

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

THIRD DAY

March 13, 2012

Verbatim Transcript

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

Verbatim Minutes Taken By:

Alison Mahoney & Diana Flesher - Court Reporters

*(*The meeting was called to order at 9:32 A.M. *)*

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

P.O. LINDSAY:

Good morning. Mr. Clerk, roll call.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

Yes, here.

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Okay. If everyone would rise for the salute to the flag which will be led by Legislator Romaine. Where are you?

LEG. ROMAINE:

Right here, Sir.

P.O. LINDSAY:

Oh, okay.

Salutation

If I could call on Legislator Romaine to introduce our visiting clergy.

LEG. ROMAINE:

It is my pleasure today to introduce Father Bruce J. Powers. He is the Pastor of St. Peter & Paul's in Manorville, right off Exit 69 off the Expressway on Wading River Road. He has -- grew up on Long Island in East Norwich after being born in Manhattan. He went to St. Dominick's as a boy, in 1961 he went to Pius Prep Seminary in Uniondale, and he decided then and there that he would be a priest and dedicate his life to God, serve his community and carry the word of God and the compassion of God to all of his parishioners. He served for the last 35 years as a parish priest in St. Ann's in Brentwood, Our Lady of the Lourdes in West Islip, St. Cyril & Methodius in Deer Park, St. Anthony of Padua in East Northport, St. Rose of Lema in Massapequa, St. Elizabeth in Melville and St. Patrick's in Bay Shore. And we are blessed to have him here today and to be the pastor, despite his arm which he injured in a skiing accident; he still keeps himself in good shape most of the time. And in 2010, he was named as the Catholic Chaplain to the Suffolk County Police Department. So Father, maybe your prayers can bring us all together and help us in this time of need. Thank you.

PASTOR POWERS:

Okay. Thanks, Ed. It's my pleasure to be here and to offer a prayer with all you folks. A lot of assignments, I want to keep rolling along not to gather too much moss, I guess.

Let us remember in the presence of God. All Mighty and Eternal God, you have revealed your glory to all nations. God of power and might, wisdom and justice, through you authority is rightly administered and laws are enacted and judgment is decreed. We gather this morning in prayer. Bless our deliberations, guide in the path of wisdom the elected officials called to serve the good people of this County. We pray for the Governor of New York State, the Suffolk County Executive and the members of the Suffolk County Legislature gathered today.

We remember in our prayers Judges, all elected civil officials and all others who are entrusted to guard our political welfare. In this time of economic crisis, may all who are called to office be enabled by your powerful protection to discharge their duties with honesty, integrity and ability. We

pray to you who are mourning God forever and ever, amen.

"Amen" Said in Unison

P.O. LINDSAY:

Thank you, Father. Okay. If everybody could remain standing for a moment of silence for John Powell, a former Brookhaven Town and Suffolk County Republican Leader who died unexpectedly last month. We expect -- we express our deepest sympathy to his children, mother, colleagues and friends. And as always, let us also remember all those men and women who put themselves in harm's way every day to protect our country.

Moment of Silence Observed

Okay, everybody be seated. I welcome everybody back. I guess we're just about through with winter, the winter we never had. It's helped with the snow plowing budget, thank God.

I have been kind of taking it easy with my health issues, but I've been following with great interest the report from the board appointed by the Executive of outside financial experts about the size of our fiscal crisis. And I, like my colleagues on both sides of the aisle, pledge that I will work with the County Executive and this Legislature to do everything that I can to try and help solve this horrendous, horrendous problem.

The last few days, it was of great interest to me to see the Newsday stories about the pension fund, and the issue isn't any stranger to this body. I was going through some of the old files and this body, on December 10th, of 2010, sent a letter to our State Comptroller, that we all signed, warning of the impending problem before us. Because the pension costs were rising so, so dramatically that -- you know, I didn't -- none of us saw how we could keep up with it. That letter was sent to the Comptroller as well as the Governor and our State representatives, and unfortunately nobody has done anything about it. And you know, I don't think this is a time when fingers should be pointing that, *"This one did something wrong,"* or, *"This one did something wrong and that's why we're in this problem."* I think it's a time to open our minds and to brainstorm on how to fix the problem.

I have been following with great interest the Governor's proposals for us to create a new tier and to really throw out the pension system the way it exists, and then, you know, he seems to have modified it to now to tweak the existing system and really make some mid-course corrections that would lower the cost. But in the whole debate, what seems to be missing is what we asked them to take a look at almost 18 months ago or 16 months ago, and that's the funding. This pension fund is, at different points during the timeframe, is over a 100% funded.

I believe, and I could be wrong and Budget Review will validate the number, but there was \$146 billion in reserves in that fund at the close of the fiscal year last March 31st; that's an awful lot of money. And I'm not asking for -- I'm asking for somebody to look at it and to put together a package of reforms as well as to look at that funding side. Do we need to tax everybody at this point in time to the extent we are for a pension fund that's fully funded? It's just ludicrous to me.

And the concept with the public is that pension funds have to be 100% funded; it's just the opposite. The Federal government says if it's 80% funded, you have a healthy pension fund; that's the benchmark that's used in the private sector. And there's only -- there's only about six states. I think we're -- our pension fund is the number one funded pension fund in the state. And unfortunately, I'm frustrated because nobody will listen to us.

We went through a similar problem in 2001, I was here then. And there was a dramatic downturn in the markets in 2001, if you remember, because of 9/11, and there was some financial distress in the pension fund as well as in the County at the time. And at the time, the Comptroller, Mr. Hevesi,

actually came down and had a meeting with us and explained the issues to us and listened to us and did give us some relief. Unfortunately, Comptroller DiNapoli hasn't listened to our pleas. I had a short conversation with him the beginning of the year and asked him if he would do like his predecessor and come down and talk to us so that we could understand the issues, because I'm certainly not an actuary or a pension expert or whatever, but we're the ones ultimately paying the bill. And it's -- I think it's important that we understand so we can tell the people we represent what's going on, what went wrong, why are we in so much trouble all of a sudden? Unfortunately, he agreed to come down and we've been trying -- Barbara can attest to this, she probably contacted their office at least a half of dozen times -- trying to arrange a meeting for them to come down for us to have a better understanding and hopefully to listen to us, and I guess that isn't going to happen.

So the bottom line is I have another letter here that I'm going to circulate today that maybe you could take a look at, and if you want to sign on to it, if you would tell Barbara, it will be ready for your signature before the end of the day. But I think it's a very, very important issue if the -- this County is going to stay solvent. I mean, I think it's at that dire point right now. When we first raised the issue 16 or 18 months ago, we were waving the flag of there's trouble on the horizon. Unfortunately, nobody wanted to listen to us. So as we circulate the letter, I would ask you to take a look at it and if you agree with it or if you want something tweaked a little bit, I'll be happy to tweak it. I just want to put it on record that, you know, we've asked for help, we're still asking for help and now we're in trouble. So maybe we can get them to step forward. Okay, thank you.

Okay. We have proclamations. First up is Legislator Schneiderman for the purpose of a proclamation.

LEG. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. Thank you for your leadership of this body and on the financial issues. I appreciate your comments and it's certainly good to see you here and looking well.

I have first two proclamations for two young women from my district, both who have been awarded the President's Volunteer Service Award, I'd like to bring them up. Let me start by saying that the President's Council on Service and Civic Participation was established in 2003 to recognize valuable contributions of volunteers in our communities. And the first woman I'd like to bring up is Mikayla Mott? Mikayla, are you here? Thanks. We're doing these first so that Mikayla and the other recipient can go back to school today, but they -- Mikayla is an exceptional student to begin with.

I'm going to tell you some of the things that Mikayla does as a student, but I also want to get into what her volunteer work is. So she's been with the YMCA East Hampton Swim Team for a number of years, the East Hampton Varsity Swim Team, the East Hampton High School Student Association, their student government, Century Club, National Honor Society, New York State Business & Marketing Honor Society, American Red Cross Safety Instructor-Certified, CPR Certified, East Hampton Town Ocean and Still-Water Lifeguard Certified.

In addition to all that, and besides being just a great student, here are some of her community service activities; YMCA adapted aquatic swim instructor, East Hampton Volunteer Ocean Rescue Open Water Swims, East Hampton Town Junior Ocean Lifeguard Program, East Hampton High School Boys Varsity Swim Meet Timer, Animal Rescue Fund Cat Care Program, Montauk Tri-Athlon Water Stations, YMCA Swim Instructor/Helper, to name a few. And because of her extraordinary volunteer service, particularly at a young age, she received a letter from President Obama, and I'm also presenting a proclamation on behalf of myself and Suffolk County to congratulate her. Thank you, Mikayla.

Applause

All right. Our second recipient, and you will recognize the name, the last name, Dawydiak. This is Christi Dawydiak of Remsenberg, her father, Walter Dawydiak, many of you know for his work at the County. She goes to Westhampton High School, lives in Remsenberg. Hi, Christi. Nice to see. She's a member a 4-H and volunteers with the Rotary Club, her church and for the -- Christi, she served as a member of the New York State Technology Team, she taught in-service workshops to adults, conducted several youth and adult programs, presented at an international Geospatial Conference, I don't even know what that is. She's taken the lead in several mapping projects, both locally and nationwide, volunteered during summer camp to teach youth about Geospatial Sciences. Christi showed livestock for a local club and has taken a great deal of responsibility for care of those animals, she's shown leadership and organizational skills which have been invaluable to all of these programs, and she's also been a team leader with younger youth.

So I have actually not only the proclamation for Christi, but I also have the letter from President Obama with me as well which I'll present to her. This letter is signed by President Obama, this is for you. And a proclamation from myself and on behalf of Suffolk County, thank you for all your volunteer work. Congratulations.

Applause

Okay. We're going to let those fine young ladies go back to school. And I'd like to bring up now East Hampton Police Officer Vincent Rantinella. Some of you may have attended recently the Top Cop Awards for Suffolk County, these were awards given for every Police District to the individual who had written the most DWI tickets, really important work. I'm going to tell you a little bit -- a little story.

Officer Rantinella couldn't make that award ceremony and I'm here to present the award today, and he stands out in a number of ways. Not only for the last few years has he been East Hampton's top cop in terms of DWI arrests, but last year, after his late-night shift, he was on his way home, he lives in Ridge, and he was hit by a wrong-way driver, a drunk driver, was in a very serious accident that left him in the hospital and away from the force for many months. And even so, he came back to the force and still had the highest number for the year, only with about a half year's worth of service; really extraordinary. And the fact that he was hit by a drunk driver, it really just underscores what a serious problem this is. And I think we owe a great debt of gratitude to Officer Rantinella for keeping our streets safe, for continuing. I'm glad to see you're standing there. He had a sternum injury and a heel injury, a fractured heel, and was out for a number of months. It's good to see you back. And he's out there continuing to write DWI arrests and helping keep our streets safe.

So I have a proclamation for Officer Rantinella and I have the Top Cop Award. I also have with me a proclamation from County Executive Bellone which was presented that day and I carried it for him, accepting the award on behalf of him, so to speak. This is from County Executive Steve Bellone, for you, and this is from myself and the County Legislature. Great work. Congratulations.

OFFICER RANTINELLA:

Thank you.

Applause

Officer Rantinella is joined by some of his peers. And you guys want to come forward and say a word; Officer Sarlo?

OFFICER SARLO:

Good morning. On behalf of the Town Board of East Hampton, Supervisor Bill Wilkinson and Chief of Police Ed Ecker, I'd would like to thank Jay for bringing Officer Rantinella before the Legislature

today for this honor. He's a dedicated and devoted professional, and he suffered a devastating injury and came back from it in record time. We're proud to have him as a member of our force and we thank you for having us here today. We appreciate it.

Applause

LEG. SCHNEIDERMAN:

Thank you.

D.P.O. HORSLEY:

All right. Next on the agenda -- first of all, good morning, everybody. We'd like to call up Legislator Romaine, I understand he has a couple of proclamations. And as you're walking up, Legislator, I see you're giving a proclamation to Kelsey McGayhey. A thousand points? That's really something.

LEG. ROMAINE:

We actually have three in my district that have done that which you'll hear about later this month. But let me start off with the Suffolk County Zone Award. This is an award granted each year by the New York State Association of Health, Physical Education, Recreation & Dance to students who exhibit high levels of physical fitness, strong participation in school, community activities, evidence of leadership roles, community involvement and academic excellence. We have two students today from Riverhead High School Mariah Messina and Tim Clement, if they could come up. I think their parents are them with them also.

Applause

A little bit about each. Mariah, who lives in Calverton, is fourth in her graduating class with a 105 weighted average. She's a dedicated and hard working athlete and scholar. She was named an AP Scholar last fall. She's President of the National Honor Society, a member of the Foreign Language Honor Society, All-County and Academic Volleyball Winner, a member of the Blue Waves Varsity Basketball Team. She also plays softball, a member of Women in Science & Engineering Program, active in the Interact and CAP, which is the community program that they have at the high school, Vice-President of the French Club, and she plans to study, as she enters college, Biology and Pre-Med and she hopes to play volleyball in college.

Tim lives in Jamesport. He's an exceptional student with a 106 weighted grade point average. He is a high honor roll achiever, he is President of the Student Government, he is a member of the Riverhead Town Youth Bureau, an AP Scholar With Distinction, a National Honor and the Latin Honor Society member, an A average while participating in three varsity sports. Has always been known as a team player, he plays wide receiver on the Varsity Football Team, a forward on the Basketball Team and hopes to play Division II Baseball in college. He is majoring in Biology and his long-term goal is to become a surgeon.

These are outstanding scholars and athletes. And I have to tell you, all of Riverhead is proud of these people and we've given them a proclamation to honor their achievement. Thank you.

Applause

Great achievements, by the way. Great achievements.

Next, if we could have Kelsey McGayhey up here. This young lady standing next to me comes from a very small Island with a very big heart known as Shelter Island. This has about 2500 people year-round, it obviously swells to two or three times that in the summer. She attends Shelter Island High School, she's taking AP U.S. History, Advanced Biology and Molecular Genetics. She has spent several weeks abroad and studied in Spain and she supplied her vast knowledge of Spanish, I think

she's taken five years in high school and I guess elementary school. She is a varsity athlete, both in basketball and volleyball, during her entire high school career, and for the last two years she has served as Captain of both of those squads and has led Long Island, from littler Shelter Island, has led Long Island in basketball scoring average. She has scored over 1,086 points in basketball in her career, and having been not the player but a manager of my basketball team in high school, I know that is a milestone achievement as an athlete.

She's hoping to participate in volleyball at the college level and she's going to be majoring in athletic training at college. So I'm sure she is going to be training a whole group of scholar athletes as she grows into her career. Kelsey, we are very proud of you, it's a unique achievement to score over a thousand points and you're well on your way to eleven hundred. So with that, I want to present you with this proclamation for your achievement. Thank you so much.

Applause

MS. McGAYHEY:

Thank you.

LEG. ROMAINE:

And last but not least, I'd like to ask Police Officer Chuck Schneider and his Chief, Chief Hegermiller from the Riverhead Police Department to come forward. Chief Schnei -- excuse me, I spoke too soon.

Police Officer Schneider was the Kiwanis Police Officer of the Year. In 2011, on October 19th, he received a call that an eight-year dialysis patient, Paul Higgins -- I think -- is Paul here? Come on up, Paul. Had suffered a rupture and burst a major artery in his left arm, causing him to bleed at an alarming pace. Officer Schneider responded and took command of the situation, tied a tourniquet to try to slow down -- from his belt to try to slow down the rate of bleeding, and for the next 20 minutes he never wavered. He held the victim tightly until the Jamesport Fire Department arrived, taking -- talking to the patient, sometimes yelling at him to keep him conscious. After he was transported to the hospital, Officer Schneider returned to the gentleman's home to check on his family, and going so far to check on him in the hospital to make sure that he was in good shape. If not for his speedy action, the gentleman, Mr. Higgins, may not be here today.

Officer Schneider would have been here last month with us, except on returning and a call of duty, he was hit in a head-on collision by someone that was high on drugs and has spent a lot of the time in the hospital. Hopefully he is feeling better now, but for his service to his community, for his prompt action in saving life, I want to congratulate both he and the Riverhead Police Department, highly professional Police Department that has served their community well. I give him this proclamation on behalf of the Legislature. Officer?

Applause

OFFICER SCHNEIDER:

Thank you very much.

D.P.O. HORSLEY:

All righty. Thank you very much, Legislator Romaine. And forever I'll have an image of you as a basketball star.

I'd like to call up Legislator Hahn who will be making a presentation.

LEG. HAHN:

Hello. Thank you. This is my first time doing this in front of you all, as a Legislator. I would like to bring up Nick Piccininni and his father Anthony. We have some Ward Melville Patriots in the house today. Nick, who is a freshman at Ward Melville High School -- listen, he's a freshman, and remember that when I tell you what he's accomplished. He is the New York State Wrestling Champion in Division I Section 11 Wrestling at 106 pounds. He's Ward Melville's only two-time Suffolk County Champion in the school's history, and only two-time New York State place winner from Ward Melville High School. Nick -- he's a freshman.

MR. NOLAN:

I'm impressed.

LEG. HAHN:

And he -- we look forward to much more from you in the coming years. But he trained year-round in wrestling, he's also now a lacrosse player at Ward Melville; we hope to get back at West Islip (*laughter*). And we are so proud of your dedication, your commitment. It is so wonderful to see a young man like you with that kind of dedication, and to excel at this level is just quite amazing and you really must be proud, Anthony. And so I'm -- this proclamation is from myself, but it is on behalf of the entire Legislature congratulating you for your achievements.

Applause

D.P.O. HORSLEY:

Nick, let me ask you something quickly. Go to the microphone. All right, how much weight did you have to pull to get to 106? What is your normal weight off--season?

MR. PICCININNI:

It's about 120.

D.P.O. HORSLEY:

Yeah.

MR. PICCININNI:

But the weight goes up two pounds after Christmas. So it was 106, so it went to 108; so it was about 12 pounds, it wasn't that bad.

D.P.O. HORSLEY:

Well --

LEG. SCHNEIDERMAN:

Don't mess with him.

D.P.O. HORSLEY:

Thank you. Congratulations.

MR. PICCININNI:

Thank you.

LEG. HAHN:

Next, the other Patriots I'm going to bring forward are Jeff and Jenny Salmon, the coaches of the Boys and Girls Fencing Team. Ward Melville High School Fencing is just dominant, I have to say, dominant. The Boys & Girls Fencing Team, we're Long Island Champions again this year. The boys team has 79 consecutive wins, five years of consecutive wins in boys fencing. That's a Long Island record in boys fencing, consecutive wins. I believe the previous record was 73?

MR. SALMON:

In 1972.

LEG. HAHN:

In 1972. The girls, eleven-year undefeated record. I'll say it again; eleven years undefeated with 159 wins. That's the third highest winning in Long Island high school sports history, winning record for any team, any sports team, and we are so proud. They have 70 kids that they train and we thank you for all that you do for those kids, to the kind of dedication, these. Are some tremendous kids at the high school and it's so important that kids are involved and are learning that kind of dedication and commitment to something, and thank you for all you do to build that in them.

And so for each of you, Jeff and Jenny, from me but on behalf of the entire Legislature, congratulating the Boys & Girls Fencing Team from Ward Melville High School.

MS. SALMON:

Thank you.

Applause

LEG. HAHN:

Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Legislator Hahn. I'd like to call on Legislator Cilmi who will present a proclamation.

LEG. CILMI:

Thank you very much, Mr. Chair. I want to just go off-strip for a moment, since we're honoring so many exceptional youth athletes this morning, and tell you about a young lady who I had the pleasure of honoring here a couple of months ago, actually in Hauppauge, who had won the Newsday Woman's Soccer Player of the Year Award, a young lady by the name of Cary Recaro who's an exceptional athlete at East Islip High School.

Cary was selected for the Women's under-20 National Team. That's a big deal in and of itself, there are 20 players from across the country who were selected for this team. Now, she's selected for the team as a high school senior, so she's been traveling around the world with this Women's Under-20 National Team. The team made it to a competition called the Concacaf Soccer Competition which is a world-renowned competition in soccer. Not only did Cary play three full games out of the entire competition, but actually scored a goal in the process.

The team won the Concacaf, so this is the U.S. Women's Team won the Concacaf Championship just this past Sunday, and the team will be going to represent the United States in the Women's World Cup later this year and Cary will be a part of that -- part of that team. She's an exceptional young athlete, and while she couldn't be here today with me, I wanted to offer my congratulations to her representing Long Island and East Islip in such a fine fashion.

Now, I have a -- I've had the privilege of doing this for the past couple of years, honoring our Probation Officers as people who contribute so much to our public safety team in Suffolk County. This month I'm proud to honor Probation Officer Joanne Soltan; if Joanne could join me at the podium. Another great -- another great example of one of our employees here in Suffolk County and one of our Probation Officers. In August of last year, Joanne received word that one of her probationers who is in absconder status, which I guess means she was missing, right?

MS. SOLTAN:

Yes.

LEG. CILMI:

Was a -- who is a known heroin addict, was residing with a suspected drug dealer. For fear for not only the community but for the probationer, Officer Soltan visited the address in search of her missing probationer. When she got there, she found not -- she didn't find the probationer who she was looking for, but encountered another probationer who is on her caseload was there and this probationer happened to let her into the house. Upon entering the apartment, she performed a brief search on the probationer and found a knife and several bags of heroin, along with hyperdermic needles. She happened to see an open kitchen draw which also contained bags of heroin. Both of the occupants of the house were placed under custody, a search warrant was obtained and, in conjunction with the Suffolk County Police Narcotics Squad, 800, 800 bags of heroin were found in this property, as well as a large quantity of methadone pills and numerous hyperdermic needles.

The tenant of the house is presently in custody at the Suffolk County jail and faces a minimum sentence of four and a half years with a maximum sentence of 25 years. This should underscore what an integral part of our public safety team our probation officers are and the harm that they place themselves -- the harm's way that they place themselves in every day at work. We are exceptionally proud of you, Joanne, for your work and we congratulate you, I congratulate you on behalf of all of my colleagues and on behalf of everyone in Suffolk County. God bless you for the work that you do.

Applause

P.O. LINDSAY:

Okay. Legislator Muratore.

LEG. MURATORE:

Good morning, everyone. You know, today it's my pleasure to bring before this body and my colleagues and everyone in the audience a very special lady, a lady who cares very, very much about her community and has shown that. You know, we all know that a real gift that we can give to our fellow man is, of course, the gift of life and that is to donate blood, and we know how many lives are saved and how important it really is.

Just a couple of facts, you know, and Doc Spencer should be here to see this, you know, he knows all this, I'm sure. But, you know, 4.5 million people need blood on an annual basis. Every two seconds someone needs blood, yet only less than 10% of the population donate blood. One pint of blood saves three lives. You know, you ask people why they donate blood, I looked it up, and the major reason is it says, "To help others." And that's when I -- when I found out what Arlene has done for her community, I said, "You know what? We need to bring this to my colleagues and to the people of Suffolk County, let them know what kind of people we have living in this County."

Arlene Hoffman, over her lifetime, has donated 20 gallons of blood. That's approximately -- my staff -- I didn't figure this out, my staff did, that's 160 pints. That's 540 lives; is that right, 160 pints? That's 540 lives. You know, a lot of our Police Officers and our EMT's and our fire people and our doctors and our nurses come before us and we talk about how they save lives. But just think how this wonderful lady, how many lives she has saved. So on behalf of the people in Suffolk County and the 4th Legislative District, I thank you, Arlene Hoffman. God bless you. Thank you very much.

Applause

D.P.O. HORSLEY:

All right, Legislator Anker for purposes of a presentation.

LEG. ANKER:

I'd like to recognize a wonderful not-for-profit organization. I have some wonderful organizations within my district that help youth. And you know we have a problem with addiction, we have gang problems, we have, you know, issues involving people who need help. One of the most important things we can do as a society for those people who are in need is to provide hope and Joe Lecci, who is here representing Lifeline Mediation Center, provides that hope. He gives options; when you don't have options, you don't have hope and people become depressed. And the contribution to society has dwindled because of the confusion that they're going through and the direction that they do not have.

Joe Lecci and Lifeline Mediation provide direction. They give counseling, they have programs for youth so that provides them with an understanding of what someone can do if they're addicted to heroin, OxyContin. You know, you didn't hear those words -- well, the OxyContin would be addictive, Opiates years ago, we hear those words at least one time a week. If it's not someone we know, it's in the media. So Joe Lecci, again, and your group have provided a way to find hope and to find a better life. Your organization was started in 1998. It basically helps people with -- youth with depression gain influence, addiction, self-injury and family issues.

I recently got to tour your wonderful facility. And again, not only is there guidance with the issues of, you know, drugs and gangs, there's also a food pantry. You have one of the largest food pantry kitchens on Long Island. And if you don't mind, because you talk from your heart and you're incredibly bright, you understand the analytical situation, what we have here on Long Island and the need that people have. Can you talk about a few of the programs that you're working on? I'd like to introduce Joe Lecci.

MR. LECCI:

Thank you. It's good to be here. We've have had our Ignite Program which takes care of the junior and senior high in the Longwood School District. We've been functioning at this for a number of years now. We're an outreach center that comprises itself of dealing with the homeless youth. In the Longwood system, there are 350 homeless students that are registered and that number is still climbing.

We're kind of like a depot. We're an agency that establishes itself and has recognition of the people in the community. I'm residing there for 42 years, my staff members that are with me are in the same category of that number of years. What makes us work is the volunteerism that we do have and the association that we have in a collaborative way with PAL and other organizations that assist us in cooperating and trying to get the kids off the street as often as possible. We've run a 15-year program at Longwood High School's gymnasium on Friday nights; you might be familiar with what was called a 3-on-3, originating in Detroit and Harlem, and we've been successful in carrying that forward a number of years. And to the credit of the people that work with us, a number of kids have turned the corner where when they were in the high school they were doing F averages and it turned around in a matter of weeks and their attendance improved and different things of that coordinating was just incredible.

We have a day-care center that is 22 years in operation and that takes care of the Middle Island Caring For Kids Day-Care Center, and what that does is meets the needs of a lot of single parents. And we've, again, been in cooperation and in partnership with the Longwood School District for the last 15 years directly and that has been a huge contribution as to what we're doing.

