap that they have to live in. They have to liquidate whatever assets they can, because they have to live with the 2% cap. This is land they don't need. This is land that has been continuously farmed. This is land that is totally surrounded by preserved farmland, but this is land that can be developed. It's off Church Lane in Aquebogue, and it can totally be developed.

So they have a decision to make. And I've convinced the school board. I said, "Look, guys, don't sell this for development. Let me see if I can get the County to purchase the development rights. Let me do planning steps," which is only the planning steps. "Let's see if we can agree on a price and if we can, then we can keep this land in farming. This is something the Farm Bureau would like. This is something just about every environmental group would like. This is something the community would like. But if we can't do it, then I'm going to have to step aside and let you sell it to the highest and best use for development, because you have to keep that -- you have to meet that 2% cap, I understand."

So what I would say is let's go forward with the planning steps, let's see if there can be an agreement. If there can, it's a rosy picture, because the school board gave me their commitment that they'd keep -- well, obviously, they have to keep it in farming, but they would maintain ownership, and I think that's an important thing. So we only have to pay for the development

rights, not the full fee simple title.

P.O. LINDSAY:

And let me just say this: Legislator Romaine, as normal, you make a very cogent argument. I am not backing off of my policy from us buying property from another municipality. I maintained that policy in my own district. You might have found a niche here with the development rights and you're getting me to waiver a little bit, but --

LEG. ROMAINE:

It's planning steps.

P.O. LINDSAY:

It's planning steps. I hear you, it's planning steps.

*(*Laughter*)*

D.P.O. VILORIA-FISHER:

Famous last words.

P.O. LINDSAY:

The argument about the school district having to --

LEG. ROMAINE:

Think about it, you'll feel good tomorrow.

P.O. LINDSAY:

The argument about the school district having a 2% cap, we all have a 2% cap.

LEG. ROMAINE:

I know.

P.O. LINDSAY:

We're running out of land acquisition money, guys. We're running out of it like we're running out of everything else. And when it's gone, there's going to be a parcel of property that comes up and we say, "Why did we spend our money on the other property," you know? So, you know, I don't think we -- we have the money that we had a couple of years ago, so I think we have to be a little bit judicious with property purchases. But I hear what you're saying about the development rights issue when the farming is a little bit different than maybe the broad policy. Again, it's not that I'm changing my policy on this. Anybody else? No? Okay. Roll call.

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

LEG. ROMAINE:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. ANKER:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

I'll vote yes.

MR. LAUBE:

Fifteen (Opposed: Legislators Anker, Montano & Barraga).

P.O. LINDSAY:

J.R. 1713 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (North Fork Preserve property) Town of Riverhead (SCTM No. 0600-021.00-01.00-001.004) (Romaine).

LEG. ROMAINE:

Quick question to Counsel. This is ready to go?

MR. NOLAN:

No, that -- no, it was amended after the filing deadline. The County Attorney told me this morning definitively we could not do it the way we were doing it, we have to go back to active recreation.

LEG. ROMAINE:

The way I had originally wrote it.

MR. NOLAN:

Correct.

LEG. ROMAINE:

Thank you. Based on that, I'll table it for one cycle. Thank you.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1767 - Authorizing execution of an Environmental Easement and other documents with respect to the State Assistance Contracts for the Former Bellport Gas Station (SCTM No. 0200-975.80-04.00-020.000 p/o).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion --

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

-- by Legislator Browning, second by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

HEALTH & HUMAN SERVICES

P.O. LINDSAY:

1652 - A Local Law amending Resolution No. 440-2011, a Local Law to ban the sale and use of coal tar sealers in Suffolk County (Presiding Officer Lindsay). I'll make a motion to approve. What this reso does is it extends the implementation date to give the companies that have this product time to use up their stocks. I think it's 'til next July, right, six months more?

MR. NOLAN:

July 1st.

P.O. LINDSAY:

Yeah.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ROMAINE:

Abstain.

MR. LAUBE:

Sixteen.

LABOR, HOUSING & CONSUMER PROTECTION

P.O. LINDSAY:

1747 - Authorizing a two-year extension for affordable housing construction of 15 parcels of land in the Town of Southampton (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Do I have a second?

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Second by Legislator Cooper. Legislator Schneiderman, just refresh our memory on this one.

LEG. SCHNEIDERMAN:

I believe they're just 72-h parcels that just the Town -- we have a limitation in terms of the Town has to act within a certain point. They are all moving forward, just not as fast as our time frame allows and so we need to give them a little more time.

P.O. LINDSAY:

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

MR. LAUBE:
Eighteen.

PARKS & RECREATION

P.O. LINDSAY:
1734 - Authorizing use of Blydenburgh County Park by Almost Home Animal Rescue and Adoption for its Dog Walkathon Fundraiser(County Executive).

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Kennedy.

LEG. COOPER:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1751 - Amending the Capital Budget Resolution No. 1216-2010 in connection with the restoration of facades at the Suffolk County Vanderbilt Museum (CP 7441)(Cooper).
Skip i?

MR. NOLAN:
Yeah, we have to skip it.

P.O. LINDSAY:
Okay. Counsel's telling me we've got to skip this, there's something that is amiss that we'll get back to.

PUBLIC SAFETY

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

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Cooper.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. Any questions on 1625? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, I'm going to switch gears. We have a Police Inspector in the audience to answer any questions on a CN, **1823**, it's ***accepting and appropriating a grant in the amount of \$50,000 in Federal Pass-Through funds from New York State Division of Homeland Security and Emergency Services for the Explosive Detection Canine Team FY2010 Grant Program with 100% Support (County Executive)***. I'll make a motion to take it out of order.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I'll make a motion to approve.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi. Inspector, you want to tell us anything about this being that you're here?

INSPECTOR CAMERON:

Good afternoon. I'm Inspector Cameron from the Special Patrol. I appreciate it very much that you take it out of the order for me so I can minimize my time here. It's a State grant for explosive detection canine and we intend to buy a vehicle for the Canine Section to train our explosive canine dogs which will have a day box that we can transport the explosive for training days.

P.O. LINDSAY:

Any questions; no? We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Back on patrol, Inspector.

INSPECTOR CAMERON:

Thank you very much.

P.O. LINDSAY:

Thank you. 1689-11 - Adopting -- what? Oh, I'm sorry. Go ahead.

MR. CHAMBERLAIN:

If you have a minute, we have another gentleman here from the Police Department as well for the

other Certificate of Necessity.

P.O. LINDSAY:

Okay. Thank you, Brendan.

P.O. LINDSAY:

Sir, are you here for 1824?

DETECTIVE SERGEANT O'DONNELL:

Yes.

P.O. LINDSAY:

Okay. *1824 - Accepting and appropriating a grant in the amount of \$1,174,500 from the New York State Division of Criminal Justice Services for the Operation Impact VIII Task Force with a 91.51% support (County Executive).* I'll make a motion to take it out of order.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It's now before us. I'll make a motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. You want to introduce yourself for the record?

DETECTIVE SERGEANT O'DONNELL:

I'm Detective Sergeant Michael O'Donnell from the Criminal Intelligence Section of the Suffolk County Police Department.

P.O. LINDSAY:

Thank you very much, Detective. Can you think of any reason why we wouldn't accept this \$1,174,000?

DETECTIVE SERGEANT O'DONNELL:

Absolutely no reason.

(*Laughter*)

P.O. LINDSAY:

Great argument. Great argument. Does anybody have any questions? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Thank you.

Okay. We are up to **1689**, Page seven, ***a Local Law mandating prompt reporting of children missing in Suffolk County ("Caylee's Law") (Cooper)***. Do I have a motion?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. ROMAINE:

Second.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1364 - Authorizing the execution of agreement by the Administrative Head of the Suffolk County Sewer District No. 3 - Southwest and 60 Baylis -- I don't know what that acronym is -- ***NYCOMED (HU-1482)*** ***(County Executive)***.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

There was a motion --

LEG. HORSLEY:

Second.