One of the latest things we've done in the last three years is that we've established ourselves through the endorsement of the school district administration office, Al Gerstenlauer, we have set up a clergy meeting in the community about every six to seven weeks, and that group meets -- any of the clergy in the entire Longwood School District come together and try not to so much resolve, but put together a plan that can work together to help those parents that after school don't know where to go. And if they do that, we set up a communication between the different people that are available in the community that have the power to make things happen.

So I thank you on behalf of our team and the continuation of your support for the future that is upon us, as bleak as it looks and as tough as it is. But I guess in the mind of one of the famous people that I respect, Robert Schuller, "*Tough times don't last, but tough people do.*" Thank you.

Applause

LEG. ANKER:

I'll let him have the last word. Thank you so much. I appreciate it.

D.P.O. HORSLEY:

All right, we'll be moving to the *Public Portion* now. I'd like to invite up Brian Gilbride, the Mayor of the beautiful Village of Sag Harbor. Brian?

LEG. SCHNEIDERMAN:

I'll watch from the side lines.

D.P.O. HORSLEY:

Mr. Mayor, before you start, I've got to tell you that you have a wonderful advocate in Legislator Schneiderman. He's driving us all crazy about your Long Wharf and beach, so.

MAYOR GILBRIDE:

Thank you, Jay.

LEG. SCHNEIDERMAN:

That's a good thing.

D.P.O. HORSLEY:

That's a good thing, absolutely.

LEG. SCHNEIDERMAN:

I'll take that as a compliment.

D.P.O. HORSLEY:

It is.

MAYOR GILBRIDE:

First of all, thank you very much for taking the time to let me say a few words today.

In looking at the Long Wharf, we find that some time in 1982 the beach property had never been conveyed to the village. So what I did -- excuse me. I had a few pictures taken. On that property, we have the Jordan Haerter Memorial of which the bridge is also named after. Thank you. Hopefully they got copies of this stuff for you, gentlemen and ladies. So all I'm here to do today is hopefully, both on Long Wharf and the beach, just bring this to an end. And if there's any questions I can answer, I'd be more than happy to answer.

LEG. SCHNEIDERMAN:

If I could?

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Yes?

LEG. KENNEDY:

Could I take the Mayor up on his offer to speak?

P.O. LINDSAY:

We're not supposed to question them at Public Portion.

D.P.O. HORSLEY:

Yes. I'm sorry, this is Public Portion and we're not allowed to take questions at this point in time.

LEG. KENNEDY:

Oh, all right. I'll have a conversation off the record.

MAYOR GILBRIDE:

I apologize.

LEG. SCHNEIDERMAN:

Perhaps the Mayor could just tell us a little bit more about how these properties are used for the village purposes and then we'll let him sit down. And I thank the Mayor certainly for coming today.

MAYOR GILBRIDE:

Sure. Again, I'm not used to this format, I apologize for anything I'm not understanding. The beach is actually just a very small, point three acres. I did take some pictures both of the windmill, the Jordan Haerter Memorial and the beach for all of you to see. This is not a Hampton's beach. We do have some benches and seats alongside the bridge so people can enjoy lunch and look out at the water. By no stretch of the imagination is it a beach where people go to bathe. The old sewer pipe from the middle of Main Street still dumps out into that area. If you look, it's very shallow. It is enjoyable for kids to run around, small kids sometimes and families, to have lunch. Other than that, it's not a beach like Haven's Beach or Long Beach or any of the ocean beaches you'd think about.

The biggest part of this for us in the village is that it is connected to the Jordan Haerter Memorial Bridge, and if you look at the memorial the Haerter family has there for their son who paid the ultimate sacrifice in Afghanistan a few years ago. We honestly thought we owned this property. The wind mill that you see in that one or two pictures is on this property, we just put about eight, \$10,000 into it, it needs another 50 to 70. I almost wish in this environment it was yours, so -- because for us, that's a lot of money.

(*Timer Sounded*)

But other than that, I mean, this is just something that somehow dropped through the cracks from 1982 till now.

D.P.O. HORSLEY:

Okay. Thank you very much, Mr. Mayor. We appreciate your comments today, and thank you for coming down.

MAYOR GILBRIDE:

Okay. Thank you very much.

LEG. SCHNEIDERMAN:

Thank you.

D.P.O. HORSLEY:

All righty. Second up is Andrea Lohneiss, our Regional Director of the Empire State Development Corporation. Andrea, I saw you. There you are. Welcome, Andrea.

MS. LOHNEISS:

Good morning. My name is Andrea Lohneiss and I'm the Long Island Regional Director for Empire State Development, the State's Chief Economic Development Agency. My comments pertain to the proposed application by Suffolk County to Empire State Development for approval to create a land bank.

Pursuant to Article 16 of the New York State Not-For-Profit Law signed into law by Governor Cuomo in July, 2011, certain municipalities are permitted to create land banks.

D.P.O. HORSLEY:

Excuse me. Andrea, could you just speak a little more into the mic? We're having trouble hearing you.

MS. LOHNEISS:

Is this better?

D.P.O. HORSLEY:

Yes. Thank you.

MS. LOHNEISS:

Municipalities are permitted to create land banks upon approval of Empire State Development. Land banks are not-for-profit corporations created to take control of and redevelop vacant or abandoned properties in order to convert such properties into uses that support community revitalization and better serve the public interest. The stated mission can range from elimination of blight to affordable housing developments, market stabilization, commercial redevelopment and the desire of the sponsor to return properties to the tax role.

The new law allows cities and counties to create and administer land banks to convert it -- to convert blighted, vacant, abandoned or tax delinquent properties into productive use. Within Suffolk County there are no other units of government that possess the power to foreclose on tax liens, a required criteria for eligibility. Once established, the County can sell to the land bank some or all of the delinquent tax liens for redispotion by the land bank in accordance with the act. Revenue sources for land banks include money generated from the sale of tax liens, Federal and State Brownfield grants, and funding from private foundations.

The act also provides authorization to land banks for the issuance of bonds. However, the local bylaws will determine the decision making authority of the land bank board, therefore control of the land bank is determined by the bylaws as authorized by the County Legislature. Staffing may be provided by the municipality, also a determination to be made by the County Legislature pursuant to the bylaws and the Local Law. The act permits ten land banks to be created. ESD anticipates at least two rounds of approval and the number of applications to be approved in the first round will not exceed five. The deadline for submission of applications for consideration in the first round is March 30th, 2012. The deadline for subsequent rounds have not been determined.

A submission in the first round is encouraged as applications not approved in the first round may be resubmitted for reconsideration in subsequent rounds. In order to be considered, the act requires that the applicant be a foreclosing government unit, must have adopted a Local Law ordinance or resolution which specifies the name of the land bank, the number of members of the Board of Directors which must be an odd number of at least five and not more than eleven.

(*Timer Sounded*)

The names of the initial members of the Board of Directors and the length of terms for which they are to serve and the Articles of Incorporation for the land bank to be filed with the Secretary of State. Other required provisions are set forth in the guidelines including intergovernmental cooperation agreements.

In addition to my role as the Regional Director of Empire State Development, I am also the Executive Director of the Long Island Regional Economic Development Council. The Long Island Strategic Plan, which was developed with significant public input in 2011, calls out as a key strategy the, quote, "revitalization of downtowns, blighted areas and commercial centers by providing incentives to stimulate the redevelopment of vacant, abandoned and blighted properties." At least four of the transformative projects receiving a portion of the 101.6 million in funds awarded to Long Island involve the redevelopment of blighted, commercial areas; Wyandanch, Hempstead Village, Ronkonkoma and Central Islip. The utilization of a land bank in Suffolk as a mechanism to consolidate for redevelopment, properties that have suffered from disinvestment would be consistent with the Long Island Strategic Plan. These properties --

D.P.O. HORSLEY:

Andrea, if you would please wrap it up.

MS. LOHNEISS:

I'm done.

D.P.O. HORSLEY:

Thank you.

MS. LOHNEISS:

These properties are often brownfields and are difficult for the County to sell pursuant to the limitations of the Suffolk County Tax Act. Thank you.

D.P.O. HORSLEY:

Thank you very much. We appreciate you coming down, and you're always welcome, Andrea. Thank you for being here. Richard Amper, representing the Pine Barrens Society, of course.

MR. AMPER:

There are several Introductory Resolutions on the agenda that the Pine Barrens Society would like to speak to today. A representative will address them during the Public Hearings in-depth. However, I'd like to talk briefly about three.

Let's talk first about 1197. Now, we are not persuaded that some members of this Legislature, and not necessarily the sponsor, are trying to stop the Open Space and Farmland Preservation Programs. There is a consensus, for example, that acquisitions for which there are contracts at any stage of execution should proceed, yet the Beagle Club property, highly ranked when all features are considered, remains stalled in committee. And Ways & Means has tabled other acquisitions which is preventing their completion and sending an ominous message to land owners that Suffolk County is no longer a good faith partner in preservation. I don't think you mean to do that.

Two provisions of 1197 remain troubling; they both involve the process by which parcels are ranked. First, the current standards, properly applied, would ensure that Suffolk is purchasing only the best properties. We don't think that the standards should be changed as much, only that the application of those standards should be reviewed by multiple examiners. We have proposed that a committee of respected environmentalists should play a role in the evaluation, as farmers do with respect to farmland preservation. The rejection of this recommendation only serves to suggest that political considerations are still trumping ecological ones in this process.

Finally, no municipality should be penalized under the ranking system for not contributing local funds to the acquisitions. The fact that towns have assisted the County in land preservation should not mean that when their funding is exhausted a penalty should be imposed on the municipality. The merit of the acquisition should rely exclusively on its worth to the goals of drinking water protection and habitat preservation.

1185; this one authorizes the use of development rights by libraries, in addition to fire, ambulance and Police Districts. This resolution determines that a referendum is required to amend the County Charter, but should be altered to provide for mandatory referendum; just a one-word alteration, I hope that can be accepted as a friendly amendment. In any case, the law cannot take effect until such a referendum is approved by the voters.

And finally, 1074. This resolution involves messing with the Drinking Water Protection Program and should be defeated. Suffolk lacks the hundreds of billions of dollars that would be required to sewer the rest of the County. There's also a quote, "temporary property tax relief component", meaning Legislator Horsley is proposing a tax increase for general services again. There's no mention of the requirement for a mandatory referendum to enact this provision. So if it is approved without such a mandatory referendum, it will be added to the current litigation against the County and this Legislature.

Have a nice day.

D.P.O. HORSLEY:

You've totally caught me off guard with that last comment (*laughter*).

MR. AMPER:

That's tough to do.

LEG. BARRAGA:

It's on the record.

D.P.O. HORSLEY:

As my new role as Deputy Presiding Officer, strike that from the record.

*(*Laughter*)*

Kidding. I'd like to invite up for presentation Sondra Cochran. Hello, Sondra. Welcome.

MS. COCHRAN:

Good morning. My name is Sondra Cochran and I'm the Executive Director for the Wyandanch Community Development Corporation. And I thank you all for allowing me to speak here today.

Our company is a non-profit community development corporation that has been in existence for 40 years this year. Our catchment area is the entire Township of Babylon and we have worked with projects for community development, downtown revitalization, affordable housing and economic development. This morning I'd like to give you a few facts about land banks. Vacant and under utilized properties in Brownfield areas have hindered economic development in our community for

several decades. The strong leadership of former Town Supervisor and current Suffolk County Executive Steve Bellone enhanced the process of revising the downtown of one of the most poverty stricken areas in Suffolk County.

As a spotlight community in New York State, the Wyandanch area is in the middle of a revitalization or rebirth. Without Executive Bellone's vision and determination to bring this community back to life and support of other elected officials, Wyandanch would continue to be a dying community, not living up to the great potential that it has to be a thriving community that is perfect for transit-oriented development. Having a tool like the Suffolk County land bank to return under utilized, blighted and contaminated properties to a productive use will further enhance the process to redevelop properties and facilitate downtown and neighborhood revitalization for all communities. Brownfield redevelopment is an avenue to sustainability and a proven job creation tool. This type of redevelopment is vital to economic growth and sustainability and it creates both short-term and long-term construction jobs and permanent jobs that are tied to the use of the properties.

On behalf of the Board of Directors of the Wyandanch Community Development Corporation, the staff and our polled program recipients, we support Suffolk County's initiative to create a land bank to support the redevelopment of Brownfields and we hope that you will too. Thank you for your time and consideration.

D.P.O. HORSLEY:

Thank you very much, Sondra. And again, welcome.

That is all the cards that I have. We have one more, I can see it -- don't rush, we're good. Is there anybody else who would like to speak after the next card? Okay. So would you fill out a card and bring it up to the Clerk?

MR. BOGACK:

I filled out a card.

D.P.O. HORSLEY:

Oh, you did. Well, I don't have them. We'll just call you up then, okay? Thank you. All right, I'd like to invite up Steven Lucas from the Carnegie Library. Welcome, Steven.

MR. LUCAS:

Thank you. I'd like to thank the Legislature for allowing me to say a few words. I'm here to speak about the resolution that you have before you, 1125-2012, introduced by Legislature Rob Calarco, to allow -- it's my understanding, to allow the Carnegie Library that's located in Patchogue to be moved to property owned by Suffolk County behind the District Court House on Main Street in Patchogue. And as a representative of the Greater Patchogue Historical Society, we would love to have that building preserved and this is an opportunity to do that. The developer Tri-Tech Corporation, has agreed to move the building if a suitable location can be found. And this, through the efforts of Legislator Calarco, seems to be the most suitable site for this building, this historic building to be moved to.

Going forward, as a representative of the Patchogue Historical Society, we would then like to have that building become a museum and cultural center for the presentation of local history, especially concentrating on the greater Patchogue area. Many other historical societies in and around Long Island in Suffolk County have their own museum and Patchogue Historical Society has been in existence since 1982 and we do not have a place. We feel -- no disparagement meant to gypsies, but we feel like gypsies. We don't have a home and this would be an opportunity for the Historical Society to have a home and a place to display artifacts and preserve the history of the local area around Patchogue. And hopefully you will vote in the affirmative on this resolution. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Mr. Lucas. We appreciate it.

The next person, young lady, why don't you come on up.

*(*Laughter*)*

Don't you love hearing that?

MS. McLAUGHLIN:

My name is Mary McLaughlin and I'm here speaking for the League of Women Voters of Suffolk County which worked closely with the 2007 Suffolk County Legislature and then County Executive Levy to draft a pioneering Charter Law establishing a nonpartisan, fair and objective reapportionment commission which would draw lines without regard to incumbents or political parties. That vision has fallen into an abyss of inaction, partisanship and obstruction. We urge our Legislators to act now to allow the reapportionment commission to do its work as an independent body and not return to a partisan system driven by the Legislature itself. Specifically we appeal to Presiding Officer Lindsay, good morning, to withdraw his bill, IR 1195, to disband the commission 30 days after the bill's passing.

We also appeal to the entire Legislature to pass Legislator Kennedy's bill, IR 1196, to extend the deadline for the Reapportionment Commission to propose new Legislative boundaries. There were inactions, actions which serve to delay, disable and deny services through a commission, including, one, unrealistic deadlines were allotted to the process. Suffolk County redistricting will not be needed until the 2013 Legislative election. Two, the absence of qualified and legal Republican appointees. Three, the reluctance of the Legislature to supply mandated support and technical assistance for the commission's work.

We believe the citizens of Suffolk County deserve better from a Legislature that has been so progressive, inspiring and concerned for the welfare of all our County residents. The league of Women Voters in Suffolk County, with chapters in Brookhaven, the Hamptons, Huntington, Shelter Island and Smithtown, urge you to let the Reapportionment Commission do their job and let non-partisan, structural reform happen here. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mrs. McLaughlin. All right, good luck with that. I've been wrestling with this; this is the hardest job, Bill. I would like to invite up John Bogart.

MR. BOGACK:

John Bogack. Thank you very much.

D.P.O. HORSLEY:

Bogack? I'm sorry.

MR. BOGACK:

I'm here to speak on 1125, I'm supporting what Steve Lucas also addressed --

P.O. LINDSAY:

Please talk into the mic.

MR. BOGACK:

Can you hear me?

MR. NOLAN:

No, you've got to talk right into the mic.

MR. BOGACK:

How about now?

P.O. LINDSAY:

There you go.

MR. BOGACK:

All right, I'm going to get my chance to speak today one way or the other. 1125 authorizes the Legislature to enter into negotiations with the Village of Patchogue in order to free up a land lease. It's not a done deal, it's just the beginning of the process of getting this done and I think it's a worthwhile thing to do.

Just to do a little bit -- so they're talking about history, I've been looking into the history of Andrew Carnegie, the library and Patchogue Village and it is kind of interesting. What you're doing here is preserving some of that history which is this; Andrew Carnegie, a rags-to-riches story. He rises from the most humblest jobs to the second-richest man in America, one of the richest men in the world.

At the last phases of his life, he decides to use his vast wealth for good purposes, and one of those purposes was to help build libraries. At the end of the 1800's, in the beginning of the 1900's, the public library system that we take for granted did not exist in the United States. Andrew Carnegie, his strategy basically was to seed money and challenge grants to various communities all across the country, including Patchogue Village. That library was put into effect in I think 1907, it then became a functioning library system for another 50, 60 or 70 years. In the basement of that building was the original beginnings of the whole Suffolk County Library System, it migrated from the basement of that building to the system we have in our County today.

History, a good thing -- Andrew Carnegie did a good thing for America. The Legislature here has an opportunity to continue what he was going and I certainly hope that it does. Thank you very much.

D.P.O. HORSLEY:

Thank you very much.

P.O. LINDSAY:

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

LEG. BARRAGA:

(Raised hand).

P.O. LINDSAY:

Motion by Legislator Barraga.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi. All in favor? Opposed? Abstentions? Public portion is stands closed.

MS. ORTIZ:

Fourteen (Not Present: Legislators Schneiderman, Browning, Stern & D'Amaro).

P.O. LINDSAY:

Could I have all Legislators back to the horseshoe, we're about to take up the agenda. I'm going to take one issue out of order, and I'll explain to you why; actually, a couple of resos. But if you go to page eight, there is Resolution 1135 having to do with the Elsie Owens Health Center. And why I'm asking that it be taken out of order is that the people from Hudson River are here and I know that their base offices are Upstate, so I don't want to tie them up all day long.

Mr. Zwirn or Dr. Tomarken, are one of you guys going to introduce this reso?

MR. ZWIRN:

Yes.

MR. NOLAN:

Make a motion.

P.O. LINDSAY:

Okay, I've got to make a motion to take it out of order. Do I -- I'll make that motion. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY:

1135 is before us. Okay, Mr. Zwirn.

MR. ZWIRN:

Okay. Thank you, Mr. Presiding Officer. As you know, the Federal qualified Health Center issue has been before this Legislature for some time now, going into last year. HRH has come and briefed the Legislature at the Health Committee, I think at least on two occasions, has met with individual Legislators, met with the caucuses on some occasions, and we're just about there.

As you remember, during the 2012 budget process there was not enough money in the budget to fund the Elsie Owens Health Center, I think it was beyond the early part, going into spring; they needed another \$2.1 million to keep it fully-funded. HRH was recommended by the State, they're a Federally Qualified Health Center. The treatment and the services will be improved at the health center. It will -- the service will be expanded. The staff, I believe is Legislator Kennedy was very much interested in making sure that the staff that was there from Stony Brook was maintained and that is going to happen. The County will continue to pay the lease on the property through the term and pay the taxes on the property to the landlord, it demonstrates the County's commitment to health services, to its citizens in this County.

One of the big things that will be an advantage to the County is that malpractice, the County will be indemnified, it will not be our responsibility anymore for malpractice at the health center. And if you look at some of the bills that you have before you today, that alone is a tremendous advantage.

This resolution authorizes the County Executive to execute the contract. A draft, just about the final contract has been submitted to Counsel to look at. This would give the County Executive the opportunity just to finish it off. But the concept that has been approved or has been represented to this Legislature is the one that will be finalized. We would like to get it going, if possible, because

it's been a long haul and we'd like the people who use this health center to know that their services are going to be continued beyond April. So the Health Commissioner is here to answer any questions, Margaret Bermel from the Health Department and members from HRH are here to answer your questions today. And we thank you very much for getting it out of order this morning.

P.O. LINDSAY:

Okay. Let me get it started in that I'll make a motion to approve to get it before us. Seconded by Legislator Browning. And questions? You want to start, Legislator Spencer?

LEG. SPENCER:

Well, this came before the Health Committee and I think that this motion is so important on so many levels as we look at health care where we've had a model that's been followed across the country. And having this partnership allows us to preserve health care for many of our constituents in Suffolk County that would not have access otherwise. I do think that this model is something that is only the beginning and will be replicated and, you know, I feel very strongly and very proud about this resolution passing. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. I had some questions, Mr. Zwirn, or perhaps Dr. Tomarken. Thank you for being here today, I appreciate it. This is a big step for the County. And I know it's being done in the context of the financial difficulties that we're experiencing, and I see at least in the short-term we do expect some saving to come out of this, and that's a good thing. But I would like to ask you a little bit about control and cost. Right now Suffolk County is in contract, I believe, in with Stony Brook to run this health clinic, correct? And that's all going to change now. Can you give me just a general idea of how the control is set up now for the health center and who would make the decisions for the health center and then who would get handed the bill for the cost of the health center.

COMMISSIONER TOMARKEN:

There is a board organization in which half of the -- roughly 51% of the board is community members and the other 49% is made up of different professionals and groups from the local community. So the County in terms of the board would not have control of the board, the board is run by the health center and --

P.O. LINDSAY:

Doc, could you raise the mic? We're having trouble hearing you. There you go.

COMMISSIONER TOMARKEN:

So there are two parts to the board. There is 51% which is of community members, of which right now in Suffolk County we have one member, there will be an additional member put on the board by HRHCare; the other 49% is made up of other people. So the County would not have control of the board. The board sets the budget and HRH would be in control of the funds once we are out of the picture. So the Article 28 would be transferred to HRH, we would no longer have control over it, we would just be subsidizing it for those five years and then the end of the lease.

This is a Federally Qualified Health Center. We looked at this model for ourselves. We found that -- from our consultants that our 25 to \$30 million deficit annually for all our health centers would not be impacted significantly if we did this. They can do it better, they can do it more efficiently and they have more experience and expertise in it. At the end of five years, we would be out of the business, so to speak, for this particular health center. Stony Brook would still be there and their

staff would still be there, but we as the County would be out of the legal obligation and all the things that were mentioned, medical malpractice, etcetera.

The thing to keep in mind is that as a Federally Qualified Health Center, they're subject to a variety of Federal regulations, as we would be if we went down this road. Part of that regulation is expansion. We do not have the resources, staff or money to expand resources. They will bring in a dental service, we can't do that, we can't afford that. So this model -- and they are already in Nassau County, they've been doing our migrant population in Suffolk, so they're not new to Suffolk County, and they have a very good reputation. They were brought in by the State when things were in dire circumstances.

I have visited, as has Dr. {Ithacar} who is not here, and Jennifer Culp have visited their clinic in Peekskill, New York, about a two hour drive up the Hudson River Valley. We were very, very impressed. This is a three-story building. It had staff that were multi-lingual for minority groups. They had all the services and beyond what we can offer. They had services such as housing, if somebody needed housing; we don't have that ability. They had social workers who would look into all the aspects of people's lives, as well as providing the primary care that all health centers have to supply.

The interesting thing about this center and this organization is that when they came to Coram and we met with the Community Advisory Board of the Coram Health Center, which will continue to exist and will continue to provide information and feedback to the formal board, it was clear that this organization had started the same way Coram had started. It was two or three minority ladies from the local community who identified a need for health care in the community and they got HRH to come on board and for the last 20 years have been providing health care, in a variety of settings, as well as the one that I and my colleagues visited. This organization has the expertise, has the knowledge and has the resources, and I think it's now time for the County to look at what it's been doing for 40 years and recognize that times have changed. And the County did a great job to fill a void back in the 60's and 70's that no one else could do or no one else was willing to do, but times have changed and we don't have the expertise or the resources to continue that.

LEG. D'AMARO:

All right, I appreciate that, and I agree with you. And let's put aside the issue of HRH and their qualifications and their inability, and you seem to have the utmost confidence in them. Let's put that aside for a moment, let's assume that they are qualified, more than qualified, and it would provide quality health care to County residents. My question is going more towards the control issue.

Right now, by entering into a contract for health services, we have control over the services as well as the cost. By going into this model, we would eventually, or through the use of this independent board, be giving up the control, the control of the services that are delivered and then the control of the cost, I believe, as well. So my question is if we're giving up control of what services are delivered -- and I believe that HRH has nothing but the best of intentions to deliver even more quality and more -- a broader range of health services to County residents, and that's a good thing, but do we as a County then continue to pay the bill? And if we do, what check and balance is there on that cost?

COMMISSIONER TOMARKEN:

Well, we would pay the -- we would have our subsidy for five years and then the lease till the end of lease.

LEG. D'AMARO:

All right. So right now, just so it's clear for the record, the County is contracting out for these services, but we are providing the facility itself by paying the lease where it's located.

COMMISSIONER TOMARKEN:

Correct.

LEG. D'AMARO:

Once that lease is up, we assume that HRH would then enter into its own arrangement, maybe the same location, maybe a different location, whatever they're going to do, and that's fine. So are you saying that after five years we have no further financial commitment for the health center?

COMMISSIONER TOMARKEN:

For the health center, except the rent, the lease.

LEG. D'AMARO:

No, I'm saying after five years.

COMMISSIONER TOMARKEN:

After five years, all we have is the lease and the property tax.

LEG. D'AMARO:

After five years I thought the lease was up?

COMMISSIONER TOMARKEN:

No, no, the lease goes for 2035.

LEG. D'AMARO:

Oh, okay. All right, so the only cost commitment the County would have would be to make the lease payments.

COMMISSIONER TOMARKEN:

And property taxes.

LEG. D'AMARO:

And property taxes, which is probably in the lease as well. And then after that lease terminated, the County would be relieved from that obligation as well.

COMMISSIONER TOMARKEN:

Correct.

LEG. D'AMARO:

Or ran its course, expired. So are you saying that the cost of the health care services to the population service by this center would be completely removed from County books?

COMMISSIONER TOMARKEN:

At the end of the lease, yes.