P.O. LINDSAY:

-- by Legislator Schneiderman, seconded by Legislator Horsley.
Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1534 - Resolution making certain findings and determinations in relation to the increase in improvement of facilities at Sewer District No. 3 - Southwest (CP 8181) (County Executive). Do we have a motion on Southwest?

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

Someone from Babylon, maybe?

LEG. COOPER:

Wayne?

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I have a question for the Commissioner. Gil, I'm trying to remember whether this was approved, the SEQRA was approved in CEQ for this.

Was there an issue with that? Or maybe Counsel would know. I just can't recall.

COMMISSIONER ANDERSON:

I don't know off the top of my head. I would assume if we've gone to public hearing it's gone before CEQ, but maybe George could advise.

MR. NOLAN:

It's classified as a Type II. I don't know what happened.

D.P.O. VILORIA-FISHER:

Oh, oh, it was determined a Type II. Okay, thank you. I just wanted to make sure. Thanks.

P.O. LINDSAY:

Okay. We have a motion and a second on 1534. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1535 - A resolution making certain findings and determinations in relation to the increase and improvements of facilities for Sewer District No. 3 - Southwest (Outfall Final Effluent Pump Station)

(CP 8108)(County Executive).

LEG. HORSLEY:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion by Legislator Horsley. Second by Legislator D'Amaro.
Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1735 - Authorizing the purchase of up to 22 paratransit vans for Suffolk Transit and accepting and appropriating Federal and State Aid and County funds (CP 5658) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, ***1735A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$157,080 bonds to finance the cost of the purchase of paratransit vans, including related equipment (CP 5658.547), same motion, same second.***
Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The next reso, **1753 (Appropriating funds in connection with reconstruction of culverts (CP 5371) (County Executive))**, Counsel informs me we have to table it, it was amended after the deadline.

So I'll make a motion to table. Second by Legislator Barraga.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1754 - Appropriating funds in connection with reconstruction of culverts (CP 5371)(County Executive). Anybody want to make a motion?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Second by Legislator Horsley.
All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Accompanying Bond Resolution, *1754A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$270,000 Bonds to finance the cost of planning for the Reconstruction of Culverts. (CP 5371.112)*, same motion, same second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Next, *1755 - Appropriating funds in connection with traffic signal improvements (CP 5054) (County Executive).*

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, *1755A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$975,000 bonds to finance the cost of Traffic Signal Improvements (CP 5054.113 and .581)*, same motion, same second. Roll call.

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

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes..

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1756 - Appropriating funds in connection with painting of County bridges at various locations (CP 5815) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying Bond Resolution, *1756A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,305,250 bonds to finance the cost of the painting of County bridges at various locations (CP 5815.418)*, same motion, same second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yeah.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

*J.R. 1757 - Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of CR 48, Middle Road, from Horton Lane to Grove Road, Town of Southold, Suffolk County, New York, Phase III (CP 5526).
(County Executive).*

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1758 - Appropriating funds in connection with application and removal of lane markings (CP 5037) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, ***1758A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$325,000 bonds to finance the cost of the Application and Removal of Lane Markings (CP 5037.324) (County Executive)***, same motion, same second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes -- no.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1759 - Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of CR 48, Middle Road, from Ruch Lane to Chapel Lane, Town of Southold, Suffolk County, New York, Phase II (CP 5526)(County Executive).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1770 - Authorizing execution of an Order on Consent concerning the Suffolk County Sewer District No. 3, Southwest, Bergen Point waste water treatment plant (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1749 - Declaring September 16th as "American Legion Day" in Suffolk County (Stern).

D.P.O. VILORIA-FISHER:

Steve?

P.O. LINDSAY:

Legislator Stern, you want to make a motion?

LEG. STERN:

Yeah, to approve.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Motion by Legislator Stern. Second by Legislator Horsley. All in favor? Opposed? Abstentions?

LEG. COOPER:

Cosponsor.

("Cosponsor" said in unison)

MR. LAUBE:

Just raise your hand real quick.

P.O. LINDSAY:
Okay. You got it?

MR. LAUBE:
I got it.

P.O. LINDSAY:
Okay, *1686 - Adopting a Charter Law amending the Charter of Suffolk County (Presiding Officer Lindsay)*. I'll make a motion.

LEG. COOPER:
I'll second.

LEG. MONTANO:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1687 - A Local Law amending the Administrative Code of Suffolk County (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
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" (Presiding Officer Lindsay). Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1717 - Authorizing the lease of premises located at 3500 Sunrise Highway, Great River, New York, for use by the Department of Health Services (County Executive).

LEG. MONTANO:
I'll make the motion.

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning. Seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:

1737 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Southold (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Mr. Chair, I just have a quick question for Counsel. And I know we already --

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I know we already voted on this. But with the lease, 1717, why are the -- why do these always seem to be 3% annual increases and not -- you know, or rate of inflation? It seems like we haven't had -- I mean, 3% taken as a given seems like a -- is that just a pro forma? I mean, maybe -- oh, Pam isn't here anymore. And maybe we could look at that in the future?

MR. NOLAN:

Yeah, I'd have to defer that to the County Executive, the County Attorney's Office, the people who negotiate these leases as to why they always have that -- seem to have that escalator in there.

D.P.O. VILORIA-FISHER:

Yeah. Maybe, Ms. Greene, would you have any information about this? I'm just concerned that we seem to be getting escalation fees -- escalator fees on our leases that are higher than the rate of inflation. And, you know, we're not raising our revenue stream to mirror this kind of increase.

MS. GREENE:

I'm sorry, I didn't mean to be disrespectful. I'm just going to defer to the consultants for the County on this, the representatives from Newmark Knight Frank who would be able to answer any of your questions on the lease.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

MS. GREENE:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you. I appreciate that. Can you just say your name for the record?

MR. LEE:

Brian Lee from Newmark Knight Frank.

D.P.O. VILORIA-FISHER:

Okay. Mr. Lee, I don't know whether or not you had an opportunity to hear my question, but I see that it's a 3% escalator on the fee after the third year -- the lease, rather. And I'm wondering why that's taken as the standard, it seems, on all these leases when, in fact, it's above the rate of inflation at this particular point in time.

Are there leases that can reflect either a certain fee or the rate of inflation, whichever is less?

MR. LEE:

Yes, I think when we negotiate leases, oftentimes the tenants prefer to have a fixed rate so they can budget for it and know what it is. Landlords will accept a CPI most times in lieu of a fixed rate increase, but most tenants would rather have the certainty of knowing what the rates are, so they'd rather pay a little higher than pay a CPI. But in this particular instance, when you look at the 16 months of free rent that we're getting, a turn-key build-out that they're doing from raw space using prevailing wage, providing work stations, relocating our generator and reinstalling it, providing file cabinets for the County, paying us \$100,000 to offset moving expenses, I think when you look at the totality of the package, that the 3% was one of the escalations which we got in the third year of the lease. So it I think is more than offset by the other concession packages that the landlord gave us in this particular instance.

P.O. LINDSAY:

You couldn't negotiate a free lunch in there, too, huh?

*(*Laughter*)*

D.P.O. VILORIA-FISHER:

Okay. I would just like our County people to look at the cost of living as the rate of escalation. All of that being equal; hey, it's a big rental for them.

MR. LEE:

Yes.

D.P.O. VILORIA-FISHER:

And it's a big revenue stream that will be coming their way. So they made an investment and we're good for it. So I would just like to see us look at rate of inflation -- I mean, you know, cost of living.

P.O. LINDSAY:

Truthfully, some of the things that he explained, that sounds like a pretty good deal to me.

D.P.O. VILORIA-FISHER:

But they're business people, I'm sure they're still making money on it.

P.O. LINDSAY:

Sixteen months rent-free is a pretty good deal.

MR. LEE:

Just one last comment on that. Given what the economics are of today and what the commodity prices are going up, that when the economy recovers it's likely that inflation will kick in and probably

get above that 3% range. So I think it may be prudent, if you can get a low enough fixed rate increase, to not be tied to a CPI which could come back and potentially haunt you.