LEG. D'AMARO:

Right. But -- okay. So the taxpayers of this County will no longer be paying those health care costs.

COMMISSIONER TOMARKEN:

Correct.

LEG. D'AMARO:

So now you have, in effect, privatized the delivery of health care for that segment, for that service area; is that correct?

COMMISSIONER TOMARKEN:

Right.

LEG. D'AMARO:

Okay. The level of health care that must be delivered as a Federally Qualified Health Center is below the same or exceeds the requirements imposed on the County for delivery of health care?

COMMISSIONER TOMARKEN:

Currently it would exceed.

LEG. D'AMARO:

It would exceed. So the expectation would be that not only is the County saving in the long run, but we are actually enhancing the quality of health care services being delivered to the segment of the population serviced at that facility.

COMMISSIONER TOMARKEN:

Correct

LEG. D'AMARO:

The downside is that as a County, we no longer have a say in what those services will be or to what extent they will be.

COMMISSIONER TOMARKEN:

Correct.

LEG. D'AMARO:

Are you comfortable with that?

COMMISSIONER TOMARKEN:

Yes, because if we did it on an FQGC, we would be subject to the Federal requirements just as HRH is or any other Federally Qualified Health Center. So if we went down the road ourselves and developed an FQHC model, we would be subject to the same regulations and rules that HRH or any other Federally Qualified Health Center would be subject to. And so what we as a County would want to do would have to meet the standards of the FQHC, so it's the same set of rules.

LEG. D'AMARO:

That's if we chose to take -- seek that qualification.

COMMISSIONER TOMARKEN:

Right. And right the FQHC rules are far advanced in terms of extension of and extensiveness of services that we provide. They, for instance, demand dental care, we don't provide dental care; so that's just one example.

LEG. D'AMARO:

But what if we in the future -- and this is just a hypothetical, just to explore that a little bit, because I'm concerned. The cost savings is a home run, the enhanced health care is a home run, but I'm concerned about the control. Because if we have a Health Department that's mandated to deliver services, what if there's a disagreement down the road as to a service that should or should not be provided? How would we handle that?

COMMISSIONER TOMARKEN:

Well, it would be out of our control. So it would be the HRH, in this example --

LEG. D'AMARO:

Is it possible --

COMMISSIONER TOMARKEN:

-- and the Federal government.

LEG. D'AMARO:

Okay. Is it possible, then, that a service might be offered by another County facility, but not this particular facility and it might impose a burden on the other health care centers in some way?

COMMISSIONER TOMARKEN:

I think it would probably be the opposite. I think it would be more likely that they would offer services that we can't at our other health centers. So like if this starts May 1st, let's say, and they have dental care planned for some time later in the year, then they will be offering more than our current health centers.

LEG. D'AMARO:

Okay.

COMMISSIONER TOMARKEN:

So I think that's a more likely scenario.

LEG. D'AMARO:

That's good. Now, is HRH a for-profit entity?

COMMISSIONER TOMARKEN:

No, it's a 501(c)3.

LEG. D'AMARO:

It's a 501(c)3, okay. So it's not -- it's privatization, but it's also not-for-profit, okay, which is helpful, I think.

Do you foresee that model working at any other County health facility?

COMMISSIONER TOMARKEN:

Yes. I mean, I think this is the model to go forward with the rest of our health centers. Each one will be different, but each one has a different hospital associated with it --

LEG. D'AMARO:

Right.

COMMISSIONER TOMARKEN:

-- and has different individual arrangements. But yes, I think this is the future.

LEG. D'AMARO:

So the County, in this model, can meet its legal obligation to provide health services, but not have to foot the bill, in effect.

COMMISSIONER TOMARKEN:

Correct. I'm not sure -- when you say legal obligations, I'm not sure what you mean.

LEG. D'AMARO:

Well, it's my understanding that we have to deliver a certain level of health services to County residents.

COMMISSIONER TOMARKEN:

Well, I think -- primary care is a service that we chose to do many years ago.

LEG. D'AMARO:

Okay, right.

COMMISSIONER TOMARKEN:

I don't know -- I don't think it's mandated.

LEG. D'AMARO:

Well, let's call it a moral obligation then.

COMMISSIONER TOMARKEN:

Okay, fair enough.

LEG. D'AMARO:

Fair enough, right, Okay. And so that model could work down the road --

COMMISSIONER TOMARKEN:

Absolutely.

LEG. D'AMARO:

-- for other health centers as well. And you, as the Commissioner of the Health Department, are comfortable and believe that it's actually going to enhance the delivery of health services.

COMMISSIONER TOMARKEN:

Absolutely.

LEG. D'AMARO:

Okay. Thank you for your patience, I appreciate it. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Calarco.

LEG. CALARCO:

Thank you. Dr. Tomarken, I just had a quick question for you regarding the board, and perhaps Hudson River can answer the question. You said there's a Board of Directors that's 50% community members?

COMMISSIONER TOMARKEN:

Fifty-one percent.

LEG. CALARCO:

Fifty-one percent. And the Coram facility is going to have one representative on that board?

COMMISSIONER TOMARKEN:

Yes. There's already one from Suffolk County in general, but yes, Coram would have -- there would be an additional one.

LEG. CALARCO:

And how many members are on that board presently?

COMMISSIONER TOMARKEN:

Twenty.

LEG. CALARCO:

Where do they meet?

MS. NOLAN:

Hi. I'm Anne Nolan, the President and CEO of Hudson River Health Care. Great to be here with you, thank you.

LEG. CALARCO:

Thank you, Ms. Nolan.

MS. NOLAN:

The Board of Directors meets monthly. It meets in a rotational style, so we always -- we have 21 sites, including four in Nassau County, that we run under sub -- recipient model with the Nassau University Medical Center. However, we're in the Hudson Valley largely, that's where we started and evolved from Monticello to Hudson to south now to Long Island, in Greenport, we've been here since 2003. We attempt to rotate our board meetings from site-to-site over the course of the year, we have a board meeting every month, so we can't get to all those sites every year. We are introducing webcam so that people can participate all around our system. We have board members, we are required to have geographic representation based on a proportion of patients being served by the health center. We currently have 70,000 patients in the system and those -- representation on the board is broken up geographically by that representation. As we bring Elsie Owens on, the Suffolk County representation will grow to two, which at this point is slightly more than its geographical representation would merit, however, we feel strongly that this new opportunity here of representation of the board -- of the community on our board is very important to us.

Community-based boards of FQHC's are what makes us very different from every part of the health system. We incorporate the community's input into all of our decision making and this is a truly a community-controlled board. We were -- delighted is not enough depth of a word to say how it felt to meet up with the board, the advisory board of the Elsie Owens Health Center. It grew out of the community, as Dr. Tomarken said, in the same manor that our health center has grown, we respect that community input and we will continue to involve that advisory board in our decision making process to guide what services we provide and continue to expand what services are necessary in the community. So we value their input.

LEG. CALARCO:

So the current advisory board will remain, you'll have a representative from there sit on the board. Do you provide a way for the various community members -- I'm sure you must run across this with all of your organizations -- to get to those meetings? So if you have a meeting in the Hudson River Valley area, for our representatives from Suffolk County to actually attend that meeting, or is that something you're going to be looking to do with that webcam process you spoke of?

MS. NOLAN:

Well, the webcam is only one and that's the newest. We always have a telephone option at this stage, we use conference calling as part of the participation, just so we make sure we enfranchise as most people as possible. Board members, consumer board members are able to be compensated for their travel expenses to come to board meetings, and their baby sitting costs and other expenses that they might have incurred so that they can attend the board meeting. And that, along with the rotational schedule to try to get the board meetings around so that they feel the pride of having the rest of the board at their particular site is something we really believe in.

LEG. CALARCO:

Okay. Thank you.

MS. NOLAN:

You're welcome.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you. Good morning, Doctor. So with the approval of this resolution, then, what happens? What happens the next day? Take me through the transition, the timing and what we can expect in the coming months.

COMMISSIONER TOMARKEN:

The goal is May 1st to transition. So between now and then we would be -- first of all, once the contract was finalized, we would notifying the State to give up our Article 28.

P.O. LINDSAY:

Doc, you're fading on us again. You've got to turn that mic. There you go. Thank you.

COMMISSIONER TOMARKEN:

Sorry. Before May 1st, which is the turnover date, we would have to turn in our Article 28 license and there would -- HRH would be issued an Article 28 license. So it involves what's called a closure plan and then sort of an opening plan. There would be absolutely continuity of care, there would never -- there would be no gap in service. Whatever April 30th, the last day of April, whatever it is, at midnight our license would end and HRH would take over that very time.

Prior to that, their information system would be in place. They would be able to pick up the appointments that were already made and just carry on with them. The providers would remain the same, the doctors, nurses, nurse practitioners. So to the clientele, there would be seamless continuity of care, and that's what we're working on right now. And the contract, once it's finalized, would allow HRH to come on-site, get their facilities in place, educate and train their staff so they're familiar with the setting so that the day that they take over, the minute they take over they're ready to go.

And we have a -- we've had a contract with Neighborhood Health Plan, that was the group that bought Suffolk Health Plan in the past, and we have made a contract with them. So that their contract and their -- the patients will just move seamlessly over to HRH's organization. So there would be no changing of the health plan for the patients that are in the Coram Health Center right now.

LEG. STERN:

Is the plan and that is the hope. Are you aware of any issues that might have occurred elsewhere throughout the State during a transition period where HRH was taking over in some other area?

COMMISSIONER TOMARKEN:

I'm not, but maybe Anne can address that. I'm not aware of any problems in transition.

MS. NOLAN:

We've done this in many sites. And in Yonkers, for instance, we've come in and worked with St. John's Hospital and taking on their two primary care clinics there with the exact same type transition of Article 28 into our hands and with the seamless transition of continuity of care, maintaining the existing staff. At five o'clock it did belong to the Health Department, at 5:01 it was -- or to the hospital in this case, and the next minute it's ours for operation.

We hope, as Dr. Tomarken mentioned, that the preparation for this transition will occur prior, so we are in the building. We will be working on the telephone system, the information systems, their computers and training people on the electronic health records so that day one they will be involved in an electronic environment as well.

LEG. STERN:

And you believe that you have sufficient time to do all of that?

MS. NOLAN:

The sooner the contract is signed the better.

LEG. STERN:

True.

MS. NOLAN:

And we do believe that we have a plan for rolling out this transition in a timely manner. And Dr. Tomarken and the Department of Health has really worked so closely with us, we believe we can do it.

LEG. STERN:

And Doc, then what happens -- I'm sorry.

COMMISSIONER TOMARKEN:

I just wanted to add that all of this is under the control and the approval of the State. So we submit a plan and say, "This is what we plan to do; A, B, C, D," and they say yes or no or whatever, change this, change that. So the whole process is under the control and review by the State.

LEG. STERN:

And what then happens five years from now?

COMMISSIONER TOMARKEN:

Five years from now continuity of care continues, we stop paying our subsidy payments, but we continue to pay the lease and property taxes. So the only difference is the payments stop at the end of five years for those Community Benefit Grants.

LEG. STERN:

But HRH has the ability to determine whether or not they are going to provide services, continue to provide services at that location or some other location; is that decision their's to make and their's to make alone?

COMMISSIONER TOMARKEN:

I'm not a lawyer, but I think they've -- it could potentially move. But again, this would have to be approved by the State, it would have to be approved by the Federal government.

One of the things to keep in mind is that if this does not start on May 1st, that the budget doesn't allow funds to continue to subsidize the Coram Health Center under the current financial arrangement.

MS. NOLAN:

Could I respond to the question about continuity beyond the five year period? We are -- certainly the physical facility is a very amenable to the operation of health care services, it also has expandability within the existing facility. So as long as the lease runs, I would anticipate that there is no -- there would be no changes. The only change that might happen is if you outgrow your physical facility and that's happened to us. But the physical facility as it is a fairly large one and that

it can include many more services, comprehensive services and run efficiently. We think we can add services. As Dr. Tomarken has pointed out, that the first component of service added will be dental services, and then we have behavioral health services required by our health center, and we also are able to expand speciality care given the wide scope of service.

The scope of services is the approval that we have from the Federal government to be able to provide a wide scope of services at this site as in all of our other sites. And so the advantage of -- to the Elsie Owens Health Center is that we have a very, very broad scope of services that includes speciality care and many of the other things that I've talked about, and many more that we haven't mentioned. And we would have to change that scope and downsize what we're providing at this site if we wanted to do anything that dramatic. But our situation has always been that patients need more health care and not less, and we are there meeting the needs. And so I only anticipate that it gets broader services, more horizontal. Dr. Tomarken talked about the housing services and supports that we give our patients and we really believe that health is the complete mental, social and physical well-being.

LEG. STERN:

One of the benefits to Suffolk County is that -- and we've mentioned it, we've talked about it -- is that we would be able to get out from under the ongoing liability, legal liability. Is that -- is that an affect that takes place right away? On day one we would no longer have that ongoing responsibility, that liability, or is that something that is phased out over time? And what about claims that might be existing or claims that originally arose while prior to this agreement taking place.

COMMISSIONER TOMARKEN:

The change would be immediate, but prior claims would still be our responsibility.

LEG. STERN:

Thank you.

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

Thank you for being here today. We appreciate all the presentations that you have given us. And, you know, I remember standing in a picket line not to close down Elsie Owens. I know Kate and I, we have a large constituent base that use the facility, as well as other Legislators around the horseshoe. It's not just our districts that are closer to the facility. Many people are losing their jobs, many people are in need of health services that are affordable, these services are affordable. And again, you know, this is the need.

As far as questions, I just wanted to also say on the record, this is a wonderful example of public/private partnership. You're a non-for-profit but you're a private, you know, you're a private entity, and you're helping relieve the taxpayers of a heavy, heavy burden, but with a service that is so much needed. So I just wanted to make sure, you know, that point is looked at and hopefully continue with other services that we have throughout the County.

Open communications; again, I just want to stress how important that is. If there's a problem, whether it's with, you know -- you know, if you can just keep an open line of communications with the Health Department, with our County, you know, with your transition and even past that, we are always here to listen. Sometimes the largest problem in your mind can be -- we can have the easiest solution, maybe a phone call, maybe a letter. Whether it's within the County or even going from the State or Federal government, please let us help you, you know, because, again, we want to see a very smooth transition. It sounds like it's going to be very exciting to see the transition going through.

COMMISSIONER TOMARKEN:

We will be getting quarterly reports for those five years from the organization as to their performance.

LEG. ANKER:

Very good. I have a question regarding the employees. Are you going to be keeping the current employees at the facility?

MS. NOLAN:

I'm going to have another person answer that.

MR. SINKOFF:

Good morning. My name is James Sinkoff, I'm the Chief Financial Officer at Hudson River Health Care. So the arrangement that we have with Stony Brook that just needs to -- documents need to be executed is a professional services agreement with them, so we will be retaining their staff under this professional services agreement. I think the kind of easiest way to sort of imagine that is we're stepping into the shoes of the County as it relates to the provision of those services by assuming the contractual obligation that the County previously had with Stony Brook University Medical Center, we will now have that obligation with Stony Brook University Medical Center.

LEG. ANKER:

That is so good to hear. Because, again, you know, keeping our employees will keep more stability within the facility. So we really appreciate you looking into that.

I have a question pertaining to the lease. I know we're going to be paying the lease and taxes, but is that reimbursed; Dr. Tomarken?

MS. BERMEL:

Currently we're claiming the lease under Article 6. We still intend to include the expense in the State aid application and if the State approves that, then we will receive some reimbursement, but at this point in time, it's unclear if that will occur or not. But we will absolutely apply for it.

LEG. ANKER:

Okay. And again, if there's anything that we can do on the County end, please let us know, we'd be more than happy to.

MS. BERMEL:

Thank you.

LEG. ANKER:

What is the lease?

MS. BERMEL:

The lease payment in the first year would be approximately \$700,000, including the property tax expense. There's an escalator in the lease, every other year it will escalate 3%.

LEG. ANKER:

Escalate 2%?

MS. BERMEL:

Three percent every other year.

COMMISSIONER TOMARKEN:

One thing I just wanted to point out is that the name of the center will remain the same.

LEG. ANKER:

Wonderful. And the last question, I just want to confirm, the County currently has liability for any type of medical issues. With, you know, your company, Hudson River Health Care, taking over, the County will no longer have the liability for the health care patients?

MR. SINKOFF:

Yeah, the County will be relieved of the obligation. I don't know if the County's malpractice is on a claims basis or an occurrence basis. So obviously on the date of transfer, depending on when, you know, again, the underlying malpractice coverage terms with the County, again, occurrence or claims. If it's post-claim -- if it's claims-based post May 1, obviously that will send the risk our way; if it's occurrence-basis pre-May 1, you may keep that particular case.

LEG. ANKER:

Okay, thank you. And again, I just want to thank you for your patience and your guidance on both sides of making this a reality and saving a very, very important health center. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chairman. And thank you again for being here. You're great folks to continue to make the trip down here to Suffolk County to talk to us, and you were gracious on Thursday at the Health Committee. But I just have a couple of more points that I want to see if I can kind of wade through.

Ms. Nolan, you spoke about the fact that there are approximately 70,000 patients in your system now, between your 21 clinics? And Elsie Owens must have probably eight to 10,000 patients alone at that site. So by just adding this one site, you're increasing your total patient capacity fairly substantially, but you're up to that challenge and it should go okay?

MS. NOLAN:

Yes. And that's just about 10%, a little bit more than 10%. We are growing in the network and I think our growth in the past, we've more than doubled our capacity in the last five years. We've shown that through our executive leadership and the sustaining and the maintenance of our existing operations, we've done a pretty good job. And we believe that, yes, we can handle 8,000 more patients in the system.

LEG. KENNEDY:

Health care seems to be going through its Darwin's theory at this point, it would seem, and it truly is survival of the fittest. I mean, North Shore LIJ is all over the Island now and actually into Jersey. So perhaps on the not-for-profit side, your organization is starting to move forward and to take that on as well. So while we will have Stony Brook's nurses and physicians and other direct care providers, it will be Hudson River folks that are doing some of the back-end work, the claims processing, the billing, the follow-ups for insurance and for Medicare and Medicaid? I see the gentleman nodding.

MS. NOLAN:

He's the best person to answer that question, he's our CFO.

MR. SINKOFF:

Yeah. So in the kind of business model, if you will, clinical administrative and financial, the clinical model we've talked about with Stony Brook on the administrative and the financial modeling, Hudson River Health Care will be responsible, you know, for the administrative side of the work, whether that's grants compliance, reporting to the Feds, reporting to the State, reporting to the

County, you know, being in communication with all the respective stakeholders. And on the financial end, we will have all of the financial reporting requirements from financial statements to billing collections. You know, to Medicaid, to Medicare, all the credentialing of providers in the system, and then importantly from the transformative model in terms of medical home and health homes and those kind of activities in terms of health care will be under our auspices.

LEG. KENNEDY:

You mentioned an important term, one that I'm not directly familiar with but that I've heard has come out on the horizon, the medical home which is a concept that Medicaid, talking about aggregate groups of folks to provide funding in both form for to delivery care; I believe that's it. Is that it?

MR. SINKOFF:

Well, there are lots of terms out there that are being thrown around. There's medical home concept, really, in its very kind of fundamental approach is the idea of care coordination between mental, behavioral and physical health, and the State is demonstrating that they can pay for care coordination only so that we can integrate mental, physical and behavioral health services.

LEG. KENNEDY:

That's the one other place that I wanted to go to. First, let's stay with the mental care, mental health care component. My understanding at this point is is Elsie Owens does not have that. We do our mental health care through a couple of County health clinics. Is that one of the areas that the FQHC model has to add to the menu of services?

MR. SINKOFF:

Yeah. So within the scope of our service, we certainly will be adding social work services to the scope of our services so that patients who come to see us in however they -- and whatever their entry point is, whether they enter because they're looking for social work services or they enter using dental services, they will have immediate ability and a kind of one-stop shop fashion to access those services within the building.

LEG. KENNEDY:

Okay.

MR. SINKOFF:

If the services are beyond our scope, let's say somebody has, you know, schizophrenia or bipolar disorder and we've talked to Stony Brook about this in terms of their services, they can augment them, the County can augment them and we'll refer.

LEG. KENNEDY:

Well, that's another important piece, I guess, the continuum, if you will. So that you're working with somebody in the community and then if there's a need, I guess, for admitting or something to that effect, they will continue to be the primary anchor and source?

MR. SINKOFF:

Right. So as we were talking about the professional services agreement, there is another agreement called the Backup Hospital Agreement, and Stony Brook very much will be our hospital for those services that require, you know, in-patient admission and so on and so forth.

LEG. KENNEDY:

To what extent do you folks work with students? We have a medical school there, we have a dental school there, we have a nursing school there. Do those students have a role in your -- in Hudson River's service model?

MR. SINKOFF:

Yeah. So in many of our sites we are training practitioners in lots of different disciplines, whether it's social work, dental, pediatrics, internal medicine. And we actually are very much looking forward with Stony Brook to use that site in a meaningful way for student rotation and learning. Just by way of reference, we are now currently helping LIFQHC, they just were awarded a Health Center Residency Program Grant and we will have, at the site in Elmont Greens, in Elmont, Nassau we will have seven residents for the next three years, so we'll 21 residents at that site.

LEG. KENNEDY:

I guess the last question is is -- and perhaps I have to go back to Dr. Tomarken or to Ben. We still have County personnel physically located in that building beyond the Health Department. Are they going to remain there or is Hudson River occupying the whole building?

COMMISSIONER TOMARKEN:

No, those services will remain as a they are.

LEG. KENNEDY:

Okay.

COMMISSIONER TOMARKEN:

Chest, TB.

LEG. KENNEDY:

Okay. All right, thank you. I appreciate it. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Legislator Kennedy. Legislator D'Amaro.

*(*The following testimony was taken & transcribed by
Diana Flesher - Court Reporter*)*

LEG. D'AMARO:

Thank you and I'll be brief, Mr. Deputy. I want to go a little more into the structure of the transition. Dr. Tomarken, you mention an Article 28 license; in effect the County would be giving in its Article 28 license. I assume the Health -- the State Health Department's issuing a new license to the new operator for this geographic area. Is an Article 28 license the same license that's held by the County nursing home?

COMMISSIONER TOMARKEN:

Yes.

LEG. D'AMARO:

Similar license?

COMMISSIONER TOMARKEN:

Yes.

LEG. D'AMARO:

And --

COMMISSIONER TOMARKEN:

Each health center has its own Article --

LEG. D'AMARO:

It has its own. And so it was always my understanding that the Article 28 license had a value.

COMMISSIONER TOMARKEN:

Had commercial value, you mean?

LEG. D'AMARO:

Well, I recall a debate we had over the last several years about the County nursing home, which also has a built-in clientele that services in the medical area. And that nursing home we always talked about selling the nursing home or closing.

COMMISSIONER TOMARKEN:

You're not -- yeah, you're not selling the Article 28 license.

LEG. D'AMARO:

Well, just let me finish my thought. I understand that. So I'm -- so, here what we're doing is, in effect we're closing the County Health Center and turning in the license on the assumption or the contractual -- more than an assumption. We know that there's a new facility -- a new operator coming in to service clientele that we're concerned of.

COMMISSIONER TOMARKEN:

(Shaking held yes)

LEG. D'AMARO:

But why in this instance does the County not only not get compensated for that, but is, in fact, keeping the lease obligation going forward? Why is it that when we talked about selling the nursing home, we were being relieved of our obligation from getting something in return, compensation and value, for an operating facility; but here we seem to not only be not getting any compensation, but continuing to incur the liability of the lease?

COMMISSIONER TOMARKEN:

In the nursing home example, you're selling the bed allocation. You're not selling the Article 28 license. That phenomena doesn't exist for health centers. You're not selling numbers of patients. So all -- the license just gives you the right to have that facility. In terms of the nursing home, you are selling the beds that the State has allocated. And if you choose to --

LEG. D'AMARO:

And that's what has the value --

COMMISSIONER TOMARKEN:

Right.

LEG. D'AMARO:

-- in a sense --

COMMISSIONER TOMARKEN:

-- right.

LEG. D'AMARO:

-- the beds that generate a certain amount of revenue --

COMMISSIONER TOMARKEN:

Right.

LEG. D'AMARO:

-- but here there's nothing similar of value that you would be giving --

COMMISSIONER TOMARKEN:

Correct.

LEG. D'AMARO:

-- to the new operator?

COMMISSIONER TOMARKEN:

Correct.

LEG. D'AMARO:

One other question. Is the transaction with HRH, is there any kind of -- I don't know, lack of a better word, covenant, not-to-compete or exclusivity that we are granting; we, the County, are granting to the new operator? In other words, if in the far stretch of the imagination for some reason the County wanted to get back into the health care delivery services in this area, would we be prevented from doing so? I'm not saying we would; I'm not saying we can afford to, but I would just like to know if those terms exist.

COMMISSIONER TOMARKEN:

Not to my knowledge, no.

LEG. D'AMARO:

Well, how about to anyone else's knowledge? (Laughter)

MR. SINKOFF:

So, there's nothing in any of the agreements that will preclude your scenario from playing out. There's no restrictive covenants of any nature and there's no exclusive rights to operate in the contemplation of --

LEG. D'AMARO:

Yeah, I didn't think there would be, but I just would like to get that on the record --

MR. SINKOFF:

Sure.

LEG. D'AMARO:

-- as well, because, you know, we are changing our motto. The County -- my experience here over the last six years has been that the County delivers health care. I think the County has been very protective of delivering that health care itself and not turning that over to another operator or privatizing or selling an operation. We've had long contentious debates about that. So I just want to be sure that, you know -- I just want to clarify what our options are going forward, but I do wish you the best of luck.

MR. SINKOFF:

Thank you.

LEG. D'AMARO:

All right. Thank you, Mr. Deputy.

D.P.O. HORSLEY:

Thank you very much, Legislator D'Amaro. Legislator Gregory.

LEG. GREGORY:

Thank you. I guess my question is for Dr. Tomarken. Would this new model -- I know that initially we had looked at the FQHC designation for ourselves, but now we're pretty much contracting out to a not-for-profit, who has that designation. Will that -- would the Hudson River's designation as a FQHC, will that give us the ability or them the ability, I should say, to assume one or more of our other health centers under their -- their envelope?

COMMISSIONER TOMARKEN:

They could under the -- if they followed the normal process, which would be an RFP, because remember this -- this situation arose by the State bringing them in at a time of crisis. And then there was a -- the waiver committee approved moving forward with this particular negotiation. But if we wanted to look at the other health centers for an FQHC model, it's my opinion we would need to go out to -- for an RFP and open it up to any vendor who chose to apply for it.

LEG. GREGORY:

Now, is that -- I know the FQHC itself has stringent requirements, census track data and that's why only certain communities qualify. But if you use, I guess, an umbrella model, that could include other health centers that aren't located in those communities that wouldn't necessarily qualify for FQHC status, if you understand my question?

COMMISSIONER TOMARKEN:

Yes. Once you have FQHC status, then you can add on areas that are not designated as medically under-served. So once you establish that -- because by being established as a FQHC, you have already met that requirement of serving a medically under-served area. Then you can add on non-medically under-served areas as the need arises.

LEG. GREGORY:

Okay. Now, is that something that has been broached yet, that expansion into coverage of our other health centers? Or is that premature at this point?

COMMISSIONER TOMARKEN:

Well, it hasn't -- it's been talked about informally but nothing formal. I think it is an idea that needs serious exploration, assuming this deal goes through. I think that would be a logical next step to look at other health centers that could benefit from this kind of arrangement with the expansion of services and decreasing costs to the County.

LEG. GREGORY:

Okay, thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Gregory. Legislator Stern.

LEG. STERN:

Thank you. Doctor, when you take a look at the projected cost savings over these five years to the County, it appears as though -- in fact the majority of the savings over that five-year period is due to the fact that, again, in these projections, that we would continue to receive the Article 6 revenue. I thought I heard you say before that -- that we would continue to anticipate the Article 6 revenue, it's something that you would continue to apply for, but not necessarily something that we would continue to receive. It looks like, from these projections, that would have a pretty significant impact over the next five years.

So my question is to what extent can we rely on continuing to receive the Article 6 revenue? Is that something that continues for the next five years? Do you have to make a case each and every time you make application for those monies each and every year? How -- how does that go forward?

And, in fact, is it something that we can rely on because, again, it would appear to be not just a significant impact, but, in fact, over half of what the projected savings would be to Suffolk County over that five-year period.

MS. BERMEL:

Legislator Stern, with regard -- actually I neglected to state my name for the record. Margaret Bermel. With regards to Article 6, we would have to apply for that each and every year. It would have to be included in each year's State aid application. And the State would make that determination. The amount that we have projected for continuing Article 6 revenue was approximately \$370,000 annually similar to the Dolan model. We would -- resubmit and claim our Dolan expense and we are reimbursed through the Dolan expense. So we believe that similar to the Dolan model, we would still be able to receive Article 6 reimbursements.

The difference between the two models annually is over \$700,000. And the number that we have projected as the total savings, which is the true savings for the County over the five-year period, that \$3.1 million, that's the true savings, you know, cash in the pocket, savings to the County. But if you just take a look and compare the two different models, the differentials between the two models, continuing at Stony Brook, as we currently do, or contracting with Hudson River, as we are proposing, is a difference of approximately seven to \$800,000 annually. So, we have that savings.

LEG. STERN:

But also looking at those numbers, of that \$3.1 million savings over the five-year period, that also assumes 1.8 -- almost \$1.9 million that would be -- that we would continue to receive in Article 6 revenue. But you -- what you're saying is that based on your experience and our ability to each and every year make the case that we should receive Article 6 revenue based on the Dolan model that this is so similar as to put us in a position where we can reasonably expect the same type of -- the same type of revenue coming in on this model; correct?

MS. BERMEL:

That is correct.

LEG. STERN:

Thank you.

D.P.O. HORSLEY:

Legislator Browning.

LEG. BROWNING:

Excuse me. To respond to one of your questions, DuWayne, on the HRH or any FQHC with the County, I know HRH had proposed just some time ago when we started looking at the FQHC, one of our concerns was the board and the lack of control. Because we do have some County-owned and operated nursing -- sorry -- nursing homes -- health centers -- what's going on in my mind? But, you know, I do think obviously we are going to have to maybe consider an RFQ, RFP, for, you know, the FQHC. We are currently looking at -- doing the look alike status -- and did I miss -- did you say anything on the look alike status for the current nursing homes that we have been -- we didn't -- we got denied in the initial application?

COMMISSIONER TOMARKEN:

Health center, yes.

LEG. BROWNING:

I keep saying nursing homes. I'm sorry. What's in my mind all the time?

COMMISSIONER TOMARKEN:

As you know, we did not -- we were not successful with the look alike status. And that has been put on hold pending the current negotiations.

LEG. BROWNING:

Okay. Because that was one of my concerns, was the losing of the control in the board. And obviously if we're going to put out an RFP, you know, whether it would be HRH or another one, I think, we'd want to make sure that, you know, if there's a way to negotiate, making sure that we could have some more control over the health centers -- I apologize, I don't know what happened to my voice, but that was one of the reasons why we did not -- we chose not to go with the HRH initially. But clearly with Coram, the money was running out. And the State has highly recommended that we go with HRH.

I'm very satisfied. I've been involved in a lot of discussions being the former Health Committee Chair. And I think that this is probably the best way to go for Coram. And I can see that we will improve our services, and also the dental, which I think is very important. So with that, I will be looking forward to continuing with my constituents. I'm glad that you're going to keep the Advisory Board going, because you know that Elsie Owens' daughter is very much involved with the health center. And I know that the family is very much involved and very concerned; so, like I said, we'll -- we'll be staying in touch with them and making sure that everything is running as smoothly as possible.

P.O. LINDSAY:

Anybody else? No. All right. First of all, I want to thank all of you for coming down again and answering a lot of questions from this body. And to my colleagues, I just want to remind everybody of a couple of things.

Two years ago we -- we applied for federally qualified health center status and were denied. And if these folks didn't come along, we'd have to shed one of the health centers, guys. We just -- we just -- we don't have the money to fund it. And whether it's Elsie Owens or somebody -- or one of the other ones, one of them had to go. So you guys are our lifesaver in continuing to provide or giving us an option of continuing to provide health services to our community.

So, I thank you. I thank you very much for your efforts and I hope this reso passes. And I hope it's a long and great relationship. And I would certainly be interested in expanding the system further if this worked, but I think one step at a time. So, thank you very much and have a safe trip back.

Okay, we have a motion on the floor on 1135. I'm going to have a roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

P.O. LINDSAY:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

I got one other reso I want to take out of order to accommodate -- Mr. Greg Dawson is in the audience, who is the nominee for the Commissioner of Parks. Mr. Dawson, if you could come

forward, I'll --

LEG. CILMI:

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

P.O. LINDSAY:

Lynne, do you want to make the motion and Legislator Cilmi to second? How's that?

LEG. NOWICK:

I'll make a motion.

P.O. LINDSAY:

Okay. And you've seconded it. Okay.

MR. LAUBE:

It's resolution IR 1194?

P.O. LINDSAY:

Yes, and it's to take it out of order initially. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. It's before us. **(1194, Confirming the appointment of the Commissioner of the Department of Parks, Recreation and Conservation (Gregory S. Dawson) (Co. Exec.)** How about same motion, same second on approval? Does anybody have any questions of Mr. Dawson? I just want to say that I worked with Mr. Dawson my whole tenure as a Legislator because he's been the Islip Parks Commissioner under the last two administrations. And I think he has a tremendous amount of talent and I welcome you to the County.

MR. DAWSON:

I appreciate the kind words, Bill.

P.O. LINDSAY:

Any -- yes.

LEG. NOWICK:

Bill, I just want to say that Commissioner Dawson and I have spoken extensively. We met. He had some great ideas. He's very open to suggestions. I think he's going to be a great Commissioner. I think this is going to work out very well. We talked about the golf courses and how important they are and the beaches. And I think we have some good ideas so I'm looking forward to working with you.

MR. DAWSON:

Thank you very much, Legislator.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

I just want to add to the support and accolades. Commissioner Dawson has been a member of our Lake Ronkonkoma Advisory Task Force for the better part of the last three and a half years and has attended diligently and been very helpful in our collaboration and efforts to bring back the Lake. So

I think he brings a good body of knowledge and welcome aboard. And we had a good day yesterday. Thank you.

MR. DAWSON:

Thank you, sir.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I just wanted to echo the comments of Mr. Lindsay. Over the years my office has used Mr. Dawson as Commissioner of Parks for Islip extensively and I can tell you this: He's responded almost immediately to anything we've ever requested and I think he'll do a great job in Suffolk County.

MR. DAWSON:

Thank you.

P.O. LINDSAY:

Legislator Horsley.

D.P.O. HORSLEY:

Yes, I wanted to echo my colleagues' comments. Certainly, you know, I appreciate a good Parks person. I just wanted to throw in a gentle reminder about the Historic Homes Program that I would like to get started so we can save our historic structures in Suffolk County, if you'd -- just please oblige me on that motion. Okay, thank you.

MR. DAWSON:

Absolutely.

P.O. LINDSAY:

Okay. Any other -- no other accolades? I guess the testimonials are over. I hope they approve you now. (Laughter) Okay. We have a motion before us. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Thank you. Congratulations, Commissioner.

COMMISSIONER DAWSON:

Thank you very much. I just want to thank the Legislature. I appreciate it and I look forward to serving. Thank you.

(APPLAUSE)

P.O. LINDSAY:

Yeah, before we go to the consent calendar, at 12:15 before the lunch break, there is going to be a report from the LIPA Oversight Board. Is that the name of it? Yeah. Okay. Let's go to the Consent Calendar. I'll accept a motion.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Stands approved.

We'll go to the agenda. It isn't numbered, but it's page seven. Starts off Budget and Finance. **IR 1106, amend Resolution No. 9-2012, designating depositories pursuant to Section 212 of the County Law. (Pres. Off.)** I'll make a motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1129, Amending the 2012 Operating Budget and appropriating funds in connection with bonding for a settlement in a Medical Malpractice Case against the County (\$4,000,000). (Co. Exec.) It's \$4 million. Anyone want to make a motion? I don't know if somebody wants to touch that one. (Laughter) We don't have the money to pay it unless we bond it so I don't know what the hell else we're going to do. Motion by Legislator Nowick.

LEG. MONTANO:

I'll second it. And by way of explanation, this was approved in Ways and Means, I believe, last year. It says medical malpractice case, but the actual settlement, I believe, is \$9 million. And this \$4 million payment by the County is contingent upon the payment of \$5 million by the State Fund, which was set up to help municipalities with large medical malpractice claims. So if the State -- is someone from the County Attorney's Office here? Come on up. If I may, Mr. Lindsay, I just want to verify that this \$4 million payment is contingent upon approval by the State of contributing \$5 million. It's a total \$9 million package.

MS. BIZZARRO:

That's correct.

LEG. MONTANO:

Okay. That's all I needed. Any questions?

P.O. LINDSAY:

Are you done, Legislator Montano? Because while she's here, Legislator Cilmi has some questions. I just want to point out to everybody it says nine billion.

LEG. MONTANO:

No. Four billion.

P.O. LINDSAY:

Four billion, excuse me. But that's a typo. I'm assured by Counsel the resolution is correct.

LEG. MONTANO:

The deficit is going up. (Laughter)

P.O. LINDSAY:

Somebody got a little exuberant with too many zeroes. (Laughter) Legislator Cilmi.

LEG. CILMI:

Yes. Thank you. Are we permitted to ask questions about this?
So this is a \$9 million settlement, basically.

MS. BIZZARRO:

Right. I mean, as long as -- as long as we stick to general questions, you know, I will note, I know there was a Newsday article and I had noticed that Plaintiff's Counsel didn't even want to comment on that, so we're just very anxious to get this moving along because we want to get it accepted into the New York State Indemnity Fund. So -- but, you know, just some general questions are fine.

LEG. CILMI:

So, are you able to briefly tell us the nature of the case here?

MS. BIZZARRO:

It's basically -- it's an infant case. It had to do with the delivery at Brookhaven Memorial Hospital. And the child has been diagnosed with cerebral palsy.

LEG. CILMI:

And what was the -- was there a, you know, the suit itself, were they suing for -- what was the "X" amount that they were suing for? Or was that not -- not identified in this suit?

MS. BIZZARRO:

Millions of dollars, yes.

LEG. CILMI:

Okay. Okay. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

You know, I guess what's striking to me is \$9 million. What was the position of the County? I mean, did the County not want to litigate this? Did not want to go to Court?

MS. BIZZARRO:

I'll say that it was in the best interest of all parties to not take this to trial. And that is a fair number and that's why --

LEG. BARRAGA:

But it seems like an extraordinary amount of money to -- just have an agreement without, you know, making an effort to either -- you know, litigate it in some way. I mean, what's the worst case scenario? We pay more than nine million or it would be nine million or less than nine million but --

MS. BIZZARRO:

Right now we would be paying four million, so it is less than nine million.

LEG. BARRAGA:

Well, it's four million plus the five million from the State Malpractice. So it's a \$9 million settlement. I don't know about the State, but the four million is money we don't have. It's bonded indebtedness so probably in the end it's going to cost us five or six million. But it's -- when it comes to a \$9 million settlement, I would -- no one was sitting there saying "look, you know, rather than agree to a \$9 million settlement, let's take it into Court, let's see what we can do to either get it reduced or --" because I seem to remember that the hospital involved was excluded, the hospital's physician was excluded and everything fell on the shoulders of the County and the physician who was associated with that clinic.

MS. BIZZARRO:

Actually the hospital is still in the suit so that -- but --

LEG. BARRAGA:

Wasn't there a Supreme Court Justice who excluded the hospital and the hospital's physician?

MS. BIZZARRO:

They have not been taken out yet. One of the County's physicians was taken out of the case and the County was taken out of the case as well.

LEG. BARRAGA:

So you and your fellow attorneys felt it just didn't pay to litigate this?

MS. BIZZARRO:

It's not that it didn't pay. It's that -- this case could go to trial, maybe a year from now, year-and-a-half from now. We don't know if there'll be any money left in that Indemnity Fund. So that is one great concern that we have, so there will be no sharing of the --

LEG. BARRAGA:

Well, what about the merits of the case? I guess that's what I'm getting at. It could go to trial in a year, year and a half. What about the merits of the case? I mean, I understand what's happened to this child, but there are other circumstances, the physician who worked for the clinic, did the clinic itself feel that they did all they possibly could?

MS. BIZZARRO:

This would probably be some facts that we'd be better off discussing in Executive Session, I would say.

LEG. MONTANO:

If I may -- if I may interrupt, Mr. Lindsay? Legislator Barraga, this actually -- the facts were actually discussed in Executive Session in Ways and Means. But I would have to agree with Counsel that we would not want to discuss all of the particulars publically because if it -- if this does not settle, then, you know, we might be disclosing information that would be beneficial to the defendants' side. So it's not really done in that fashion.

All I can tell you is that we were cognizant of the fact that it is a huge amount of money. We reviewed the facts as a Committee. I believe the Committee was unanimous in, you know, accepting this settlement even though, quite frankly, you know, it's -- it was a painful decision. If we do take it to trial, if we reject this settlement and it goes to trial, we have -- you know, we have potentially more exposure than the \$4 million that's on the table. And as the County Attorney said, we possibly lose the contribution of the \$5 million from the State. So all of this, you know, was taken into account in Executive Session, but I don't think that we really need to go into the particulars right now. I think that would be inappropriate.

P.O. LINDSAY:

Legislator Barraga, may I suggest this solution? I have a list of other Legislators that have questions. I don't know whether they can be answered publicly, but because of the amount of this settlement, what I would suggest as soon as anything that can be answered publicly can, that we go into Executive Session because, I think, your questions are very valid, and I think I'd like to hear some answers as well.

LEG. BARRAGA:

Fine. Thank you.

P.O. LINDSAY:

All right? Legislator D'Amaro, do you want to wait for Executive Session or do you have --

LEG. D'AMARO:

I just had a very brief --

P.O. LINDSAY:

Okay, go ahead.

LEG. D'AMARO:

But I agree with you, Mr. Presiding Officer. I think given the nature and the scope of this settlement, I think that would be a great idea, and I appreciate you offering that.

Lynne, I just want to ask you as an attorney, and as the former Chair of Ways and Means, I can appreciate how important it is not to get into the specifics of this right now because we don't want the Plaintiffs to benefit should we not approve of it. But can I ask you, is it the advice of the Law Department to settle for this number? Or is -- is that the position of the Law Department?

MS. BIZZARRO:

Absolutely.

LEG. D'AMARO:

It absolutely is. And that's based on factoring in the merits of the case, the risks of trial, all the different --

MS. BIZZARRO:

All of it.

LEG. D'AMARO:

-- considerations that go into --

MS. BIZZARRO:

Absolutely, right.

LEG. D'AMARO:

Was the advice that the Law Department is giving us to settle, is that based on your own evaluation or are we using outside Counsel on this?

MS. BIZZARRO:

Outside Counsel as well. My own evaluation, my experience with these cases. I have experience with these cases.

LEG. D'AMARO:

Okay. And who is the outside counsel?

MS. BIZZARRO:

Brian Davey from Mulholland, Minion and Roe.

LEG. D'AMARO:

Right, someone that the County has used in the past?

MS. BIZZARRO:

And very well respected.

LEG. D'AMARO:

And we consider reliable?

MS. BIZZARRO:

Yes.

LEG. D'AMARO:

So it is also the advice of our outside counsel --

MS. BIZZARRO:

Yes.

LEG. D'AMARO:

-- that this is in the best interest of the County to settle?

MS. BIZZARRO:

Yes.

LEG. D'AMARO:

All right. Thank you.

P.O. LINDSAY:

Okay, Legislator Calarco, did you want to ask --

LEG. CALARCO:

I'll wait.

P.O. LINDSAY:

You'll wait. The one question, I think, that could be answered publically is don't we have some kind of umbrella policy against huge, huge settlements, that above a certain level we're insured for?

MS. BIZZARRO:

No, we have no insurance for malpractice.

P.O. LINDSAY:

We don't have that. Okay. Okay. Then, at this point I'm going to make a motion to go into Executive Session.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We stand in Executive Session. And because of the hour we have a report from LIPA at 11 -- at 12:15. I'm going to try and keep the Executive Session to fifteen minutes, so everybody could come back at -- for the afternoon session. All right. Thank you very much. So everybody has to leave the room as we discuss this lawsuit. The mic's will be turned off.

(EXECUTIVE SESSION FROM 11:57 AM TO 12:24 PM)

D.P.O. HORSLEY:

Alrighty, everybody. We're going to start to move this along, if everybody will start taking their seats.

LEG. ROMAINE:

Wayne -- Legislator Horsley, do you want to introduce some of the members of the Oversight Committee that are here today to make the presentation?

D.P.O. HORSLEY:

I'd be happy to do that, if Matt doesn't want to do that himself.

MR. CORDARO:

I was waiting to do it as part of the presentation.

D.P.O. HORSLEY:

Okay. Matt, how do you want to do this? Do you want to have them sit up front or do you want to --

MR. CORDARO:

At your pleasure. Whatever your pleasure. I'm going to make the presentation from here.

D.P.O. HORSLEY:

Okay, how many more do we have? Do we have enough seats? Do we have three seats? Robert, maybe -- yeah, good idea. Why don't we bring everybody up front this way --- all right.

Just as an introduction, this is the LIPA Oversight Board. You've probably read quite a bit about them in the papers over the last year. They took on the responsibility due to legislation proposed by Legislator Romaine and myself, who have been oft quoted and have been holding hearings over the last year -- more than a year now -- concerning issues relating to LIPA operations. And they have -- frankly, in my mind, they've done a terrific job of pushing an agenda, of opening LIPA to more public transparency. And they have recommended a number of things. And they're here today to report to us on their findings, which are quite extensive.

Matt -- Dr. Matt Cordaro and Shelly Sackstein are -- Shelly -- are co-chairs of the LIPA oversight. And maybe, Matt, at that point, you or Shelly, whoever -- whoever you want to determine, can introduce your members and give us a report.

Okay. I think we're -- what we're going to be doing is -- is it coming from heaven? We're dropping the screen as apparently what I'm being told. Right. There you go. So I'm glad you guys -- we got you up front. Now, we're going to cover you up.

LEG. ROMAINE:

It will be on the TV's, too.

D.P.O. HORSLEY:

Okay. Ah, see? This Riverhead technology, we are -- we are special. Okay. Just bear with us, good gentlemen, and this is like a test case. This is great. Okay? Dr. Matt Cordaro, if you may, I didn't introduce your members, maybe you might want to take a second to do that.

MR. CORDARO:

I'll do that. Members of my Committee, in addition to myself, are Fred Gorman -- I don't know if Fred is here today, I haven't seen him; however, Irving Like is here and sitting at the front table with Shelly Sackstein, as was mentioned --

LEG. MONTANO:

Excuse me. Could you speak a little closer to the mic? We're having difficulty hearing you.

MR. CORDARO:

Peter Schlussler is a member of the Committee as well as Joseph Schroeder. Just prior to 2011 the Legislature established the LIPA Oversight Committee with the charge to study and analyze rates, contracts and practices of LIPA to determine if LIPA is working in the best interest of Suffolk County ratepayers. Subsequently the Legislature did appoint the committee, who I've introduced here.

During 2011 the Oversight Committee has pursued the charge of the Legislature in many different ways and taking advantage of different tools, such as a dedicated website for the Committee, utilization of social media, publication of news articles, presentations of statements and testimony at public hearings, filing FOIL requests with LIPA, interacting with LIPA and government -- other government officials as well as conducting open meetings.

The culmination of this activity is the report we are here to present today. And although the report is 192 pages in length, its substance is summarized in the very first sections under Findings and Recommendations. And it's my intent to very briefly highlight those findings and recommendations here.

The findings and recommendations are organized in eight major categories, which are displayed here on the screen. No need for me to go through each of those now. I will cover them one by one and highlight findings from each of those major categories.

The first major category is organization and structures. And in this major category, the Oversight Committee found that there is a desperate need for structural change at LIPA. And this is very evident from news reports and other information about LIPA having very high rates, overcharging customers, experiencing the County problems, having poor coordination with National Grid, its major contractor; its bouts with storm charges and repairing damage during storms, just to mention a few things. And not only did the Oversight Committee come to this obvious conclusion about the need for reorganization, but the LIPA Board also did and commissioned two studies; one by Navigant Consultants and the other by -- a later study conducted by the Brattle Group.

Each of these studies considered three basic options: Privatizing LIPA, fully municipalizing it where all workers would report and be employed by LIPA. And an option, which is pretty much the same as the current structure under which LIPA operates, which they refer to as the Serve-Co model. The LIPA Oversight Committee observed that each of these studies had some contradictions. Probably the major contradiction between the two -- the Navigant Study found that municipalization was the cheapest alternative, whereas the Brattle Group determined that it was basically a tie cost-wise between the as is Serve-Co option and municipalization.

The Board did accept the recommendation of the Brattle Group and chose the Serve-Co as is model as their structure to go forward with. The LIPA Oversight Committee believed that the selection of this model is unjustified. It's had dismal history. It's gone through three iterations since LIPA was

formed and didn't work in each of those iterations. And it's a model or a structure that's used nowhere else in the United States by any of the 2000 public utilities out there. We also feel that full municipalization would represent much less of a transitional organizational risk for LIPA than the Serve-Co model.

We also had a significant problem with the overall process for coming up with this structure shepherded by and controlled by LIPA. The full consulting report detailing the results of their efforts only became available days before the final decision. And most -- most of the discussions that took place about -- public discussions revolved around a 33-page Power Point presentation, which was very inadequate from the standpoint of providing the detail necessary to support the ultimate decision.

I'm going to go through these quickly so we can -- we have a lot of material, so we can do this in a small amount of time. But our recommendations in this category include monitoring -- continuing to monitor the transition of LIPA to this Serve-Co model; and then beyond that on an ongoing basis, monitor the operations of LIPA under this new model.

We also propose to continue the study of alternative structures, management and organizational structures. So, if indeed, LIPA falls on its face with this election of a new structure, there's a ready-fix available to be recommended to LIPA. And, in fact, the LIPA Board has expressed a willingness to be open to changes in the organization structure, to take comment and observations about the organization as it continues to operate.

The second major category of findings is for governance and regulatory oversight. Even though the LIPA board is composed of very accomplished individuals meaning well, there's no one on the LIPA Board who has relevant, necessary utility experience. And we see this reflected by the many poor decisions that the Board has made, such as this Serve-Co decision; as well as -- in the Serve-Co process totally disregarding a \$600 million-plus pension liability for underfunded pensions for National Grid workers who do LIPA work, which theoretically would have a very significant effect on the ultimate results, but wasn't taken up by the Board in their consideration.

The LIPA Oversight Committee also found that LIPA should be subject to regulatory oversight. Most all of the major public utilities throughout the country are covered by regulatory oversight. LIPA is an outstanding example of an exception. Recently the State did pass Compromise legislation to put in place some form of oversight, which really is in a form of a management audit that's not binding to probe into some of LIPA's internal decision making. We believe this is a good start, but that in the long run full regulatory oversight of LIPA will be required.

As far as recommendations, we propose to continue to study alternative LIPA governance structures. We feel that at the least what should be considered is a fully elected board for -- the LIPA Board; or as an alternative a combination of elected's and appointed professionals as members of the LIPA Board.

We also propose to monitor LIPA's performance under the new State compromise oversight measures and -- as well as comment on State audit findings. There are a number of audits underway of LIPA at the moment. PSC is about to initiate one and they're retaining a contractor to do that. The State Inspector General has been ordered by the Governor to do an audit of LIPA and there's some -- there is an independent audit, again, shepherded by the PSC into LIPA's decision during storms. And we propose to comment on the findings of those audits once they're issued.

The next category is probably one of the most important categories affecting any utility and that's customer satisfaction. And from our review of JD Powers Associate surveys and other surveys, which have measured LIPA's customer satisfaction ratings, we have observed that LIPA's performance in customer satisfaction is extremely, extremely poor. We -- but -- and at first it may

seem that its high rates are probably the driving force behind that, but there's a lot more to it. And probably one of the most reasons for poor customer satisfaction is LIPA's lack of transparency. It's probably one of the more important reasons for poor customer satisfaction. It just does not release the information on a timely basis that's necessary to provide some insight as to what is behind LIPA's decisions.