P.O. LINDSAY:

Jimmy, you want to say something?

MR. PETERMAN:

Yeah, I was just going to bring that up. Thank you, Brian. Also, there were some other things that Brian forgot to mention. In 2012 or 2013, basically the building costs nothing in 2012, it's free, four months into '13. And there's also, we didn't mention this, 10,000 square feet more at thirty-five hundred than there is at 220 and 225 Rabro combined. So the net gain, we're getting 10,000 square feet and it's costing us, at the end of the lease, we're saving on you 50,000 over the existing payments.

P.O. LINDSAY:

Jimmy, what do you think a build-out like that would cost us, the 10,000 square feet? No, it's 10,000 more. What is the total square footage?

MR. PETERMAN:

Of the thirty-five hundred? Sixty-three thousand.

P.O. LINDSAY:

That's what the build-out would be. So is space is ten --

MR. PETERMAN:

That's the total square feet, it's 10,000 square feet more than we currently have at 220 and 225.

P.O. LINDSAY:

Okay. How much is the total square feet that we're leasing there?

MR. PETERMAN:

Sixty-three thousand.

P.O. LINDSAY:

Sixty-three thousand, okay. Any idea on the build-out for 63,000 square feet of space, ballpark?

MR. PETERMAN:

Prevailing wage? Prevailing wage would be about 50 bucks a square foot.

P.O. LINDSAY:

Okay. See, that's a lot of money, three, \$4 million with the furniture.

MR. PETERMAN:

No, we have a very good deal on the table here.

P.O. LINDSAY:

All right. Thank you very much, folks.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

And I thank Legislator Viloría-Fisher for bringing up this whole issue, it was very informative for us.

Okay, we have a motion and a second. Did we do that? We did it already.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

We did it already, okay.

1739 - Sale of County-owned real estate pursuant to Section 72-h of General Municipal Law - Town of Southold (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

DISCHARGE BY PETITION

P.O. LINDSAY:

1768 - Authorizing renewal of lease of premises located at 316 Accabonac Road, East Hampton, New York for the Department of Health Services (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. CILMI:

On the motion?

LEG. MONTANO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Just quickly. I know most of these come through as County Executive resolutions; why do we -- why is Legislator Schneiderman sponsoring this?

LEG. SCHNEIDERMAN:

First of all, thank you to those who helped discharge this from committee. It got stuck in committee because my resolution did not match what was approved by the Space Management Committee, I amended it to match it, which is basically a two-year lease with the County from the East Hampton Housing Authority, with three one-year options of renewal.

And in this case, the County opened a clinic in East Hampton some ten years ago. We had free space, no rent, for the past ten years, courtesy largely of the Town of East Hampton, they had retrofitted the space, they put about 700,000 into the space to make it suitable for the County health clinic, we opened up the clinic. Ten years down the road now, the Housing Authority is looking for a \$32,500 annual rent. There have been some questions of whether the town should pay the rent; typically the towns do not pay rent for the County clinics. We've enjoyed ten years of free rent. And I don't think anybody wants to see the clinic closed, so this would keep the clinic functioning. The Housing Authority is looking for their rent payments.

And I think that really -- the reason -- your question is why did I put this in. I think the County Executive, and I'm sure they can speak for themselves, were hoping the town might continue to provide us free rent, and that just simply isn't the case. And the Housing Authority, they need to get paid rent, so they're very concerned at this point. It's time-sensitive and they've basically given me to the end of this month to see if I can make something happen so they know that the clinic will continue to function and they'll be paid a fair market rent.

LEG. CILMI:

How does this -- I don't know who, if the sponsor or Budget Review. How does this fit into the whole issue of health clinics and funding and a loss of funding?

LEG. SCHNEIDERMAN:

Well, you're talking about the Article 6 claw-back. I don't believe this is -- well, the whole clinic system is potentially affected by that and, you know, I'm sure we're going to review the whole system. There may be changes in the future, they may be scaling back. This is being paid for, Gail, out of the DPW rent line?