Another part of this poor customer satisfaction rating is the fact that LIPA is very deficient in resolving customer complaints. The process is awkward. It takes too long. There is a proposal under the new Compromise State legislation to have the Consumer Protection Division step in and run a complaint function that would substitute for LIPA's Current process and it remains to be seen how effective that will be.

As far as our recommendations, LIPA does have one customer measure that it utilizes. It asks one question to people who happen to have some business to do with LIPA as to whether they're satisfied or not and uses the results of this very poor sample to measure to determine what National Grid bonuses will be as far as fulfilling a metric on customer satisfaction. It's not valid; in no way compares with the validity of the other surveys I mentioned earlier as far as truly measuring customer satisfaction. There's a recommendation we want to urge LIPA and work with LIPA to revamp this flawed customer satisfaction measure.

We also propose to monitor LIPA's customer call statistics, keep track of them and compare them to the feedback we're getting in public forums, from the public at large, to determine how well that is working. We will also similarly follow the progress of customer complaint resolutions under the new State process, as well as the performance of the customer -- the Consumer Protection Division to gauge whether that is effective or not. We will also use the utility of -- our dedicated website to independently measure customer satisfaction levels. And it's very impressive on how the website allows us to do that and provides a tool to do that.

The next category is rates and financial performance. It's no secret that LIPA has among the highest rates in the United States. And there are a number of reasons for that. In our research we came across a Moody's report on the financial status of LIPA. I think it was issued last July and it pointed out that actually LIPA's debt obligation is over \$10 billion formally. It was the popular notion that it was only seven, but when you factor in \$3 billion in capital leases, their debt obligation exceeds \$10 billion. Plus Moody's found out or made the observation from a financial standpoint LIPA had difficulties because of its poor liquidity and tight cash.

One of the contributors to LIPA's high rates and poor financial situation is its high tax obligations. These tax obligations were put in place as part of original commitments from the public to accept the formation of LIPA. In all probability some of the assessment -- the tax assessments of LIPA facilities are beyond what may be reasonable and there is merit in challenging some of these, which LIPA is in the process of doing right now. But it's something that needs to be studied further.

And we also observed that LIPA's power supply charges dominate LIPA rates. Over 50 percent of LIPA rates are attributable to these power supply charges. And we find that they may be higher than -- and should be the case due to their total reliance on expensive fossil fuels, their very high level of peaking capacity where they pay fix charges on capacity for these peakers and the long-term contracts that LIPA has with power suppliers. We also observed that LIPA has significant budgeting problems. The Comptroller of the State of New York basically came up with the same findings. And this is because of poor projections, overspending and lack of planning for contingencies.

Many times also LIPA pays bills through the utilization of a County manipulations and cash from borrowed funds. In effect, mortgaging the future as far as customers are concerned and resulting in higher charges down the road for customers.

We also observed billing errors, mostly associated with inaccurate classification of customer ratings, where the customer should be classified as commercial or residential customers. Besides the problem itself, we have had difficulties with the fact that the resolution of those problems is taking quite a longtime, over a very protected period. And it's been dealt with very, very poorly.

From a standpoint of recommendations, we hope to be able to influence LIPA and persuade LIPA to produce a plan for debt retirement. Where appropriate we would support the proper challenges of assessments -- tax assessments. We also propose to evaluate the savings for LIPA to develop its projects itself using tax exempt financing authority that's available to it rather than enter into long-term contracts with private developers. We feel there's a significant potential for savings here.

We also will continue to investigate customer overcharges and try to do that through oversight and feedback from the public in the forums that we would conduct. We would also hope to be able to participate significantly in LIPA's solicitation of future power supplies, which is now in process. They are seeking bids on 2,500 megawatts of capacity. And we would also continue, as we have in the past, attempt to participate in LIPA'S budgeting process and make comments along the way.

The next category I wish to cite is reliability and storm repairs. In reviewing LIPA's performance in storms, we have found that utility employees nonstandard utility practices in dealing with storms, and this is mainly reflected in the fact that they prematurely deployed outside crews to fight storms. An excellent example of the problems created by this is the \$33 million in charges for Hurricane Earl, the hurricane that really never -- never hit Long Island because of this premature deployment of crews.

From a review of LIPA's storm data, we also find that there are many questionable charges in these storms as well as statistics which may be -- may be an error. And these questionable charges are in the forms of excessive meals and high pay rates and unaccounted for materials that are withdrawn and never returned, such as in the case of Earl where actually there was no damage to repair. And we find this is a general observation for all the storms that we looked at. So as a result -- I mean, we have a significant concern for the integrity of the LIPA system in general. And we believe there's a necessity to review faulty records and determine, indeed, whether LIPA's reliability is as good as LIPA contends.

As far as recommendations, we would propose to comment on storm and reliability audits, which are now being conducted by outside contractors and the State Inspector General's Office. We would continue with our individual reviews that we have been conducting for many of LIPA's storms. And we did this for Irene. We did this for Earl and we've done this for other storms. We would review LIPA's statistics, their reliability statistics and the validity of those statistics in light of some of those -- the poor data that we're finding in our audits of LIPA storm invoices. We would also propose during the budget process to assess LIPA's storm budgets. LIPA has not met its storm budgets for a number of years having gone by. For the category of management and practices, we, again, find as a primary finding observation that there's a lack of transparency that reflects on LIPA's management practices. There's no timely release or confidence in the fact that LIPA will release on a timely basis, its material supporting decisions and documents supporting decisions.

We also observed that there may be some political influence on some of LIPA's decisions that perhaps is reflected in the decision to ultimately retire the Glenwood and Far Rockaway Power Stations that should have been done a longtime ago. And we feel that may -- they may have dragged their heels on that to -- because of political problems. We also obviously have problems with the whole process LIPA used to come up with a new structure and that reflects on its

management practices and its shortsighted budgeting.

The recommendations include continuing to investigate decisions using FOIL requests of LIPA, reviewing LIPA deadlines and determine whether they are necessary or not and whether or not they're being made and to continue to examine the long-term consequences of LIPA management practices such as mortgaging the future.

D.P.O. HORSLEY:

Matt, I think we're going to have to wrap it up.

MR. CORDARO:

Okay, just to finish up the last two findings are energy efficiency and renewable's. And they've changed the method of measurement and energy efficiency and renewable's and makes it almost impossible to judge the success of that program. Net metering that they use to encourage solar installations is an incentive to oversubscribe and expand. And LIPA doesn't require efficiency improvements prior to solar installations. And the installations themselves are not optimized. We propose to maintain our vigilance over these programs and try to influence LIPA to make the right decision.

The last findings involves the Shoreham settlement surcharge. I won't say much on -- I won't say hardly anything about this. This is a long standing issue, suffice it to say that we observed that LIPA has taken appropriate actions with respect to the Shoreham settlement surcharge. In this regard the Committee supports the findings in the January briefs submitted in the litigation against LIPA. And for recommendations we will continue to support this litigation and monitor LIPA's continuing administration of the Shoreham settlement agreement.

To conclude, LIPA's issues are obviously very complex. Because of this, even if the State Compromise oversight process exceeds to some extent, there is still a need for the County to do whatever it can to protect Suffolk ratepayers. In this regard the LIPA Oversight Committee remains ready to continue its efforts at the pleasure of the Suffolk County Legislature. Thank you.

D.P.O. HORSLEY:

Matt, thank you very much. On behalf of the Suffolk County Legislature, we appreciate all of the efforts that all of you gentlemen do for us in service to this County. Thank you very much. And you have done a great job. You have moved the ball, I think, with this as far as our issues relating to LIPA and thank you to all you guys.

LEG. ROMAINE:

Wayne, there will be a press conference where the members can answer questions if the press has questions right outside.

D.P.O. HORSLEY:

Very good. I'll make a motion to recess, second by Kara. All those in favor? Motion to recess.

*(The meeting was recessed at 12:52 P.M. *)*

*(The meeting was reconvened at 2:31 P.M. *)*

P.O. LINDSAY:

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

MR. LAUBE:

Surely.

LEG. ROMAINE:
(Not present)

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. MURATORE:
Here.

LEG. HAHN:
Present.

LEG. ANKER:
Here.

LEG. CALARCO:
Here.

LEG. MONTANO:
(Not present)

LEG. CILMI:
Yes.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not present)

LEG. NOWICK:
Here.

LEG. GREGORY:
(Not present)

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. SPENCER:
Here.

D.P.O. HORSLEY:
Here.

P.O. LINDSAY:
Here.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay. Could good afternoon. We're going to go into the public hearings for the afternoon. First up is IR 1012 -- a charter law -- I'm sorry. I missed the procedural motion.

The first one is **procedural motion number four, resolution four, approval of a Ferry license for Roncalli Freight Company Incorporated doing business as Coastline Freight**. It doesn't appear that I have any cards on this subject. Is there anyone in this audience that would like to speak on this subject? Seeing none, I'll make a motion to close the public hearing, second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen. (Not present: Legislators Romaine, Montano, Kennedy and Gregory)

P.O. LINDSAY:

Next up **IR 1012, a Charter Law to make transparent the County's Rule making process**. And it doesn't appear that I have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cilmi.

LEG. CILMI:

Motion to close, please.

P.O. LINDSAY:

Motion to close, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen. (Not present: Legislators Romaine, Montano, Kennedy and Gregory)

P.O. LINDSAY:

Next up is **IR 1059, Adopting Local Law No. -2012, A Local Law expanding the County's Farmland Development Rights Acquisition Program to include commercial equine operations. (Calarco)** And I have a few cards. Joe Gergela. Where's my good friend, Joe Gergela? Hi ya, Joe.

MR. GERGELA:

Good afternoon.

P.O. LINDSAY:

See if Mr. -- there you go.

MR. GERGELA:

There we go.

P.O. LINDSAY:

Under the rules for this year, you have three minutes, Joe.

MR. GERGELA:

Okay. I'll use that carefully. Nice to see you, Mr. Presiding Officer, members of the Legislature. I'm Joe Gergela, Executive Director of Long Island Farm Bureau, 104 Edwards Avenue in Calverton.

I just want to speak to this resolution. I think it's a very good resolution. It expands the County's existing Farmland Program to allow the Committee to take a look at small parcels that otherwise may be subject to development in certain communities. The equine industry is very important to Long Island's economy. It's a lot of small businesses, a lot of interest by our children, etcetera, etcetera.

From what I understand we're number three in the horses in New York State. So I appreciate Legislator Calarco's work on the Equestrian Task Force to bring forward why this industry is important as a cottage industry to our economy. So we fully support his efforts and the efforts of this resolution. And it also -- basically there was a State change in the last year. This will change our local program to be in line with the New York Ag and Markets Law.

So, I'd happy to answer any questions, but thank you, Legislators, for your support of this resolution. Thank you.

D.P.O. HORSLEY:

Thank you very much, Joe. And I appreciate you coming down today.

We have a second card on this, is from Cindy Laskow. Cindy?

MS. LASKOW:

Hi, my name is Cindy Laskow. I'm from Centereach, New York. I do own a horse farm in Centereach. I do think it would be a great bill to pass, but understanding you have the seven acres and two -- it creates some sort of income for Long Island. I'll talk fast here.

The horse industry is getting worse and worse every year because there's no place for kids to go. The farms are going more out towards the Hamptons, but we need to remember that we need to have the horse industry also in the middle of Long Island. And a lot of people are forgetting about that. There's no place for kids to go anymore. And having the horse farms here on Long Island will give places for the kids to go, instead of going to the malls, instead of being on the streets, playgrounds aren't what they used to be.

So, I really feel that we should try and help the horse industry because a lot of people are forgetting about us; and also creating something that's for -- as well as the seven acres, but for some of the smaller farms, too. And to have either some sort of amendment to create some sort of purpose that we will allow also for the smaller farms because there aren't any more properties on Long Island where -- or at least in the middle of Long Island where it's more than -- seven acres or more. In the middle of Long Island it's five acres and less for some of them.

So if we can just kind of keep that in mind. We really do have a lot to offer with our horse farms with generating, you know, income all the way around. So, I think it would be good if everybody could help out.

D.P.O. HORSLEY:

Thank you very much, Miss Laskow. Thank you for coming down. I have a card now from Dianne Soja. Welcome.

MS. SOJA

Thank you. Hi, I'm Dianne Soja from Whispering Pines Farm. I would also like to add that I'm in support of this bill. I've been in business for 25 years. And before that I took over my business from a friend of mine who was in business for ten years, also under the Whispering Pines' name.

Whispering Pines started out renting a farm that was 50 acres. That farm got sold. We then moved to a farm that was 30 acres. That farm got sold and developed. We then moved to a farm that was 15 acres. That farm got sold and developed. And now I am on a farm that is 5.9 acres. And I don't want to have to sell and develop my farm. I would like to be able to stay in business.

I think it's a valuable business, the whole horse industry. There's so many kids today that just sit home and they stay on the computer. Everybody's worried about kids being overweight and not getting enough activity.

My farm is right across the street from the Patch-Med High School and have an equestrian team there. And I think it's a great opportunity for all the kids to come across the street, get to work with horses, get to see them, get to have hands-on and just have riding lessons. It's a great physical exercise. It's a great activity. And I wish that more of the schools would get on board and just use it almost as a physical education. They can get credit for it. So, I just would like to say I would like to be on board with this. Okay. Thank you.

D.P.O. HORSLEY:

Thank you very much, Dianne. I appreciate you coming down. The next is Fran Hon.

MR. HON:

Sorry, I'm not dressed for the occasion. (Inaudible) I moved to Suffolk County about nine years ago. I grew up in Nassau County and then spent a lot of time in Lexington, Kentucky. I teach BOCES Horse Science and Management, a horse science program, and then decided to move out to Suffolk County because that was what was affordable at the time for me to have a small horse farm.

Within the last nine years, everything has changed as far as what I'm allowed to do, what I'm not allowed to do. My taxes have more than doubled and I am definitely on board with trying to talk about why there has to be a certain amount of acreage. If you're running a horse facility -- back when I bought it, that's what was allowed. And all of a sudden it changed and somehow I missed the boat and didn't know it changed. And my program, I also run a camp in the summer. Students that are -- and Nassau BOCES come and work for me and they ride with me. And I also still stay in Nassau County at times, too, so I'm definitely on board and would like to see this expanded further in the future.

And I agree with everything that Diane has said and Cindy. I think it's very important. The industry is huge on Long Island. I don't think people realize there is a lot of economic things going on that are all positive besides everything these kids go through, you know, in high school. If they're not involved -- if they're involved with the horses, they're not involved with things that they shouldn't be involved with. That's a fact. Thank you for listening.

D.P.O. HORSLEY:

Thank you very much, Miss Hon. Legislator Calarco, how say?

LEG. CALARCO:

Motion to close.

D.P.O. HORSLEY:

Motion to close.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Second by Legislator Cilmi. All those in favor? Opposed? So moved. It has been closed.
The next IR --

MR. LAUBE:

Thirteen. (Not Present: Legislators Lindsay, Romaine, Montano, Kennedy, Gregory.)

D.P.O. HORSLEY:

I'm sorry. **1065, a Charter Law to provide for fair and equitable distribution of Public Safety Sales and Compensating Use Tax Revenues. (Schneiderman)** I don't have any cards on this. Would anyone like to be heard on this? Would anyone like to be heard? All right. With that being the case --

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

Motion to close by Mr. Schneiderman. I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Thirteen. (Not Present: Legislators Lindsay, Montano, Cilmi, Nowick and Stern)

D.P.O. HORSLEY:

Next **IR 1069, Adopting Local Law No. -2012, A Local Law to establish the Gabreski Airport Conservation and Assessment Committee. (Schneiderman)** I don't have any cards on it. Would anyone like to be heard on this? Come on up, sir. Your name and address for the record.

MR. HALSEY:

My name is Beecher Halsey from West Hampton. I'm also Chairman of ACAP, which is the -- this legislation is going to perpetuate in a slightly different form. And, briefly, I'd like to speak in support of this. Legislator Schneiderman has worked with community representatives to put together a good law here. You're probably aware that a lot of progress has been made at Gabreski over the last few years. And we feel with having this established the way he's written it well help perpetuate things in a positive direction. So I just wanted to put in a positive word.

D.P.O. HORSLEY:

Thank you very much, Mr. Halsey. We appreciate you coming down.

Would anyone else like to be heard on this? Yes, excuse me, Mr. Halsey, Legislator Romaine has a question.

LEG. ROMAINE:

Not a question. I just want to acknowledge that Mr. Halsey's father was one of the original members of this County Legislature and one time served as my Legislator.

MR. HALSEY:

A while ago. Thank you.

D.P.O. HORSLEY:

To have served before you, that is just -- it's a privilege, yes. I was going to think of something else, but that I like better. Thank you, Miss Anker. Would anyone else like to be heard on this? Anyone like to be heard? Very good.

LEG. SCHNEIDERMAN:

Motion to close.

D.P.O. HORSLEY:

Mr. Schneiderman has a motion to close. I'll second the motion. All those in favor? Opposed?
So moved.

MR. LAUBE:

Thirteen. (Not present: Legislators Hahn, Montano, Cilmi, Nowick and Stern)

D.P.O. HORSLEY:

Okay. The next **IR 1074, Adopting Local Law No. -2012, A Charter Law to ensure funding for sewer infrastructure improvements (Horsley)**. I do have a card on this; Richard Murdocco.

MR. MURDOCCO:

Hi. My name is Richard Murdocco and I'm speaking on behalf of Richard Amper, Long Island Pines Barrens Society in Riverhead, 547 East Main Street.

IR 1074 involves the clarification of wording for Local Law 44-2011, which involves the alteration in the County's Drinking Water Protection Program. The Society feels that this should be defeated. Suffolk lacks the funding that would be required to sewer the entire County. The provision of quote temporary property tax relief is mere doublespeak and there is no mention of the mandatory referendum necessary to enact this provision. Thus, if it is approved without such referendum, it will be added to the current litigation against the County and this Legislature. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Murdocco.

LEG. ROMAINE:

Question.

D.P.O. HORSLEY:

Yes, Legislator Romaine.

LEG. ROMAINE:

Again, you're opposing this resolution, I believe, sponsored by Mr. Horsley --

D.P.O. HORSLEY:

This is when I was accused of wanting to raise taxes earlier, which didn't make any sense, but that's okay.

LEG. ROMAINE:

Did you hear that explanation about -- is this tied to raising taxes, in your opinion? I just want a clarification because earlier Mr. Amper made some allusion to that.

MR. MURDOCCO:

You're going to have to ask Mr. Amper that.

LEG. ROMAINE:

Oh, okay, I thought that you guys had discussed this. Let me ask you this: Your basic opposition to this resolution is that this would require a mandatory referendum; is that correct?

MR. MURDOCCO:

Yes.

LEG. ROMAINE:

Because they are using money that was established and put in place by a special tax that the people agreed to by referendum; is that correct?

MR. MURDOCCO:

Yes.

LEG. ROMAINE:

And what we're trying to do is undo that and take this money and use it for whatever purpose by not doing a referendum. And that's the basic objection to this?

MR. MURDOCCO:

Yes.

LEG. ROMAINE:

So, if Legislator Horsley was intent on pursuing this course of action, in your humble opinion, you would believe that the proper course for him to do is to put in a resolution requiring a referendum that the voters could vote to undo what they had originally done?

MR. MURDOCCO:

In so many words, yes.

LEG. ROMAINE:

Thank you.

D.P.O. HORSLEY:

I truly appreciate the clarification of Mr. Murdocco's concern. The fact is that this was a request of BRO to make this change so that the County Executive -- we'll explain it as we move forward, but it has nothing to do with tax increases. Anyway, let's move on. I'll make a motion to close. Second on the motion?

LEG. STERN:

Second.

D.P.O. HORSLEY:

Second by Legislator Stern. All those in favor? Opposed? So moved.

Next **IR 1105 Adopting Local Law No -2012, A Local Law amending Resolution No. 1130-2011 --**

MR. LAUBE:

Fifteen. (Not present: Legislators Lindsay, Montano, Kennedy)

D.P.O. HORSLEY:

Thank you -- **1130-2011 to expand the "Contractors Wall of Shame" to include all professions licensed by Suffolk County. (Spencer)** Does not look like I have any cards on this Public Hearing. Would anyone like to be heard on this? Would anyone like to be heard on this? That being the case, Legislator Spencer, how say you.

LEG. SPENCER:

Motion to close.

D.P.O. HORSLEY:

Motion to close. There's a motion to close, second by Legislator Cilmi. All those in favor? Opposed?

So moved.

MR. LAUBE:

Sixteen. (Not present: Legislators Lindsay and Montano)

D.P.O. HORSLEY:

Next is **IR 1185, Adopting Local Law No. -2012, A Charter Law to amend Resolution No. 812-2011, A Charter Law to authorize the use of development rights for Municipal Fire, Ambulance and Police Districts in Suffolk County. (Schneiderman)** I do have a card on this. Again, Mr. Richard Murdocco.

MR. MURDOCCO:

My name is Richard Murdocco. Once again I'm speaking on behalf of Richard Amper, Long Island Pine Barrens Society, 547 East Main Street in Riverhead, New York.

IR 1185, which builds off of the County's PDR Program expands the provision to include libraries. This resolution determines that a referendum is required to amend the County Charter, but should be altered to provide for a mandatory referendum. The Society hopes that this will be adopted as a friendly amendment, but in any case this law cannot take effect until such a referendum is approved by the voters. Thank you.

LEG. SCHNEIDERMAN:

I just want to make sure I understand what you said. Because this one does include a referendum.

MR. MURDOCCO:

I think we would just like to strengthen the wording so it says "mandatory."

LEG. SCHNEIDERMAN:

Counsel, is there a difference between a referendum and a mandatory referendum? It would be on the ballot. It requires it goes onto the ballot.

MR. NOLAN:

It is drawn up that there would be a referendum on this. It's not a permissive referendum. It's got the referendum question in the law, so it would be subject to referendum if this Legislature passed it.

LEG. SCHNEIDERMAN:

Okay. And, of course, I don't have a problem putting the word "mandatory" in. It just might require us to have to come back and hold everything up so -- but it would be -- certainly it would be voter -- you know, they would have to approve it.

MR. MURDOCCO:

Okay.

LEG. SCHNEIDERMAN:

Okay.

D.P.O. HORSLEY:

Legislator Romaine, did you have any questions on this? Okay. Would anyone else like to be heard? Thank you very much, Mr. Murdocco. Would anyone else like to be heard on this? Mr. Schneiderman, how do you feel.

LEG. SCHNEIDERMAN:

George, is it okay to close it with that one issue --

MR. NOLAN:

It won't need to be changed. And if it was changed, it would be a minor change so you can close this hearing.

LEG. SCHNEIDERMAN:

I can close it. And I still could make that change. Okay. All right.

MR. NOLAN:

If you insisted.

LEG. SCHNEIDERMAN:

I'll make a motion to close.

D.P.O. HORSLEY:

There's a motion to close. Is there a second on the motion?

LEG. CILMI:

I'll second.

D.P.O. HORSLEY:

Legislator Cilmi seconds the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen. (Not present: PO Lindsay)

D.P.O. HORSLEY:

All righty. Moving onto **1195, Adopting Local Law No. -2012, A Charter Law to prevent a Court Imposed Redistricting Plan. (Lindsay)** I do have a card on this. Mr. Bill Ellis. Bill?

MR. ELLIS:

Actually, Legislator Horsley, this is a commonality with 1196, because they're really joint issues. And I'm here today to discuss as Deputy Commissioner of the Board of Elections the process that the Board has to follow once the State Legislative lines are approved, which they have not been yet. I do understand from Albany that the vote will be up tomorrow and this is to approve only the State Senate and the State Assembly lines, but not the Congressional. The Congressional lines will go before the Federal Magistrate on Thursday for a decision, whether they're imposed, lines that the Magistrate drew up will be imposed, or whether the Legislature has different versions of it.

But once the lines are totally formulated and they come back to certified -- lines come back to the Board of Elections, our work first begins. Because of changes, especially in the Assembly District lines, because those of you may not be aware that the Assembly District lines are the ones that constitute County Committee. And you must reside within the Assembly District to be a member of the County Committee.

So if a line changes, those who are County Committee in the past election will no longer be eligible to be a County Committee person in that new district. They would have to go to another Election District. After the 2000 census, the Board had to create 62 new Election Districts. They had to map them out because of the change in the district lines. And more than likely the same thing will happen. I happened to look today at a proposed Congressional District Map for the Town of Smithtown. And they used a different boundary. And one district was on both sides of the road, so that district has to be cut and a 93rd Election District has to be added to the Town of Smithtown.

Now, it may sound simple, but it's not, because we have a Mapping Department that is ready to go. As a matter of fact, we just asked the Department of Labor if they could extend ten vehicles to us because we would be sending out a minimum of six teams that was a -- bipartisan teams so that's two people to check each and every one of the geographic changes. And we do have some districts what we call, for lack of a better terminology, a fathom district that had no voters in them, or a small handful of voters. I know Legislator Kennedy has one where there's only 27 residents in that particular ED. And this is what comes from the cutting of the new lines.

Now, I see on 1196 there is a resolution to extend the Commission for 120 days. And I would say that that is a very, very reasonable time, because it will take the Board -- it will take the Board 30 days to remap the County and to see what districts have to be added. Once that is done, the Commission can intelligently decide on how they are going to reapportion the County Legislative lines. I see in 1195, there was -- to prevent court-imposed redistricting plan. But I don't -- I don't -- in my judgement I don't think the Courts are going to impose a redistricting plan one and a half years before the Legislature has to run again. And I'm sure that with the 120-day extension, that we'll be able to have all the information --

D.P.O. HORSLEY:

Mr. Ellis, could you wrap it up? I'm sorry, I don't mean -- we stopped the clock before it rang because we are so -- you're so enlightening.

MR. ELLIS:

All right. Are there any questions that any of the Legislators would like to ask?

D.P.O. HORSLEY:

Are there any questions? Legislator Lindsay.

P.O. LINDSAY:

I just want to point out to you, Bill, that the law that we passed in '97 called for a Commission to be named bipartisan. The Republicans side never has fulfilled their obligation under that law. They were supposed to have done it last year. And the first version of the plan was supposed to be presented by February. And -- and that was an extension. And the law says that if that isn't complied with, the County Attorney's supposed to go into Federal Court.