MS. VIZZINI:

Yes. And Margaret Bermel is the finance person for the Health Department and she can probably address that question.

LEG. CILMI:

And just before you do, Margaret, my -- just as a follow up in the same vein. You know, is it prudent to enter into a lease given the fact that there may be scale backs, and would we be able to then alter our agreement with this owner if there are scale backs? So if you could include that in your answer, that would be great.

MS. BERMEL:

Thank you, Legislator. The stipulation that the County and the department had signed with the New York State Department of Health agreed that no closures for any health centers would occur during 2011. So in keeping with the agreement of the stipulation, the resolution would allow us to continue operations at East Hampton through the end of the year. 2012 is still uncertain as to what operations might be curtailed during that year with the budget process that we are embarking on

right now and through the adoption of the budget, we simply don't know. But I would expect that the lease would allow for a termination clause, if necessary.

LEG. SCHNEIDERMAN:

I think standard language, and Counsel can correct me, there is an escape provision if appropriations don't exist, but this resolution gets us to the end of the year. I think it's 16,000, roughly, that -- it's half a year's rent, so it would begin June of this year, it's a little bit past due, to the end of the year. And then we'll have to deal with next year's appropriation within the budget cycle.

The County is -- the clinic, East Hampton Clinic is funded within the proposed budget. It's the rent piece, the \$32,000, that we'll have to figure out where that's going to come from next year.

LEG. CILMI:

So this only takes us through 2011?

LEG. SCHNEIDERMAN:

It would allow a lease to go -- it's actually a two-year lease, so it would continue past that subject to appropriation. That's the escape provision.

LEG. CILMI:

And --

LEG. SCHNEIDERMAN:

And then with three one-year options to renew beyond that point.

LEG. CILMI:

Is that accurate, Counsel? Can we get out of this if something happens where we need to get out of it for 2012?

MR. NOLAN:

Well, the County Attorney will agree to a lease. And typically, you know, most of the things we do in County government is subject to available appropriations. So I don't know if that's a standard clause in a County lease, but I would imagine it would be.

P.O. LINDSAY:

Anybody else? Legislator Montano.

LEG. MONTANO:

Yeah. Legislator Cilmi I think covered everything I was going to ask. I just want to make sure; the health center was approved for -- or was recommended for funding for next year?

LEG. SCHNEIDERMAN:

It went through Space Management Committee.

LEG. MONTANO:

It did.

LEG. SCHNEIDERMAN:

And no --

LEG. MONTANO:

No, not the rent. Not the rent, I'm talking about the health center itself.

P.O. LINDSAY:

My understanding in the budget is the only change was the North Brookhaven one; they're talking about moving it to the outfit that does the Federal Qualified Health Centers. All right?

LEG. MONTANO:

Okay. All right, so it's anticipated that the health center will remain --

P.O. LINDSAY:

Is that correct, Margaret?

MS. BERMEL:

Yes, that is correct.

LEG. MONTANO:

Margaret, it's anticipated that the Health Center will remain in existence in 2012, in the recommended budget.

MS. BERMEL:

The East Hampton satellite?

LEG. MONTANO:

East Hampton Center, right.

MS. BERMEL:

At this point in time, it is anticipated, yes.

LEG. MONTANO:

Okay. Thank you.

MS. BERMEL:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Let's go back -- let's go back to page -- page six, bottom.

There was *1751- Amending Capital Budget Resolution No. 1216-2010 in connection with restoration of facades at the Suffolk County Vanderbilt Museum (CP 7441)(Cooper).*

MR. NOLAN:

Can I just explain?

P.O. LINDSAY:

Go ahead. Counsel, please explain why we had to skip this.

MR. NOLAN:

Yeah, the reason we skipped this resolution earlier is we're actually waiting for an accompanying Bond Resolution to correct the earlier Bond Resolution to reduce the principal amount from 300 to \$50,000, so we're going to be voting on 1751 and 1751A now.