MR. ELLIS:

Mr. Presiding Officer, I like your tie very much and I think you look very well, if I may add that, too. But was an unrealistic thing because, again, I have to say to you that without the State approving this --

P.O. LINDSAY:

I heard everything you said about the technicalities.

MR. ELLIS:

That is an open technicality.

P.O. LINDSAY:

The issue is the majority named their committee last January. And, you know, so far the minority hasn't. They haven't complied with the law.

MR. ELLIS:

We don't deal with the Commission. All we do is we supply the Board of Elections --

P.O. LINDSAY:

I know what your issues are. And your issues are valid.

MR. ELLIS:

Thank you.

LEG. KENNEDY:

Mr. Chair, if I can add to that, please?

D.P.O. HORSLEY:

You may.

LEG. KENNEDY:

All right. Thank you. Most recently there has been a substitution for Republican appointments, as a matter of fact, for the Committee. Mr. Pachman -- Matt Pachman, the President of the Suffolk County Bar Association, has been added in lieu of another person who there was some questions about her affiliation, shall we say. That not being -- that nevertheless, and I think we're going to hear about that, the Committee has continued to meet. I know they have presented information recently and only very recently did we get an actual total citizen count for the County; and, therefore, the rest of the information about the optimal size per Legislative District and what the current count is.

So, notwithstanding what my colleagues enacted when this bill first went into effect in 2007, which I did not vote for, the timeframes really were somewhat unrealistic and the parameters associated with appointments were somewhat unrealistic, too; but we're moving along now.

D.P.O. HORSLEY:

Okay, very good. Is there any further questions of Mr. Ellis? Any further questions of Mr. Ellis?

MR. ELLIS:

We're available to speak to the Legislature at any time regarding the reapportionment.

D.P.O. HORSLEY:

Thank you very much. I'm sure we're going to be hearing more about this issue over the next couple of weeks so hang in there. We'll be talking. Okay? Thank you.

MR. ELLIS:

Thank you.

D.P.O. HORSLEY:

Thank you, Mr. Ellis. We appreciate it.

I'd like to call up Lisa Scott.

MS. SCOTT:

Good afternoon. My name is Lisa Scott. I'm the President of the League of Women Voters of Suffolk County. I want to acknowledge Mr. Ellis' comments and contribution and not repeat those. We have representatives here of the League of Women Voters of Huntington, Brookhaven and Smithtown.

D.P.O. HORSLEY:

Welcome.

MS. SCOTT:

Unfortunately Hamptons couldn't come. They're planning an event for young women and had to do that. So, we're speaking for them as well and our 500 members.

We testified at the Ways and Means and Miss McLaughlin spoke this morning. Again, I reiterate we were proud to be part of, and particularly my colleague and Co-President Katherine Hoake worked with many of you on the original quote nonpartisan fair and objective process by which legislative districts are reapportioned.

We agree that there have been tremendous difficulties in getting the Committee comprised and to do what they were supposed to do. However, we feel that a step away from this would not be in the spirit of the original intent and feel that we shouldn't look to our State officials as the model in trying to avoid a nonpartisan or bipartisan approach. We specifically wish that the entire Legislature support and become champions and make sure that if we get the 120-day extension, that the Commission actually gets the support they need to use the software and get the work done.

I'd like to mention, also, that Nancy Marr is Co-Chair of the Redistricting Commission. She wasn't planning to make a comment, but she is perfectly willing to answer questions, which I can't do for her. But, again, we respect that this Legislature has been and continues to be progressive, inspiring and concerned for the welfare and rights of all of our County residents and feel that letting the Commission do its job, since its results will not be needed until 2013's election, and that you'll let nonpartisan structural reform happen. And again, we appreciate your attention, involvement and we hope the results that you'll vote on.

D.P.O. HORSLEY:

Thank you very much, Miss Scott. And we love that you called us inspired.

LEG. ROMAINE:

Question.

D.P.O. HORSLEY:

Legislator Cilmi?

LEG. CILMI:

No.

D.P.O. HORSLEY:

No. Okay. Legislator Romaine.

LEG. ROMAINE:

Yes. I take it -- to yourself -- -

MS. SCOTT:

Yes.

LEG. ROMAINE:

I listened to your presentation. I take it that the League as a nonpartisan entity is opposed to IR 1195 and in favor of adopting instead 1196?

MS. SCOTT:

Yeah, there was a letter that was put into the correspondence at Ways and Means --

LEG. ROMAINE:

I think I responded to your letter also expressing my support of 1196.

MS. SCOTT:

Yes. We'd like to see the true opportunity happen and we'd like to see a withdrawal of 1195 in light of positive results for 1196.

LEG. ROMAINE:

As an original co-sponsor of the nonpartisan redistricting, I would tend to agree with you on this. Thank you.

MS. SCOTT:

Thank you.

D.P.O. HORSLEY:

And, again, are there any further questions of Ms. Scott? Any further questions?

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Where did that come from? Oh, yes, Legislator Spencer.

LEG. SPENCER:

So, you indicated that they wouldn't be needed until 2013?

MS. SCOTT:

The legislative districts because that's the next election.

LEG. SPENCER:

Would be in November of -- I'm sorry -- that's to allow an opportunity, though, for there to be adequate time to -- for there to be a campaign. Wouldn't it be needed before then?

MS. SCOTT:

Right. Yes, yes. And we're not suggesting that, you know, this go on and on and on, which clearly has been the issue, but simply to point out it's not a 2012 election, that these districts are -- and to Mr. Ellis' point, the ED's are the tweaking part of its that have made it very difficult as well. But, yes, you're right.

D.P.O. HORSLEY:

Legislator D'Amaro.

LEG. D'AMARO:

Hi, how are you? You know, I just want to focus on the timing aspect of it. We passed the law -- it was a good law -- to try and depoliticize redistricting. I voted for that. I supported it. But it set a timetable. And the timetable so far hasn't been met. We keep measuring the effectiveness of this bill from the next Legislative election. But I think that's misplaced. The law requires that people after ten years have a right to know who their representative is, not when the next election is two years after that. So that's why the procedure was front heavy and, you know, right after the election results -- the census results were in, that's when you draw the lines. But those timelines are not being met.

So, that's a disservice to the public as well; because what you're saying, I think, is that if there's delay, that's okay, but people are being disenfranchised then at a much later date. Those lines need to be drawn now. It's not about when our next election is. Do you have any comment about that?

MS. SCOTT:

Yeah, a couple of comments. Number one, clearly, their Legislator is the person that was voted in in last November's election. They do need to know whether that will change, if that's your point, that they might not be in District Thirteen, but instead be moved into a new District Fourteen or something like that. The hearing now is very important. The problem -- as you all know, this is a

national problem. We read about Texas the total inability to even schedule elections. So, it's problematic.

We totally understand the fact that partisanship is part of the political culture and, of course, this plays a role. And we did not speak out last year because we truly believed that there were enough champions, if I'll call it that, on both sides of the political spectrum and in the middle to see it through. But unfortunately we were really, really disappointed in the lack of the Committee being comprised properly. And also the fact that they were told they couldn't get a meeting room. Then they were told that there was no secretarial support. Then they were told that they'd have to figure out the software. Then they were told even now that software is there, but they would have to find somebody to come in. And we don't serve on many commissions, but our understanding was that there would be some oversight in that, an assistance.

So, I think this as a combination has bogged things down. We are, again, very disappointed in the whole process, but don't think that the end result should be that it be taken back into the Legislature. We'd like to see it given a fair shot. And I think the 120 is more than enough for that, but I would refer to Nancy on that.

LEG. D'AMARO:

Okay, I understand that. You make sense to me.

MS. SCOTT:

Yeah.

LEG. D'AMARO:

Let me ask you this question: Given the history now of the bill being enacted but not meeting the deadlines, do you still believe today that the process we put in place is less politicized?

MS. SCOTT:

Let me answer that in a -- the way you'd answer the question.

LEG. D'AMARO:

Well, you know, that is the issue here, redistrict and reform is about depoliticizing and putting people first and who their representatives should be and not the other way around, not choosing who you represent.

MS. SCOTT:

Absolutely.

LEG. D'AMARO:

And that's an important issue. But what I'm asking you is, is this the right vehicle? You know, we've now seen us take that bold step. And, again, I supported that. And we've now seen an attempt to depoliticize and yet here we are extending and extending and extending. You don't think politics is playing a role in that?

MS. SCOTT:

I think politics absolutely plays a role in it. And even the --

LEG. D'AMARO:

That was a rhetorical question.

MS. SCOTT:

Yes. And I will give you the realistic answer, obviously, because I don't think nonpartisan is ever a true description. It has to be bipartisan.

LEG. D'AMARO:

Okay.

MS. SCOTT:

Everybody needs to win. I come from a business background. All the parties involved in something have to be able to take something out of it.

LEG. D'AMARO:

Do you think that the Commission we set up now, given the history, do you think that is the mindset going into this Commission?

MS. SCOTT:

Honestly, because my colleague, Nancy Marr, now the Co-Chair -- there was not a co-chair last year. And we learned by studying best practices of other counties in New York State that were in -- obviously most are in this same situation, and realized that best practice was the co-chairs so that you could have bipartisan chairmanship. Again, if you'd like to speak to Nancy, but she has really rolled up her sleeves and started to drive this.

LEG. D'AMARO:

Well, I want to say that once you get into bipartisan as opposed nonpartisan, you're moving further away from what the original objective was, so.

MS. SCOTT:

Okay. But the spectrum continues all the way through. We think the end of the spectrum, which is for the Legislature to take it back in-house, is to get rid of the entire intent. And we're seeing that perhaps this willingness to work together midrange is going to serve the citizens the best in the long run.

LEG. D'AMARO:

That's fair enough. And my mind is still undecided after viewing the history here whether or not this is less politicized.

MS. SCOTT:

And we respect that. Sure. Thank you so much.

P.O. LINDSAY:

Wait a minute, we still have more questions. I have two more. Legislator Kennedy has a question.

MS. SCOTT:

Okay.

LEG. KENNEDY:

Thank you. And thank you for being here to speak on this. The League has done yeoman's work. I've seen firsthand and have had the opportunity to interact with Nancy and I know that she's done outstanding work as all of you have. And it's my sense with being the sponsor of the 120-day extension, that actually we are still meeting, what I believe was the intention of the original legislation, which was to put forward a process different than what's been had heretofore. I don't know if this is a fair question for you, although I do know that you've had deep conversation with Nancy so that you probably would be fairly confident about this: Do you think the process can be concluded within this 120-day time period?

MS. SCOTT:

Yes, I do.

LEG. KENNEDY:

Good. And we -- is it a fair statement to say that we have a active and functioning group that has now gotten the data and is beginning to be able to look at the spread of population amongst the 18 districts?

MS. SCOTT:

I'll take that as two questions. For the second part of the question, yes, they are looking at maps and doing that. The first part is in the hands of the minority members of this Legislature to make sure that the Committee is comprised correctly.

LEG. KENNEDY:

Absolutely, yes.

MS. SCOTT:

Fully.

LEG. KENNEDY:

And I guess, finally, you did point out the issues that we have that actually control the creation of the Election Districts and how in many respects we are dependent upon what the State Legislature does for finality. But nevertheless we are still moving forward and should have a pretty good ability to look at somewhat analogous districts for all 18.

MS. SCOTT:

That's the intent and our hope, yeah.

LEG. KENNEDY:

Great. Good. Thank you very much.

P.O. LINDSAY:

Wait. Legislator Montano.

LEG. MONTANO:

Hi. How are you?

MS. SCOTT:

Okay.

LEG. MONTANO:

Thank you for coming. We had this conversation in Ways and Means, but there are really three issues here. One is that the Committee that was formed has run out of time. The other one is, I believe, a bill that would eliminate the function of the Committee for this redistricting process because we've run out of time. But the third issue is that there's the Charter and a bill that I authored requires that after a six-month's date from which the census is reported, the Legislature must either come up with a plan or it must -- the County Attorney must supply to the Court for appointment of a Special Master. So we got three conflicting issues before us.

What is -- what is your recommendation or your position with respect to these three contradictory rules? Since we basically under our statute, we really have run out of time for -- to make a request for the appointment of a Special Master, which I publically said I would not -- even though I authored the bill, I would not want to move on that right now because of what's going on in Albany. And your Committee, or the Committee that was supposed to handle this for us, has run out of time. So what is it that you're -- what is your position on behalf of the League? What are you asking us to do given those three options?

MS. SCOTT:

Yeah. Specifically we were asking for a withdrawal of 1195, and that's tied into an extension of the Committee's time, which I believe is 120 days on Legislator Kennedy's 1196. In terms of a Special Master, we can't speak specifically to what might be found here, but Suffolk County itself has changed its composition, its demographics. And we feel that representation of various elements, of demographic elements both culturally, geographically, socio-economically is the way to go.

A Special Master doesn't know that. They're looking at charts and data, but they're not necessarily representing the community. We saw some of that in what the Judge in Brooklyn was coming up with on the State level for the Congressional Districts out here. Some of it still doesn't seem to make sense when you know the areas. So we feel that having a Commission that's comprised of people who actually live in Suffolk County is going to be more representative than a single Special Magistrate on this.

LEG. MONTANO:

That's interesting, because I actually have the contrary view. I'm quite comfortable in the ability, particularly in today's technology with the availability census tracks and demographic information, in having someone from the Court, and we've been through this before, we went through this in 2003, where, you know, I don't -- I don't particularly have a problem with a Special Master. But at the same time there really isn't anything inconsistent with a Special -- the appointment of a Special Master and the ability of a Commission or a Legislative body to try and fashion lines.

And I just read an article here that up in Albany apparently the State and the Assembly -- the State Senate and the Assembly has agreed to the drafting of the State lines, but they still are unable to agree on the crafting of the Congressional lines. And that is now before the Special Master.

So we could technically, because the County is technically in default of its County Charter as we stand here today by not having moved. And I'm not saying that we should, but we are really in default of a statute that says that comes six months, the County Attorney has to make the application. That doesn't mean that the lines will be done right away. How do you address that issue? I mean what do we do? Do we sit here and say, "well, we passed the statute." "Ah, you know what? Never mind." What do you want us to do on that.

MS. SCOTT:

I would actually defer to Mr. Nolan, because one question I had had a while ago was the fact that the County Charter Law was actually not adhered to quite a while ago in terms of appointing people to the Commission in terms of support that was mandated in the Charter Law. So we've actually checked with attorneys and not ourselves been able to get a straight answer on when there have been elements of the law that have actually not been adhered to. And what you're suggesting is the whole thing has now not --

LEG. MONTANO:

Right.

MS. SCOTT:

-- been adhered to.

LEG. MONTANO:

So what you're saying is --

MS. SCOTT:

So it's a slippery slope.

LEG. MONTANO:

Obviously. So what we're saying, then, is instead of being in violation of one section of the Charter, we're actually in violation of two sections of the Charter.

MS. SCOTT:

Right.

LEG. MONTANO:

I will defer to Mr. Nolan. Mr. Nolan?

MR. NOLAN:

I'm not certain what the question would be to me.

LEG. MONTANO:

What was that?

MR. NOLAN:

I'm not certain what question you want me to answer.

LEG. MONTANO:

Actually I thought it was -- she wanted to defer to you. You know what? We'll -- we won't defer to Counsel. But this creates a very serious dilemma that I think that we really need to take up. Today is simply the Public Hearing, so I would assume that both of these Public Hearings will be closed and then the bill will come before the Ways and Means Committee and maybe we can continue our dialogue then. Because I'm going to have second doubts, second thoughts on whether or not we should actually make the application and ask the County Attorney to comply with the existing law. And maybe that'll get the ball moving while we decide if we're going to have a Commission or we're not going to have a Commission.

MS. SCOTT:

We appreciate your input in that. Thank you.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I would be interested in your thoughts on Mr. Lindsay's bill. In the -- I guess the context of, you had mentioned that there is not an election until next year. Mr. Lindsay's bill would kind of settle this matter rather sooner than later. What are your thoughts -- I guess my question is would you still have the same feelings or thoughts or opinion, I should say, because there are scenarios where Legislators during a reapportionment process that more than one Legislator is put into the same district. And I for one think it would be beneficial -- I plan to run for reelection next year, but if I should be put into another district, that I may have to move or whoever may have to move, that that issue is settled rather sooner than later as opposed to next year; going for election, you're up for office, your livelihood is for all practical purposes on the line, you have to look for a house, you have to move your family. I think from a practical standpoint, it would be easier to kind of make a decision -- an informed decision a year in advance as opposed to later, you know, particularly given this market. Do you have any consideration for that?

MS. SCOTT:

Yeah. In fact it takes up where Legislator D'Amaro left off, which is this question of, do we wait 'til next year? And I don't think any of us are saying we're interested in seeing this drawn out endlessly, because that does no service to elected officials or to your constituents. We're sitting on March 13th now and four months is not even 120 days. We're talking well over a year and three months before the next election, is really what 1196 is asking for. So I don't see this as, you know, we're coming back to the well again in 90 days say, "Oh, God, they're having such a tough time, we're not getting cooperation." We're turning the heat up under the pot. You're really saying "you got to get it done now."

But we appreciate what you're saying and we've seen that with other district lines that have been drawn on other levels of government. And it doesn't seem to be constructive at all, but we don't suggest that it be held until three months before the next Legislative election.

LEG. GREGORY:

Right. You mentioned the 90 days or 120 days, but that's not taking into consideration any possible lawsuits. So this process would not necessarily be at its conclusion in four months from now if you were given the power. That may actually be the middle of the process. And that's why I kind of think maybe having a resolution sooner rather than later would kind of conclude the end results sooner rather than later and address any issues that -- some of the issues that have been brought up here today.

MS. SCOTT:

Right. Our feeling generally still is that you need bipartisan people drawing the lines. Then you need to see if they comply with both -- any local, federal statutes representation, all the issues that -- potential lawsuits can happen. But we saw what happened on the State level with the Congressional Districts and they got to it very quickly. But to have local people who are on the Commission draw some lines, I think, is the most important starting point in all of this. And they've just not been given the resources to do that.

LEG. GREGORY:

Agreed. And just one last comment. I think the State was forced or the Federal government actually was forced to come up with a conclusion on the Congressional Districts because they're running this year. They may not have the same expediency because we're up next year that the federal magistrate has showed in the Congressional lines this year. But thank you for your input.

MS. SCOTT:

Okay. No, we appreciate that very much.

P.O. LINDSAY:

Yeah, just to kind of wrap -- wrap this up a little bit, the original bill that we passed here, I voted for it with some trepidation because I thought it was unrealistic, the original version. It called for retired judges of at least ten years off the bench. What turned out is they couldn't find them because usually judges work until they're 70. So they just didn't exist. So we changed it to five years, which was more realistic. And they're supposed to be four judges, two appointed by the minority, two appointed by the majority. Supposed to be two people from -- for voters' rights group, which is you guys, so there's no other voters' rights group. And there's supposed to be two people from an organization that represents the minority community, one from each. Legislator Cooper, our former majority leader, made his appointments by statute. This January, and I don't know, I just found out this morning Mr. Pachman is being proposed. I don't know where he fits in. Is he a member of the League?

MS. SCOTT:

Not to my knowledge.

P.O. LINDSAY:

Yeah. So, I mean, the basic problem is we don't have a fully constituted board. And that's been the problem. I don't know about support staff. How can you have support staff when you don't have a board? And the original law said that you guys draft it the first version of this and then it came back us to take a look at it. Redistricting has always been a legislative duty. And when we voted for the original bill, I don't think any of us wanted to not have any input into the process at all, because it's what we do, you know. And my attempt at this bill is to prevent the Courts appointing a Special Master to do it, because if they do that, then neither one of us have any input at all. And I'm as frustrated as you are, and this bill is out of frustration.

LEG. KENNEDY:

Can I at least add about -- the addition of Mr. Pachman as the President of the Suffolk County Bar Association actually harmonizes with good government in that the Bar Association has repeatedly advocated on behalf of the voters, voters' rights, and for that matter candidates. And I believe he should be a good addition to the group, Mr. Chair.

P.O. LINDSAY:

I don't know whether the original vision of a voters' rights organization did the Bar Association.

LEG. KENNEDY:

Well, let me suffice it to say that I -- on my side attempted to engage in some due diligence before his name was brought forward. And I think he was acceptable to everybody that was in place.

P.O. LINDSAY:

I don't know about that. But thank you very much for your help.

MS. SCOTT:

Thank you. And we appreciate the time and consideration of all of you.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Anyone else want to come and speak on 1195, please come forward.

MS. MARR:

I just want to add that last December I agreed to be -- I'm sorry. Nancy Marr. I live in East Patchogue and I'm a member of the League of Women Voters. I'm a member of the Commission. And last December at our second meeting, I agreed to be Co-Chair person because Mr. Kennedy had suggested to -- co-chair -- co-chair people, which is a good idea. And our other Chairman is in Florida. So not much happened until December.

In December we did meet with Sarah Lansdale. We met with Mr. Nolan. We asked Mr. Nolan, in fact, to give us his impression of what our deadline should be in terms of the needs of the elections and we didn't get an answer. I asked Sarah Lansdale for the data and I didn't get the data from Sarah. I finally got it February 2nd from Mr. Kennedy, who had gotten it from Sarah Lansdale. So we have been held up by a variety of things in addition to the missing members. And that is unfortunate.

But I want to say that I think the design of the bill, although I think its details were faulty, was to create a nonpartisan type of commission consisting of bipartisan appointments. So we have four who are appointed by the minority, four by the majority. And my impression at the meetings is that we see our task as a nonpartisan task. Now I'm not sure that everybody does. I realize there could be some other stuff going on, but I believe that as Co-Chairperson, I would like to see it go forward

as a Commission that does look to represent the best interest of Suffolk County residents. We have our maps. I can see that there are four districts that are highly overpopulated; some districts that are underpopulated. We do know the County. We will want to look and have public hearings to find out views from people throughout the Suffolk County of what they see as problems in their districts.

So I hope we can go forward. I think it would be a good thing for the County. And I do appreciate the support we've had so far. Thank you.

P.O. LINDSAY:

Thank you. Legislator Gregory. Wait a minute, Miss Marr. There's a question for you.

LEG. GREGORY:

Hi, Miss Marr. We spoke on the phone --

MS. MARR:

Right.

LEG. GREGORY:

-- several times. I just wanted to state that this bill in no way reflects the efforts and the intentions of members of the body of the Commission. This is just the frustration by some of us and particularly the Presiding Officer here. This bill obviously was well intended. The majority has lived up to their obligation. You know, as far as I'm concerned, the music is playing and the majority's on the dance floor but it takes two to tango. So, unfortunately good intentions can come to politics, but we're -- I understand you guys have met recently.

MS. MARR:

Yes.

LEG. GREGORY:

And what has come about in those meetings?

MS. MARR:

We had a meeting with James Daly, who is the GIS -- works for Geographic Information Services. He showed us the maps that he has, which are very impressive. We can see them on line and work out where some of the changes have to be made. His request is that we find a technical assistant to work with him because he can't do any more than he's already done. We would like to be able, as we suggest changes, to put them on line so people all through the County can see them and respond to them, but we do need some technical assistance to do that. So met with him. We talked about these two bills. There is a commitment of all the members to stay with it and to try to make it work the way that we believe it should work, which is to be nonpartisan.

LEG. GREGORY:

Okay. Thank you.

MS. MARR:

Okay.

P.O. LINDSAY:

Is there anyone else that would like to speak on this subject?
Seeing none, I'll make a motion to close.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1196, Adopting Local Law No. -2012, A Charter Law to extend the deadline for Reapportionment Commission to propose new legislative boundaries. (Kennedy) I don't have -- we don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? I know some of you's already have, which is already part of the record. Seeing none, Legislator Kennedy.

LEG. KENNEDY:

I'll make a motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1197, Adopting Local Law No. -2012, A Local Law to strengthen the land preservation program and maximize environmental protection. (Hahn) And we have a couple of cards. First one is Richard {Merdullo}.

UNIDENTIFIED SPEAKER:

(Inaudible)

P.O. LINDSAY:

Oh, okay, I'll take him next. Richard --

MR. MURDOCCO:

Rich Murdocco, just to clarify, and I'm with the Pine Barrens Society and again I'm speaking on behalf of Richard Amper, located at 547 East Main Street in lovely Riverhead, New York.

So, while it is prudent planning to sometimes stop and assess a program's success, there is no question that Suffolk's open space programs work. We realize that while some Legislators are not trying to completely halt preservation, we believe others are. In any case, across the board there is consensus that acquisitions already under contract should proceed. In the instance of the Beagle Club property, this highly ranked parcel's under contract, yet the acquisition remains stalled in committee. Further, Ways and Means has tabled other acquisitions which is preventing their completion. This lack of follow through sends an ominous message to landowners essentially telling them that Suffolk County is no longer a good faith partner in preservation. In particular there are two provisions of IR 1197 that are problematic and they both involve the process by which parcels are ranked.

First, the current standards, when they are properly applied, ensure that Suffolk is purchasing only the best properties. The standards themselves should not be changed, but instead the County should use multiple examiners to apply these standards. We have proposed that a committee of respected environmentalists play a role in property evaluation similar to what farmers do with respect to the County's farmland preservation efforts. The rejection of this recommendation only serves to suggest that political considerations are trumping ecological merit.

Finally, no municipality should be penalized under the ranking system for not contributing local funds to acquisitions. The fact that towns have assisted the County in land preservation should not mean that their funding is exhausted, a penalty that should be imposed on the municipality. The merit of an acquisition should rely exclusively on its worth to the goals of drinking water protection and habitat preservation.

P.O. LINDSAY:

Does anybody have any questions of Richard? Yes, Legislator Romaine and then Browning.

LEG. ROMAINE:

A quick question. Were you aware that since December 31st when the contracts ran out, there were no appraisers or surveyors to do any work in this County? And I think later today there's a resolution to hire some. But that meant essentially by the time they get hired the first 90 days of the year, there is no work done on any acquisitions or planning steps resolutions. And should Legislator Hahn's resolution eventually pass, which would be up for a vote, even if it's closed today, at our next meeting, that would be another 90 days, a full half a year would be given. I don't know if you were aware of that, sir.

MR. MURDOCCO:

I was not aware and that is unfortunate.