P.O. LINDSAY:

Okay. And this -- to refresh everybody's memory, this is to reduce the facade improvements to make the modifications to the auditorium for the new projector. So it's a neutral cost to us, this money was already appropriated. I'll make a motion. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying -- there was --

MR. NOLAN:

It's not on there.

P.O. LINDSAY:

It's not on the sheet, but it was just passed out. The accompanying Bond, ***1751A (Bond Resolution of the County of Suffolk, New York amending Bond Resolution No. 1217-2010 for the purpose of reducing the principal amount of bonds authorized from \$300,000 to \$50,000 (CP 7441.313)***, same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. I hate to say anything, but it's 4:30.

D.P.O. VILORIA-FISHER:

Shhh, don't say anything (laughter).

P.O. LINDSAY:

In the manilla folder, there's some resolutions.

D.P.O. VILORIA-FISHER:

Vetoed.

P.O. LINDSAY:

Vetoed, okay. First up is --

D.P.O. VILORIA-FISHER:

CSI's, right?

MR. NOLAN:

Or we can do the vetoes and we can do the Procedurals, it doesn't matter.

Procedural Motions

P.O. LINDSAY:

We'll do the Procedurals first. Okay. ***Procedural Motion No. 27 - Apportioning Mortgage Tax by: County Treasurer (Presiding Officer Lindsay).*** Do I have a motion?

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. We have a motion and a second, Mr. Clerk? Do we have a second?

MR. LAUBE:

I don't have a motion or a second for 28.

P.O. LINDSAY:

Twenty-seven.

MR. LAUBE:

Oh, 27, I called the vote already.

P.O. LINDSAY:

Twenty-seven is done.

MR. LAUBE:

Yeah, 27 is done.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Kennedy/Lindsay.

P.O. LINDSAY:

Procedural Motion No. 28 - Procedural Resolution authorizing funding for community support initiatives (Phase VIII) (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Vilorio-Fisher.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Procedural Resolution No. 29 - To authorize a public hearing for the transfer of Retirement Reserve Fund (Presiding Officer Lindsay).

I'll make a motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Procedural Motion No. 30 - Technical correction Procedural Motion No. 23 (Presiding Officer Lindsay).

LEG. MURATORE:

Motion.

P.O. LINDSAY:

A motion by Legislator Muratore.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Veto Overrides

P.O. LINDSAY:

Okay. We've got veto of ***592-11 - 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)***. Do I have a motion?

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion to override --

LEG. KENNEDY:

Second.

P.O. LINDSAY:

-- by Legislator Muratore. Seconded by Legislator Kennedy. On the motion, I'll just say that this one was slid by me. I noticed I voted for it the first time, but it's a school district.

*(*Laughter*)*

LEG. ROMAINE:

Yes, you did.

P.O. LINDSAY:

And I hate to do it, but I agree with the County Executive.

D.P.O. VILORIA-FISHER:

Painful.

LEG. ROMAINE:

The devil.

P.O. LINDSAY:

We have a motion to an override and a second. Roll call.

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

LEG. MURATORE:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. ANKER:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

Yes.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

Nine.

P.O. LINDSAY:

Okay, we have veto 2011 *Resolution No. 604 - Requiring Legislative approval for the sale of County's Certified Home Health Agency license (Romaine)*.

LEG. ROMAINE:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

While I will eventually offer a motion to override, the motion to override is absolutely unnecessary. This veto is null and void on its face because it violates Section 215-C of the Suffolk County Charter. Every veto message, according to the Suffolk County Charter, must be accompanied by a message of explanation. This veto, made the day after our last General Meeting -- and I'm sure this is incorporated in the budget, by the way -- made after our last General Meeting, did not have a veto

message, it just had a veto. So although I'll go through the motions as a belt and suspenders approach of making a motion to override. I want to make it clear for the record that this veto, even if we override it, this veto is a nullity because it does not comport with the Suffolk County Charter in so far as the County Executive failed to give a message as is required by the Charter. That having been said, I will now make a motion to override.

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Legislator Romaine, I guess you feel pretty strong about that.