LEG. ROMAINE:

One other thing that I'll mention. One of the things that I'm guaranteed by the Charter as a Legislator is to introduce legislation, to discuss legislation and to vote on legislation. Are you aware that there's a potential, I guess, Charter/constitutional issue that this piece of legislation would have? Because it would deny me my right as a Legislator to introduce legislation, discuss legislation and vote on legislation.

MR. MURDOCCO:

That is unfortunate as well.

LEG. ROMAINE:

Thank you.

MR. MURDOCCO:

You're welcome.

P.O. LINDSAY:

Legislator Browning.

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

LEG. BROWNING:

I'm going to keep it really simple. Let's say you're aware that we have some financial problems and we have very limited money left for open space preservation. And if we looked at property by the Carmans River, we looked at property by the Forge River, and then we look at property on the east end that most likely may not get purchased or redeveloped, however we have property in a very environmentally sensitive area and we spent all that money on that large tract of land that's nothing going to happen to it if we never purchased it. And you have a limited amount of money, and let's put it into your own home budget, and you had to make a decision; what do you think the smartest thing would be to do? If you had to make a purchase and it's important for your -- just for your own household, and you said, "Okay, this is what I really need, this is what I want." Okay? Where do

you think you're going to spend your money?

MR. MURDOCCO:

Well, it depends on where -- well, when you look at the parcel, how sensitive is it to the environment and where is it ranked in the County's ranking system and was the money already allocated for that purchase. So before you even look and say, "Well, do I need this parcel or do I need that parcel," you have to take a step back and look at the rubric and see where it fell, because that should have all been in place before the money was even allocated.

LEG. BROWNING:

But what I'm saying is you have a small pot of money and you have a very large tract of land, and now you're going to spend it all on that one tract of land that may not be as environmentally sensitive as some other properties that may be. Where do you think the priority should be, on the environmentally sensitive land that's in jeopardy of being developed or the large tract that is not in jeopardy of being developed? If you were forced to -- you only have a small amount of money to spend, where do you think you should spend your money?

MR. MURDOCCO:

How far along is the parcel's contract that isn't as environmentally sensitive?

P.O. LINDSAY:

Kate, you're not going to get an answer.

LEG. BROWNING:

I'm not getting an answer, yeah.

P.O. LINDSAY:

So let's just move on, all right? Because he ain't going to answer you.

LEG. BROWNING:

I'm not getting an answer, nope.

P.O. LINDSAY:

All right?

LEG. BROWNING:

Okay.

P.O. LINDSAY:

Sorry for losing. Legislator D'Amaro.

LEG. D'AMARO:

Well, I'm going to try and get an answer, because I have the same exact thought. You're opposed to this legislation; is that correct?

MR. MURDOCCO:

We're opposed -- well, first of all, everything should be --

LEG. D'AMARO:

Just a yes or a no; are you opposed or not?

MR. MURDOCCO:

Yes.

LEG. D'AMARO:

Okay. So you said in your comments that you want to ensure, as we all do, that the most environmentally sensitive land gets the priority and gets preserved first.

MR. MURDOCCO:

Yes.

LEG. D'AMARO:

You can't tell me, standing there right now, what is the most highly prioritized land. This bill, if enacted, would tell us that. So I see an inconsistency here. What's driving your opposition? This is trying to help this Land Preservation Program to make sure, with a limited pool of resources, as Legislator Browning points out, that we make sure that we got our priorities straight and we're preserving the lands that should be preserved and not making a mistake. To me, that sounds like good government, it sounds like it's good for the program. What's the basis of your opposition?

MR. MURDOCCO:

The basis is that if we stop and halt the program, that's a foot in the door to other policies that could completely terminate it.

LEG. D'AMARO:

Okay. So you're concerned that if we say let's take a pause, let's get our priorities straight, that opens the door to the possibility that it may kill the entire program? So you're willing to buy less environmentally sensitive properties because you're concerned or you have a fear that this program is going to come to a screeching halt.

MR. MURDOCCO:

Well --

LEG. D'AMARO:

I think that's a disservice to spending taxpayer money.

MR. MURDOCCO:

I wouldn't say that exactly.

LEG. D'AMARO:

Well, that's exactly what I think you're saying, if I hear you right.

MR. MURDOCCO:

What you think I'm saying is different from what I'm actually saying.

LEG. D'AMARO:

Okay, then explain it to me.

MR. MURDOCCO:

Well, if we would like to further clarify this, we can bring it to the Executive Director and I'm sure he'll clear it up.

LEG. D'AMARO:

Okay. I'm just trying to understand your logic.

MR. MURDOCCO:

I understand that.

LEG. D'AMARO:

I would think that you folks would be standing here advocating strongly for this bill, because it's in your interest to make sure that we're preserving the most environmentally sensitive properties.

MR. MURDOCCO:

What we're looking to do is basically take a non-partisan panel, environmentalists, to help the County assess the properties and get all their ducks in a row.

LEG. D'AMARO:

Well, that has nothing to do with this bill. But I still don't understand your opposition to this bill, I truly don't.

P.O. LINDSAY:

Okay. Thank you, Richard, for your testimony.

LEG. HAHN:

Oh, Mr. Chairman?

P.O. LINDSAY:

Oh, I'm sorry. Legislator Hahn.

LEG. HAHN:

Do you mind if I just make a quick comment? Thank you for coming.

You did -- when you answered Kate's question, you actually said that you would -- we have to take a step back.

My bill, the intention of this bill is everything you just advocated for. In fact, your Executive Director, Dick Amper, said earlier, *"The merit of the acquisition should rely exclusively on its worth to the goals of drinking water protection and habitat preservation."* It's completely inconsistent with some of what you're arguing here. We are trying to take a step back. I'm actually -- I allowed some exemptions so that the program continues. Take a step back, reorder acquisitions, create a priority -- a prioritization list, rank parcels that have not been ranked so that they can fit in the right order on that list, and then we go after the most environmentally sensitive ones first.

The intent of this legislation is exactly what you're arguing for.

The taking a step back is allowing that prioritization to happen before we spend more of what is a very -- amounting to be a very small pot of money because we're paying off the bond and the debt service on when we accelerated the Land Acquisition Program. So I just wanted to point that out. And thank you, I look forward to the discussion as we move forward.

MR. MURDOCCO:

Thank you.

P.O. LINDSAY:

Oh, I'm sorry. Legislator Anker.

LEG. ANKER:

I also want to add comments related to the Legislature and our -- you know, the past history of the County acquiring land. Thousands and thousands of acres for preservation. And at this point, I just have to commend Legislator Hahn for her action, her brave actions in going forward with something that at first the environmental community had fears, as mentioned before. But if you look at the Legislators around this horseshoe, we are advocates for the environment; we've proven that in the past and we will continue to prove that in the future. But right now, presently we do need to take a pause, we have a fiscal crisis set upon us. And again, I just can't commend Legislator Hahn enough

for her actions that she's taking right now.

But I feel very comfortable in the direction that we will go and I look forward to working with all the Legislators acquiring land and creating a better future for Long Island. Because I'll tell you, if it's about money, this is what it -- this is what it will do, it will create a stronger tourist community and it will also create a better quality of life for every resident in Suffolk County. So thank you for your comments.

MR. MURDOCCO:

Thank you.

P.O. LINDSAY:

Okay. I think everybody's done with you, Richard.

MR. MURDOCCO:

Beautiful. Thank you.

P.O. LINDSAY:

Sit down, quickly.

*(*Laughter*)*

Jim Dougherty, who I owe an apology to Jim. I normally recognize elected officials. Your card slid by or I would have called you first on the this public hearing.

MR. DOUGHERTY:

I'm not sure I accept the apology. Shelter Island used to run this whole show about --

*(*Laughter*)*

P.O. LINDSAY:

And I know, and I'll --

MR. DOUGHERTY:

And I'm available.

P.O. LINDSAY:

Well, I tell you what. There's a lot of people around here that would be happy to turn it over to you right now.

*(*Laughter*)*

MR. DOUGHERTY:

Well, I'm honored to be here, in all seriousness. And I'm here in two capacities, thank you, as Supervisor of Shelter Island, also as Chairman of the East End Supervisors & Mayors Association, who at their meeting, regular meeting on February 15th, unanimously voted -- there's about 13 or 14 Mayors, five Supervisors; unanimously voted with respect to oppose this bill.

First of all, as some of you referred to a minute or two ago, I want to thank you all on behalf of all of us for turning so swiftly to the very serious budgeting concerns. You have our support. And I'm a Yankee, but I'll use a Red Sox term, that you are -- it's cowboy up with you folks. You're really turning to the issue very quickly, and we thank you for that.

There's very serious challenges, but it's all the more reason, however, not to pass this moratorium proposal, which in this very bleak and, let's face it, somewhat emotional environment, would send the absolutely wrong message regarding your tremendously successful and nationally recognized 40-year program of open space preservation.

By all means, conduct the review of properties approved for planning steps. And by all means, establish, or I would say reestablish because I was Chairman of the Open Space Committee on Shelter Island for nine years becoming Supervisor and I dealt with the County people on priority all the time. But anyway, take a look at these priority ranking systems while keeping the program in place, but don't at the same time send a highly publicized message which would be misinterpreted by many, many of our fellow Suffolk County residents at a time when we want to keep cool and show leadership and we want to continue to show support for this wonderful Open Space Program.

So please show your continuing commitment to this successful program, obviously adjust it as you guys know, you folks know better than I do how to do -- adjust it to the realities of the moment. If you have to slow things down a bit, fine, we are all familiar with that. But carry on with the continuing support of an overwhelming majority of the Suffolk County residents who time and time again have advocated for open space preservation and for protecting our very, very fragile aquifers. Thank you very much for your time.

P.O. LINDSAY:

Jim, before you sit down, Legislator Montano has a question for you. But I just wanted to -- I know you're a practical guy because you're a Town Supervisor and you have to deal with realities every day. You know our biggest problem here? We don't have enough money to buy all the land that went through planning steps. If they all go through, we don't have the money.

MR. DOUGHERTY:

Yeah.

P.O. LINDSAY:

And it isn't like when we used to -- when we used all cash. We borrowed money to continue the program, to accelerate the program, and now the bottom's falling out and we don't have enough money. So we're trying to decide how to do this in a logical manner. I don't think anybody wants to destroy the program. I think we just want to use -- want what money we have in a meaningful way. And that sounds, I think, as reasonable, I guess everything is in the details. But that's the genesis of the problem.

MR. DOUGHERTY:

I think I understand that and I think you can slow it down, just don't have the perfect drive out the good. I mean, you have more than a good program and if you slap this -- a moratorium has a bad sound to a lot of people. It's a touch -- we've put down a few moratoriums on Shelter Island and I've regretted just about every one of them. They're always misinterpreted. You'll be put on the defensive explaining things you shouldn't have to explain. If you have to reexamine some of them and establish more stringent priorities, do that while keeping the program and being without a moratorium. You can slow it down a little.

P.O. LINDSAY:

But the problem is we don't have the money.

MR. DOUGHERTY:

I understand. Well, then you have some money, though, with all due respect.

P.O. LINDSAY:

Yeah, but we don't have enough money to fulfill everything that was planned for. All right?

MR. DOUGHERTY:

Well, then you have to take a second look at some of the deals.

P.O. LINDSAY:

And that's what we're trying to do. Legislator Montano.

LEG. MONTANO:

Thank you. I think you answered part of the question that I was going to ask. And I have to concur with Legislator Lindsay, I won't repeat it. But I'm trying to understand your reasoning for being against the moratorium, and I'm hoping that I'm not misinterpreting it. But I'm getting the impression that you're saying don't do the moratorium because it doesn't sound good or the public perception. Could you articulate again for me what your opposition is to the moratorium?

MR. DOUGHERTY:

Yeah. I think -- I acknowledge your point, sir, that I am making part of the argument that --

LEG. MONTANO:

I can't hear, I'm sorry.

MR. DOUGHERTY:

I'm making part of the argument that appearances count as much as reality, many times, and I think there's a very serious -- in fact, I think almost inevitable, that this would be seriously misconstrued.

LEG. MONTANO:

Misconstrued by whom?

MR. DOUGHERTY:

By our constituents and the voters and the taxpayers. But more important than that, I don't -- I think it's surplusage, it's unnecessary. You don't have to do it. You can do this rescrutiny of the program, if you folks are very good at it and your staffs, and slow down some of the acquisitions and maybe do some draconian pruning; if you have to do it, you have to do it, using a priority system. Which in my experience, I've seen already in being but, you know, I'm sure you can always enhance and refine. So I'm saying two reasons, but the big reason is you don't need it and it would be seriously misconstrued. You can do your job and I admire you for taking up this very difficult job in this grim economy, but you can do it without a moratorium.

LEG. MONTANO:

Okay, I guess I do understand. And without debating with you, I think that the first part of the argument, I mean, I believe it's our role as Legislators to articulate in a clear and concise way to our constituents what we are doing, why we are doing it and the need to have it done. And I think that was put very directly by the Presiding Officer, that, you know, at the end of the day it becomes something that, while we all know it's a good purpose, we really have some fiscal realities that we're facing today that we were not facing maybe four or five years ago.

So my concern is that I don't want to be in the position of doing something without saying that we're going to do it because we're afraid if we say we're going to do it it's going to be misconstrued. I mean, it's sort of like circular, and I guess that's the issue I had in terms of what you were presenting. But I want to thank you for coming forward anyway. I'm clear on your reasoning; I don't agree with it, but I'm clear on it.

P.O. LINDSAY:

Okay. Jim, if you could just -- just a couple of more, Legislator Hahn.

LEG. HAHN:

Just to be clear moratorium is really inappropriate, and it's been those who have tried to send around misinformation about what we are doing that keep using that word. So things will move forward, the program moves forward, closings will happen, planning steps will be filed and there'll be --

MR. DOUGHERTY:

Planning steps will be filed?

LEG. HAHN:

Planning steps will be filed, again, within 90 days. And it could take, you know, 30 if Laretta works around the clock (*laughter*), and it could take -- you know, I said everything will -- you know, we're going to pause some of the newer items that have come into the pipeline recently just to do this analysis. And the things that are really far along in the process, where offers, dollar amounts have been offered to the land owners can move forward as they were, then this Legislature will vote on each one of them. But the word, the "M word", which I'm not going to use again, is a complete misrepresentation of what I have proposed. And I don't think because there have been groups who have purposely misrepresented what we're doing, I don't think we should be now fearful that this misrepresentation is going to take hold because, you know, we're looking carefully at what is in our pipeline.

MR. DOUGHERTY:

So you're saying that all signed contracts the County will perform under.

LEG. HAHN:

All signed contracts will come before this Legislature for authorizing resolution as they would if my bill -- well, as they are right now because my bill hasn't passed and as they would if my bill didn't pass. All signed contracts will come before us for a yes or no vote as they would now.

P.O. LINDSAY:

Are you done, Legislator Hahn?

LEG. HAHN:

I'm sorry; yes.

P.O. LINDSAY:

Okay. Legislator D'Amaro and then Romaine.

LEG. D'AMARO:

Supervisor, nice to you see you. Thank you for coming down.

MR. DOUGHERTY:

It's my pleasure.

LEG. D'AMARO:

I appreciate it. I don't have any fear of the "M word" at all. In fact, in the committee I was arguing that I believe that we should stop even offers, I think we should stop purchases where we've even had mitigation measures performed at the expense of the owner of that property. Because I'm spending taxpayer -- County taxpayer money.

And I will take on that battle any day in this economy to go out and tell taxpayers that I'm declaring a moratorium because I want to take a step back and make sure I'm spending their money wisely. You talk about misperception; I don't think there would be a misperception at all in that. All right? That's my first point.

Let me ask you a question. If we did -- first of all, to do a slow-down as you suggested; we don't have the staff, we can't do both. Okay? So that's another -- and you understand that as a Supervisor that we have limited staff and we're not certainly hiring at this point. But if we were able to reevaluate these properties and set the priorities and, gee, if that wound up saying that properties in your town were maybe more environmentally sensitive than say in another, wouldn't that be a good thing? You see, we don't know sitting here today if your town has more environmentally sensitive properties than any other town, I just don't know. So I might just start spending money and when the money runs out, you miss the boat.

MR. DOUGHERTY:

With respect, I think you could perform this reexamination function with existing staff. You have very highly qualified staff.

LEG. D'AMARO:

Well, I took exactly the -- I'm sorry to interrupt. But we took exactly the opposite testimony from the staff itself at the committee meeting and were told we could not do both.

MR. DOUGHERTY:

Well, I don't know. That to me suggests that you're suggesting more than a brief time out if they feel they can't handle it. So I don't know, I'd have to have been at that hearing to fully understand it.

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Hello, Supervisor. First of all, let me just say it's been a pleasure to work with you over these last few years.

MR. DOUGHERTY:

You're not going to let the League change the district, are you?

*(*Laughter*)*

LEG. ROMAINE:

No, no, I'm supporting the League's efforts. I sent them a letter absolutely supporting the League's point of view.

*(*Laughter*)*

MR. DOUGHERTY:

Thank you.

LEG. ROMAINE:

But let's talk about land. First of all, Supervisor, there's about 48 parcels of land in the pipeline. What does that mean? Well, they've been there for about two to four years on average. These are ones that have had appraisals, offers have been made, offers have been accepted, and the County has sent them a contract and asked them to sign that contract, which means the County is eventually going to buy and these people are waiting. All of those 48 properties, that money has been sequestered, already there through the bonding that we've done.

People say, "Well, the County is in terrible fiscal shape." Yeah, okay, this is a separate pot of money. You aren't suggesting taking this money -- some have, some have -- taking this money and spending it to solve the County's problems when by not one but eight separate referendums, eight separate referendums the taxpayers say, "Tax us a little extra percent, a quarter percent." Some can go to sewers, but we already stole some of that money last year, and some can go to land acquisition. Those 48 properties are paid for by that that has gone to bond.

You weren't at our last meeting of the Environment & Planning & Agriculture Committee, but every planning steps and every acquisition, including the ones in the pipeline for which there was a contract, for which the party had done remediation failed, they were all tabled. No one votes no, by the way, in the majority, they table things, because that way after six months it dies. So there's a lot of different ways to look at it.

And I'll take Legislator Hahn at her word. We've already had, in essence, a 90-day moratorium, because we haven't had appraisers or surveyors since the beginning of the year to do any of the work on any of the proposed acquisitions. And now we're going to do another 90 days, that would be about 180 days if it gets done in time. There's a lot of other ways to approach this. One of the first things to do is to take a look at everything in the pipeline and if you're not going to buy it, be fair with the owners because you've tied up the property under contract that you've asked them to sign for two to four years, and some of them spent some considerable money doing remediation to that property.

I realize that when the bonding money and all the money in the pipeline is gone, then we'll do pay-go.

P.O. LINDSAY:

Eddie, we're getting to a question, right?

LEG. ROMAINE:

Did you know --

*(*Laughter*)*

Did you know that at no time, when you look at land acquisition, can you spread out every single parcel that you're going to be acquiring at once to weigh one against the other? That usually with land acquisitions, it's come as come may because we don't know when land owners are going to say, "I'm willing to sell this to the County." We have several land owners that have said no repeatedly and then all of a sudden, because of the marketplace, have said yes. So we can't examine every single parcel against every other parcel, we have to take land and that's why we have a rating system. I don't know if you were aware of that, Supervisor.

MR. DOUGHERTY:

Oh, very aware of the rating system.

LEG. ROMAINE:

Thank you very much, Supervisor.

MR. DOUGHERTY:

I would stop you here. And --

P.O. LINDSAY:

Thanks for your answer, Jimmy. It was brilliant.

*(*Laughter*)*

MR. DOUGHERTY:

It's always a pleasure, Legislator Lindsay. The rating system works; you don't have to toy with it, it works.

P.O. LINDSAY:

We get your message, Jim. Thank you for coming out to see us. It's always a pleasure to see you.

MR. DOUGHERTY:

Good to see you. Thank you.

MR. AMPER:

Mr. Presiding Officer, may I be heard?

P.O. LINDSAY:

I still have cards. At the end of it I'll call for any other comments. Beth Baldwin. Beth Baldwin?

MS. BALDWIN:

Good afternoon, Presiding Officer and members of the Legislature.

My name is Beth Baldwin and I am here on behalf of the North Shore Land Alliance. We are a Conservation Land Trust with an office in Old Westbury. Our service area includes the north shore of Long Island. While we understand the County's reason for reprioritizing the Master List under the Drinking Water Protection Program, we hope the Legislators will consider the following comments.

Over the past year, we have been diligently working with the County, the Town of Huntington, the community of Cold Spring Harbor and the owners of the DeForest-Williams Property, which is currently held in an estate. The Legislature passed the planning steps resolution for this property in November of 2011. This property is located on Shore Road in Cold Spring Harbor and consists of 28 acres. The acquisition as proposed is for a public/private partnership between the County, the town and the North Shore Land Alliance.

This environmentally sensitive parcel is one of the last remaining large parcels in western Suffolk County. The property acts as a significant buffer to Cold Spring Harbor and provides groundwater protection to the more densely populated western Suffolk County. This property is currently under the threat of development as there is a pending 15-lot subdivision application before the Town of Huntington Planning Board. We are concerned that the estate will not be able to wait for the County to reprioritize the Master List. We, therefore, respectfully request the proposed Local Law be amended to allow properties that have received planning steps resolutions to move forward.

Finally, we also respectfully request that the North Shore Land Alliance be included in the reprioritization of the Master List. We think our organization could offer much experience and insight into the reprioritization process. Thank you.

D.P.O. HORSLEY:

Thank you very much, Beth. Is there anyone who would like to have any questions? Thank you very much. We appreciate you being down here today. Joe Gergela.

MR. GERGELA:

Good afternoon again. Joe Gergela, Executive Director of Long Island Farm Bureau. In honor of St. Patrick's Day, I probably should be up here doing a jig or some dance, because this is a very difficult subject to be in the middle of and the Farm Bureau is somewhat in the middle of this.

I talked to Legislator Hahn earlier. I have been participating at numerous meetings with Legislator Hahn, Planning Department, Real Estate Department, environmental community representatives on the status of both open space and farmland. I guess that I'm a little bit concerned.

And first of all, let me say this. Whatever happens with Kara's bill is fine; we'll live with it, we'll deal with that. I don't know if we need a time out or whatever, because I think the bigger issue is a couple of things. The bigger issue is that we continue to go forward with both the Open Space and Farmland. There are 40 or 50 parcels in the pipeline. If they need to be reprioritized, that's fine; I don't think anybody objects to that. But the important thing here is that not only the general public that's been supportive of open space and farmland, but also people whose families are being affected by this process is something to be concerned about.

I know that when you get to making decisions about farmland, you're talking about family, big decisions. If this isn't an option, what are we going to do with our asset? Are we going to go forward with development? There's all kinds of considerations that go into the decisions that the people that own the land have to make as part of this. So I want you to keep that in mind, that we don't want to jeopardize the integrity of the programs in order to go forward.

If the Legislature, in its wisdom, feels that we want to take this time out, whatever you want to call it, we'll work within the walls as we always have. The Farmland Program has been somewhat -- have been on unequal footing per se; in Mr. Amper's comments today, I was very glad to hear that. We have a criteria and a rating system, so before the farm parcels come to you, they've already been prioritized by the committee. And we have a program that is very, in our mind, a little bit bureaucratic, but it's worked very effectively. And also, we only have one time period a year that we're allowed to make recommendations to the Legislature. These are some parity issues that we're talking to Legislator Hahn about and with the administration, and I think over time we'll deal with those issues. But this program is extremely important to a lot of people. And again, it's the alternatives that land owners have. In fairness to them, we need to make sure that those family considerations are not lost as you deliberate on this resolution.

And certainly this is not a fun topic to be in the middle of. I think that the environmental community and the Farm Bureau support both Open Space and Farmland. We support everything you guys have done and continue to do and we know that you will work this out. So again, I did a dance, I didn't take a position on it, but I think the bigger picture is what's important here. So thank you for listening.

D.P.O. HORSLEY:

Mr. Gergela, thank you very much. And we do appreciate your comments. It is very important to us as well, so we share your support.

MR. GERGELA:

Thank you.

D.P.O. HORSLEY:

Thank you. Is there anyone else who would like to be heard? I know Mr. Amper wanted to come up before. Dick, you want to come up? Okay, I'll get you next, sir.

MR. AMPER:

Thanks very much. I was just listening to your deliberations and your questions.

D.P.O. HORSLEY:

For the record, put your name and address.

MR. AMPER:

I'm sorry. Richard Amper, the Long Island Pine Barrens Society. I would like to try to answer the questions because they deserve an answer.

First of all, we don't agree that the County is buying the wrong land. You may want to reprioritize, you may want to look when you have fewer funds to refine that and you can do that, but you don't have to stop the program to do that. You people have been approving these projects for years. When did you start approving bad projects that you're now worried about?

I am somewhat offended by the implicit insult to the Planning and Real Estate Division who does a really, I think, first-rate job making sure that what they put in front of you is worthy and the -- this particular ranking system, if you would, was developed by environmentalists with your colleagues and some of your predecessors and it's worked out rather well. Now, can we refine the process? We can always do that. But should we stop the process? No. There seems to be another question about who would be troubled by this; the land owners. Land owners who have signed contracts, we should follow through on the contracts. There's no reason to believe that all of a sudden the ones that are there when we get into pay-go are bad acquisitions. So we should complete the contracts that these people have entered into, knowing that for the past 20 years we've always honored those contracts once they were signed by the landowner. That would be very discouraging. I think it would be very, very difficult for this program ever to get back up.

And by the way, everybody who I hear speak says that there's no effort or interest in ceasing or stopping this program. We do read the transcripts, we do listen to your broadcast, we hear people at your meetings saying, "*Maybe we should stop doing this.*" That is a well established position of Mr. Barraga and the Presiding Officer; they think maybe this is not the best use of the public's money. We listen to what you say, we're reacting to -- not reacting to nothing.