*(*Laughter*)*

LEG. CILMI:

I have a question.

P.O. LINDSAY:

Yeah, Legislator Cilmi. We have a motion and a second; you got that, Tim? To override.

LEG. CILMI:

Can we legally override a veto that's not legally vetoed?

LEG. ROMAINE:

We can because it's a belt and suspenders thing.

LEG. MONTANO:

We'll do it for the fun of it.

LEG. ROMAINE:

Absolutely. Hi. (Laughter)

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

No, I'm just wondering if the word "veto" is the message.

D.P.O. VILORIA-FISHER:

The media is the message.

LEG. D'AMARO:

Well, you know, it's short, it's concise, it's to the point.

LEG. COOPER:

There you go.

LEG. D'AMARO:

I mean, what is required?

P.O. LINDSAY:

Does anybody else have any thoughts on this? We have a motion to override and a second. Roll call.

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

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

D.P.O. VILORIA-FISHER:

Higher than our original one.

Certificates of Necessity

P.O. LINDSAY:

Okay. CNs, let's see what's in there.

D.P.O. VILORIA-FISHER:

We did most of them.

P.O. LINDSAY:

Yeah, 1771 we did. 1822, did we do that?

LEG. CILMI:

No, that's the only one that's left.

P.O. LINDSAY:

No. Okay, **1822 - Accepting and appropriating 100% Federal grant funds passed through the New York State Department of Health to the Suffolk County Department of Health Services for the Childhood Lead Poisoning Prevention Program (County Executive)**. 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:

1825 - Requesting legislative approval of a contract award for mammography services for the Department of Health Services (County Executive). Do I have a motion?

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. Can anybody tell me why this is to us via CN?

D.P.O. VILORIA-FISHER:

It says here it was delayed, the contract was delayed.

P.O. LINDSAY:

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

LEG. ROMAINE:

Could I ask a question?

P.O. LINDSAY:

Sure, Legislator Romaine.

LEG. ROMAINE:

I know Legislator Schneiderman and myself worked very hard for a digital mammography unit at our health clinic in Riverhead. I believe that there are other digital mammography units in -- as part of our Health Department. And if I could direct that question to Mrs. Bermel, if I may?

MS. BERMEL:

There's currently a digital mammography at Coram Health Center and there is a digital mammography unit in the Capital Budget for Brentwood Health Center.

LEG. ROMAINE:

What happened to the one that was installed at the Riverhead County Clinic?

MS. BERMEL:

Riverhead, this is -- this contract will allow us to continue the operation of the mammography at Riverhead. Mid-Island is a group that reads the mammographies, stores them, interprets them, so we need this contract in place for Riverhead Health Center.

LEG. ROMAINE:

Thank you very much.

MS. BERMEL:

You're welcome.

LEG. SCHNEIDERMAN:

List me as a cosponsor.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And that concludes the CNs. Late-starters, yellow folder. We need a motion to waive the rules and lay on the table the following -- I'll make a motion to waive the rules and lay on the table the following Late Starters.

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

1816, Ways and Means and set a public hearing for October 11th, 2:30 p.m., in Riverhead; 1817 to EPA; 1818 to EPA; 1819 to EPA; 1820 to Ways & Means; 1821 to Economic Development, Education & Energy; 1827 to Parks & Recreation; 1828 to Budget & Finance; 1829 to Ways & Means; 1830 to Budget & Finance; 1831 to Budget & Finance; 1832 to Budget & Finance; 1833 to Budget & Finance; 1834 to Public Works & Transportation and set a public hearing for October 11th, 2:30 p.m., in Riverhead; 1835 to Ways & Means; 1836 to EPA; 1837 to Public Works & Transportation; 1838 to Budget & Finance; 1839 to Public Safety and set a public hearing for October 11th, 2:30 p.m., in Riverhead; 1840 to Budget & Finance. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I'll accept a motion to adjourn.

LEG. COOPER:

So moved.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We stand adjourned.

(*THE MEETING WAS ADJOURNED AT 4:42 P.M.*)

{ } - Denotes Spelled Phonetically