What I think is really important for us to understand is that you have the authority -- Mr. Kennedy understands this; you have the authority not to approve any more planning steps if you don't want to. We're suggesting that the biggest danger of all would be to stop, to not complete transactions that involve a signature of somebody who believed this Legislature was going to follow through; I think that would be a very, very bad thing for you to do. The environmentalists are no less concerned about the notion that everybody around this horseshoe cares more about the quality of the land we're preserving than the Citizens Campaign and The Nature Conservancy and the Group for the East End and the Pine Barrens Society who have addressed you; it's preposterous, of course we want to buy the right parcels. We think we are. If we can do it better we should. And if you want to stop approving these particular --

*(*Timer Sounded*)*

These particular planning steps resolutions for a period of time, you have the authority to do it, just table them like you're tabling everything else.

*(*Laughter*)*

If I can answer anybody's questions --

D.P.O. HORSLEY:

We do have some questions for you. You always bring about the best in us, Dick.

LEG. ROMAINE:

Absolutely. Let him loose, baby.

MR. AMPER:

And I always hope the best from you.

D.P.O. HORSLEY:

There you go. And we do appreciate our Planning Department, too, we love them as well.

MR. AMPER:

They're doing a great job.

D.P.O. HORSLEY:

I agree, I think you're right about that. Legislator Hahn.

LEG. HAHN:

Hello, Dick. Again, this morning you said, *"The merit of the acquisition should rely exclusively on its worth to the goals of Drinking Water Protection and Habitat Preservation."*

MR. AMPER:

That's what Sarah and Pam are doing.

LEG. HAHN:

And -- okay. And you talked about the Real Estate Department being able to prioritize. However, as we've discussed in many, many meetings -- and, in fact, you brought this to me -- the Master List properties do not have ratings. The hundreds of parcels of Master List properties that sometimes come before us do not have ratings. It is a yeoman's job to rate all of those parcels and to make sure that the ones that may be coming up for us are rated so that we know we have Pine Barren core. You know, this can come -- a Master List property can come before us and they say, "It's on the Master List, it's great. It's a core Pine Barrens property." But it doesn't have a number next to it, so that when we get a Beagle Club that's rated 24 or we -- and I'm just using that as an example.

*(*Laughter*)*

LEG. ROMAINE:

Wrong example.

MR. AMPER:

See, we would have -- I thought we had explained that that number is actually 43.

LEG. HAHN:

And we're still waiting to determine that.

MR. AMPER:

We wouldn't necessarily advocate for a 24 but, in fact, 24 is a fairly high number relative to what you've been buying. But we would like to -- we've actually volunteered the environmental community to help you update that list.

LEG. HAHN:

And we're going to move forward trying to do that, because if we --

MR. AMPER:

And we don't have the time now to do it before tomorrow.

LEG. HAHN:

If we can do this faster, everything will move -- you know, if my bill passes and we get this done within ten days, now everything will keep going forward.

What we want to have is we want to have an understanding of each parcel that comes before us, what else is in the pipeline, what else is possible soon and where -- and where are they ranked relatively.

And so I'm really, really struggling here with your statement of, "*Acquisitions should rely exclusively on the worth to the goals of Drinking Water Protection,*" which is the highest rating properties should go first. And this other concern to not want to slow down in a real estate market that is, I mean, unlike anything we've seen in a very long time. And this is really -- if there's ever a time to slow down, maybe take a step back and think -- you know, things aren't flying off the shelves right now.

MR. AMPER:

Okay, I should clarify some of this before I forget all of the questions. Clearly we'd like to help you with the Master List. But the stuff that's in contract, the stuff that you have not necessarily --

LEG. HAHN:

It's exempted.

MR. AMPER:

Those things would be allowed --

LEG. HAHN:

My bill wouldn't apply.

MR. AMPER:

Well, except that they're not moving ahead, they're either being held up in one committee or another. The de facto truth is that for the first time, we're not closing on deals we would have otherwise closed on.

The second thing that I want to clarify, and I owe you a very, very important answer. The Presiding Officer acted as though we don't have money to complete the deals for which we have contracts and your Real Estate Department has told you that is not so, we can do those. Then we need to decide what we have not contracted for and we think we can do that. In fact, if you don't want any more put on the table, don't put any more planning steps on the table until we get the matter resolved. Where we owe you an apology, Legislator Hahn, is that the Pine Barrens Society is not an opponent of your legislation as such; my colleague misspoke. We have had misgivings, we don't see the need that you see for the moratorium. But the fact of the matter, what you want to do to ensure that we're buying the best property when there's little money is something that everybody thinks, there's no dispute about that. Our concern here is simply that the issue that comes up around this table regularly is we're having hard times. This is a very, very, very difficult time, there's not a lot of money involved, as though the money that you could spend to control taxes or avoid layoffs could be legally used for anything else.

LEG. HAHN:

No, no, no. What actually the way that the recession does affect this land acquisition program is that it's dependent on sales tax revenue. So we actually do have less money because of the recession, because of the hard times we're facing because sales tax is down, so the amount that comes into the Quarter Cent Program is down, too.

MR. AMPER:

It's mostly because we're at pay-go, not because of the recession.

LEG. HAHN:

Mostly because we're at pay-go, you're right; 75% of the monies had to be spent on debt -- on the debt that we incurred when we accelerated the program. And that is exactly what we wanted to do, we wanted to buy everything first before it got developed, we wanted to bond against the future revenue, you all came down and asked for it.

MR. AMPER:

And we did a good job.

LEG. HAHN:

And we were successful.

MR. AMPER:

But 80% of your constituents say that we should not be stopping now, precisely because that same recession that's reducing sales tax income is reducing the cost of this land to the taxpayers. So now's a good time to buy.

LEG. HAHN:

And that's why we're not stopping the program.

MR. AMPER:

Well, good. That's very reassuring. Is there any question -- is there any part of this that isn't clear? I think --

P.O. LINDSAY:

Now, wait a minute. Twice you used my name wrongly, twice. You made a statement that I said we don't have enough money to purchase, what I said in the pipeline; not in contract, in the pipeline. If everything that has a planning step attached to it went forward, we wouldn't have enough money to complete those acquisitions.

MR. AMPER:

And nobody is proposing you buy any.

P.O. LINDSAY:

That's what I said.

MR. AMPER:

The pipeline to me --

P.O. LINDSAY:

So do not change what I said.

MR. AMPER:

I didn't. I took you to mean --

P.O. LINDSAY:

Yes, you did.

MR. AMPER:

-- what was in the pipeline because the --

P.O. LINDSAY:

Yes, you did.

MR. AMPER:

-- Real Estate Division and Planning have been describing what was in the pipeline --

P.O. LINDSAY:

Yes, you did, Sir.

MR. AMPER:

-- in your terms for about three months, Sir.

P.O. LINDSAY:

Yes, you did.

MR. AMPER:

Have you, in fact, ever suggested stopping this program?

P.O. LINDSAY:

You misquoted me. You misquoted me --

MR. AMPER:

Have you never made that --

P.O. LINDSAY:

You misquoted me when I said -- I'm not going to accept you yelling at me. Do you have anything?

MR. AMPER:

Nor you me.

P.O. LINDSAY:

Do you have anything else to add? If not, you could sit down.

MR. AMPER:

I do.

D.P.O. HORSLEY:

We have several other questioners, Bill.

MR. AMPER:

Since 1987, not these people, but this Legislature has done one of the most important things ever to be done on Long Island. The people of Suffolk County, as badly taxed as they are, have put up more money than the 45 -- the 50 states in this union, extra, if you would do one thing for it. And they don't like stopping a program that doesn't need to be stopped; it's their money and they want it continued.

P.O. LINDSAY:

Okay, but we're running out of money, that's the point.

D.P.O. HORSLEY:

Okay.

P.O. LINDSAY:

Who wants to talk?

D.P.O. HORSLEY:

Let's move on. I think we have Legislator Cilmi next.

LEG. CILMI:

Yes, thanks. Mr. Amper, thanks for being here. Question for you; can you describe to us your perception of the ranking system as it currently exists, how effective you believe it is, and if you -- if you can imagine certain improvements to that system, what would they be?

MR. AMPER:

What a great question. The answer is I think it's been very good. I think there's a portion of it that penalizes municipalities that don't partner that shouldn't be in the program, I would modify that. And if there was a town that was participating, I'd give them points on. That we have this case with the Beagle Club property where Riverhead has exhausted all of its CPF money exactly as it should, when the prices were lowest, that was the way it was intended, and yet there was this look to penalize them.

And I do have a problem in the review. I think the standards are good, but for the most part, only one pair of eyes looks at those and figures out how to apply those numbers and that's why we have suggested that the environmental community can do this. And in fairness, Mr. D'Amaro, the notion that we are either not experts or may have conflict of interest is not really reflective of the roles these people have played. And if you need to -- for us to supply some kind of credentials that we need to match against those of the County, we're happy to do that just to make sure that you're not in any way defrauding the public.

D.P.O. HORSLEY:

No one's arguing that you're not --

MR. AMPER:

The only other thing that I would do about that is that I would say we need to look more carefully at planning steps than we do on those in the Master List, principally because environmentalists produce the Master List. Nobody sitting around this table, I'm sure, but other members of the Legislature have proposed some that I would have thought ranked not quite as high as they did.

D.P.O. HORSLEY:

Thank you very much. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Mr. Amper, thank you for being here. And thank you also at the committees, because it's very helpful.

MR. AMPER:

You're hearing us at the committees, right?

LEG. D'AMARO:

I'm sorry?

MR. AMPER:

You're hearing?

LEG. D'AMARO:

I am.

MR. AMPER:

Okay.

LEG. D'AMARO:

Are you hearing me? (*Laughter*)

MR. AMPER:

I do.

LEG. D'AMARO:

I think you do, because I --

MR. AMPER:

Every time we say that we don't want you to do it you say, "And still I feel" (*Laughter*).

LEG. D'AMARO:

Well, you know, I am hearing you and I am -- I think we're 90% on the same page.

MR. AMPER:

Good.

LEG. D'AMARO:

Which is a good thing.

MR. AMPER:

Yep.

LEG. D'AMARO:

I think we both -- many people strongly believe in the program, the history of the program, the justification for the program, all the good that it's doing, it's taxpayer money, we've been directed how to spend it; I get all that, I really do. I want to go specifically to the legislation, the subject of the public hearing.

MR. AMPER:

Good.

LEG. D'AMARO:

I was -- it was very refreshing to hear you say that you're not necessarily opposed but had misgivings, and I thought that was your position.

MR. AMPER:

And I think we misstated that and I apologize.

LEG. D'AMARO:

Okay. You don't have to apologize, but I just want to make sure that we're clear in where you're coming from.

The bill as now proposed, which has been amended, would now permit the -- any Legislator could still introduce planning steps. The Legislature can still approve planning steps, in fact, and the Planning Department can still go ahead with any acquisition where a written offer has been made, which I think would cover most of the properties you may be concerned about.

MR. AMPER:

I thought those were absolutely sensational amendments to this legislation.

LEG. D'AMARO:

Okay.

MR. AMPER:

I think they're terrific.

LEG. D'AMARO:

Okay. Now, as you know, I had taken the position in the committee, at one of those committees, that if you're really going to have an effective reevaluation, I'm not so sure that you want to allow all those exceptions, but that's what the author of the legislation decided to do and that's fine.

So while we're rating the Master List -- let's say this bill passed, now we're rating the Master List properties and we're evaluating, introducing, maybe even approving planning steps and closings are going forward; what's your opposition to the bill at this point?

MR. AMPER:

Well, if they're going forward, that's fine. For the first time in the last 60 days, we have heard considerable discussion about they're not moving forward. If they're moving forward, that's fine. We're not getting appraisals done anymore, we're not advancing those next up the line. And moreover --

LEG. D'AMARO:

Well, I never directed anyone to stop doing appraisals. All I did was vote to table some bills recently because while we were having this debate, with the best of intentions to improve the program, I just didn't want to jump the gun and not table -- again, let me just finish.

MR. AMPER:

No, I understand.

LEG. D'AMARO:

Because a colleague of mine here today has said, "Well, you know, you don't vote them, you just table them," okay. Well, the reason why I did that is because I don't necessarily want to vote against these bills; in fact, they're all good acquisitions. My only concern was while we're debating coming up with this kind of macro rating system, I don't think it was prudent to go ahead in the last two, three or four weeks with those particular acquisitions until we got a handle on what we were doing with this whole larger debate. All right? So, you know, people can claim that they want an up and down vote, but I didn't want an up and down vote on that because I want to preserve these properties if they truly should be preserved.

MR. AMPER:

Well, actually you're on to something that I think would also be an admirable and effective way to improve the program.

You're finding yourselves now, after we heard from Mr. Dougherty, dealing with the issue -- and Joe Gergela as well. All these people thought that they had a deal and we don't want to give them the message that they don't. That suggests to me that maybe this Legislature in the future will need to sign-off on what they want to move ahead with at an earlier point in the process before we've already given these people to believe that there's a deal to be done. In some cases, they've invested money --

LEG. D'AMARO:

Well, let me -- uh-huh.

MR. AMPER:

-- in the property to make it acceptable for the acquisition. We are not saying a program can't be improved, we just don't want to destroy it in the process.

LEG. D'AMARO:

Right. I don't really want to engage in that issue because it's not what this legislation is now saying.

MR. AMPER:

Okay.

LEG. D'AMARO:

Because I would -- I think I could have a healthy debate with you about, you know, whose interest should I be worried more about; the person who signed the contract going into the system knowing that there was a chance that it might not be approved, or wisely spending taxpayer money, but that's not part of this bill. Under this bill, as proposed now, the properties that are in the -- that have already had the written offer and are in contract, even, can all move forward. So I don't -- I don't think, at this point, the way the legislation has been modified, that it stops the program in any way. We can still put in planning steps, we can still approve those planning steps and --

LEG. HAHN:

Actually, I just want to make a correction. It does say that you can't approve the planning steps. They can all be filed --

LEG. D'AMARO:

Okay.

LEG. HAHN:

The delay really is in we're not making the Planning Department rate everything and take all that time to approve the planning steps, but you were right about the other, about what is allowed to go forward; anything where a dollar amount has been offered --

LEG. D'AMARO:

Right.

LEG. HAHN:

-- to a landowner.

LEG. D'AMARO:

Right.

LEG. HAHN:

We'll allow those to come to us.

LEG. D'AMARO:

All right. So let me get to my last point, and thank you for that.

So now we get to the specific acquisition that seems to be caught up in this whole debate, which is the Beagle Farm Club?

MR. AMPER:

The Beagle Club.

LEG. D'AMARO:

The Beagle Club, yeah. Which another side issue on that was the whole thing that happened at committee, you know, who's actually providing the expertise and all that, but that's another side issue.

MR. AMPER:

Well, you were very complimentary to Mr. Turner when he was addressing you. And then when he made that same recommendation, that's when the question came up about the expertise. We had some of the finest naturalists --

LEG. D'AMARO:

Right.

MR. AMPER:

-- just trying to make a case that should have been made.

LEG. D'AMARO:

Right.

MR. AMPER:

And I think --

LEG. D'AMARO:

My shock and dismay was not about the individual or questioning their integrity because I don't know them; you do, I don't. My shock was that we were doing business in a manner without the disclosures and all that other kind of stuff.

MR. AMPER:

I think that your appraisal of the property and your assessment of its value was being better served by these folks taking a look at it than what has happened previous.

LEG. D'AMARO:

And I give that a lot of weight, I really do. But that's a whole nother (sic) side issue which really doesn't affect this legislation.

So the Beagle Club was tabled and I voted to table it again because, again, with this larger issue going on, I wanted to ensure that with the limited pool of money that we have that we're going to spend it wisely. But you believe, or I'm asking you if you agree or you feel -- is it your position that that acquisition should go forward under the old system, for lack of a better way of putting that, without any consider -- given the limited money we have, without any consideration to all these other 42 pending acquisitions where offers have even been made; you believe that we should just go ahead with that.

MR. AMPER:

If it were the only one there or if it among a hundred, it should go ahead. But beyond that, and apparently the Presiding Officer and I are having a misunderstanding of what constitutes being in que. We can do all 42 and we should, both on the merits of those parcels, but also because we, in these cases, have made an offer and given them to believe that we were moving ahead. Where you were particularly helpful, Sir, was to say the contents of this bill by itself should not be that problematic, and that is so. If it were only the case that Legislator Hahn's legislation was permitting all that you say is permitted, that would be fine. It is our observation of what is happening in committees and what is happening in the Real Estate Division about what is happening to those parcels that suggests that it may not be her legislation but some other reflection of the will of some of the members that we shouldn't be doing. That is the cause of concern, not anything that this woman has done with the best of intentions.

LEG. D'AMARO:

Okay, and I appreciate that. And I will not --

MR. AMPER:

I'll keep the distinction, it's very important.

LEG. D'AMARO:

I will not ever speak for my colleagues, only for myself, and that's certainly not my intention, as you know. All right, thank you. Thank you, Mr. Presiding Officer.

D.P.O. HORSLEY:

Thank you very much, Legislator. Is there any further questions of Mr. Amper?
Yes, Mr. Schneiderman, if we can make it quick.

LEG. SCHNEIDERMAN:

Yeah, I'll be brief. We just spoke of the Beagle Club Property and, Dick, I appreciate you coming out. There's another property you had spoke of in the past which was in East Quoque, a property called The Hills which is one of the largest properties ever approved for planning steps.

MR. AMPER:

I did feel like I should be heading for the hills.

LEG. ROMAINE:

(Laughter).

LEG. SCHNEIDERMAN:

Exactly, that's 450 acres. And the town, as our 50% partner, has already paid to appraise this property, but the County, even though this was approved in June of last year, has never appraised it. And so we have a seller who has taken this off the market for quite a number of -- you know, for half a year or more now, waiting to see what the County offer might be to decide whether to take it or not, and this property would be caught up in this moratorium because it's not in contract. Had the County actually progressed the appraisal, it probably would be at that point, so it seems to me it's inherently unfair to this parcel. But that -- you had an opportunity to speak about the Beagle Club; do you have anything to add on The Hills?

MR. AMPER:

That is a terrific acquisition. If it were ranked, it would rank extremely high. We should move that ahead, even as we are refining and -- by the way, there's nothing the matter with the very reasonable assertion on the part of many Legislators that the less money we have to spend on these things, the more careful we need to be what we're actually buying. I think this one would rank that way. But I don't want to see it slow. I think we should get an appraisal on that and then the County Legislature should decide whether or not it wants to buy that.

We in the private sector, if you would, constantly think we can do things faster than government sometimes. And if you will take the offer of Citizens Campaign and the Pine Barrens Society and Group for the South Fork and The Nature Conservancy and I think North Shore Land Alliance and others to come in and see if we can streamline what you want to see done, give us the job and blame us if we don't do it. What we don't want to do is see the program stop or the funds diverted, and that did not come from Legislator Hahn's bill but from other remonstrations of this esteemed body.

D.P.O. HORSLEY:

Thank you very much, Mr. Amper. Anyone else have any questions of Mr. Amper? Thank you very much.

MR. AMPER:

Thank you very much.

D.P.O. HORSLEY:

We very much appreciate it. Sir, why don't you come on up.

MR. VIELBIG:

Thank you for letting me speak. My name is Peter Vielbig, I'm on the Community Land Preservation Board at Shelter Island. I also am a seasonal bay constable, so I get to see the land side and the water side of our beautiful territory.

Without reiterating what my predecessors have so eloquently addressed, and also because I don't know as much about it as they do, I just want to make a few observations. I'm going to use a couple of metaphors. And I'm a first-time Legislator speaker, so you'll have to forgive me, but I have heard it said before that legislation is the process of making sausage. Well, in this case it sounds like someone stopped grinding the grinder.

P.O. LINDSAY:

You have to stay in front of the mic because we can't hear you up here. Okay?

MR. VIELBEG:

Someone may have stopped grinding the grinder for 90 days, as the Legislator has said, and wants to continue holding the handle so that no sausage comes out of the meat grinder.

The second, I guess, analogy is I've felt that this is a case of the camel sticking their nose under the tent, and I've been assured that that's not the case. But I'm not sure how many of you here have control over what the copy editors and headline writers at Newsday have to say. Will they use the "M word" or not? And once that bell is wrung, it's wrung for anybody who has read the article.

I think that in terms of I heard someone here speak about protection for the taxpayer, you know, that for every dollar of land that's developed that's added to the tax rolls -- in other words, new real estate taxes -- we spend \$1.30 in infrastructure expenses down the line. So in terms of the economy or helping out the taxpayer, we're actually, by preserving properties, saving a dollar or 30 cents on the dollar, excuse me, which is a pretty good deal.

I got my sense of the beauty of this place 60 years ago jumping into fresh pond -- Deep Pond over at Camp Wauwepex over in Wading River, I don't know how many of you know that beautiful spot, but I have been coming out here from Nassau County to the East End since that time.

And just one final word. Our open space here on Suffolk County is really our Grand Canyon, our Yosemite, our Niagra Falls, and we're foolish not to fool with something that's worked in preserving this beautiful treasure, heritage basically. And anything we can do to continue preserving open space. If this legislation, in fact, does it, although it doesn't sound to me like it does, we should be doing it. This is our heritage, this is why Suffolk County is such a beautiful place and this is why people come out here and spend their vacation and entertainment dollars. Thank you.
Any questions?

P.O. LINDSAY:

I don't think so. Thank you, Sir.

Okay. There's no other speakers. Legislator Hahn?

LEG. HAHN:

I would like to make a motion to close.

P.O. LINDSAY:

Okay. Second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

We had a hearing notice posted about a CN that's in the packet. It's ***(Public Hearing on) IR No. 1296***, which is ***(Adopting Local Law No. -2012), A Local Law to create the Suffolk County Landbank Corporation. (County Executive)***. I believe we have one card; Maureen Dolan-Murphy.

MS. DOLAN-MURPHY:

Thank you. Good afternoon. Maureen Dolan-Murphy, Executive Programs Manager with Citizens Campaign for the Environment. CCE is a not-for-profit, grassroots, environmental organization working to protect our land and water. CCE strongly supports the resolution to create a Suffolk County Land Bank Corporation. This unique corporation will help to remediate blighted Brownfield sites throughout the County, particularly in western Suffolk County where the vast majority of these properties are located. These vacant, run-down lots can be cleaned up and transformed into productive areas for smart growth, open space or affordable housing. This process achieves the critical goals of creating jobs, protecting our environment and expanding the local tax base.

A land bank is a simple solution to a complicated problem. There are approximately 83 properties with 76.8 acres of Brownfield that could be transformed. These properties run the gamut from commercial, industrial and residential. Former uses include gas stations, sand mines, auto body shops and dry cleaners.

Many of the properties are classified as Brownfields. Brownfields are defined in New York State Environmental Conservation Law as any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant. Redeveloping this -- these sites reduce suburban sprawl, increases the tax bases, cleans up the environment, prevents groundwater contamination, encourages urban revitalization and creates jobs for the community and surrounding communities. Redeveloping these properties links economic vitality with environmental protection.

Successful land bank programs can be seen throughout the U.S. The Land Bank Program in Genesee County, Michigan, allows that County to acquire abandoned land through the foreclosure process and determine the best use of that land. The land bank assembles land for transfer to adjacent homeowners, develops long and short-term green spaces and assembles land for new housing and commercial development. The process provides a clear mechanism to restore the integrity of degraded communities by removing dilapidated structures and redeveloping abandoned properties into productive and clean spaces.

Since 2004, 300 side lots have been sold to adjacent homeowners, 65 houses for rent, 30 houses renovated for sale and 150 units for affordable housing. In Cayuga County in Iowa, the mission of the land bank is to strategically acquire properties, return them to productive uses, reduce flight, increase property values and support community goals and improve the quality of life for residents. Governor Cuomo has signed into law an amendment that allows the creation of ten land banks throughout the US -- throughout New York, sorry. The Empire State Development Corporation accepting -- is accepting applications to establish the first five; applications are due March 30th.

We applaud the Legislature and the County Executive's Office for working collaboratively to find innovative solutions for the public. We encourage the Legislature to move swiftly to meet the March 30th deadline and to not miss out on this opportunity to improve neighborhoods, protect drinking water and bays, clean up vacant, abused properties and encourage economic growth throughout Suffolk County.

(*Timer Sounded*)

P.O. LINDSAY:

Thank you. Could you wrap up, if you have anything else to say? That's it?

MS. DOLAN-MURPHY:

That's it.

P.O. LINDSAY:

Okay. Do we have any questions?

LEG. ANKER:

For Sarah, I have a question for Ms. Lansdale.

P.O. LINDSAY:

Thank you very much.

MS. DOLAN-MURPHY:

Thanks.

P.O. LINDSAY:

Okay. Does anybody else want to speak on this subject?

Yes, Mr. Zwirn?

MR. ZWIRN:

Thank you, Mr. Presiding Officer. I just want to indicate that this -- the land bank that we have before you was first suggested by Legislator Gregory. We asked the Planning Department back last year to look into this and do a study.

The reason we're bringing it to you by CN today is because Governor Cuomo last summer signed the bill that authorized land banks, and we have Bob Braun from the Law Department and Sarah Anker (sic) from Planning here to answer any additional questions that you might have. But we have a time constraint, because these have to be filed by the end of March for them to be considered.

P.O. LINDSAY:

Ben, what I'm trying to do is close the hearing so we can bring it up on the agenda and debate the bill. Okay?

MR. ZWIRN:

Thank you.

P.O. LINDSAY:

Okay. Okay, if there's nobody else that wants to offer testimony on the bill, I'll make a motion to close.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by who?

D.P.O. HORSLEY:

Legislator Gregory.

P.O. LINDSAY:

Gregory? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

It stands closed.

Okay. And now we have -- we have to set -- that concludes our hearings for today. And I want to set the date for the following Public Hearings of March 27th, 2012, 6:30 PM at the Rose Caracappa Auditorium, Hauppauge;

1233, a Charter Law to clarify the process for distributing public safety sales revenues to municipalities outside the Police District;

1288, a Local Law to ensure storage of controlled medications at pharmacies located in Suffolk County;

1291, a Local Law to modify requirements for contract agency funding;

1295, a Local Law to further strengthen the County's registration, non-profit veterans organizations;

And 1055, it's to reopen a Public Hearing, it's on a Local Law to increase licensing fees for motor fuel facilities operating in Suffolk County.

I need a -- I'll make the motion. Do I have second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, that concludes our Public Hearings.

And while it's fresh on my mind, I'd like to make a motion to take 1296, the land bank resolution, out of order.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, it's now before us.

(IR 1296-12 - Adopting Local Law No. -2012), A Local Law to create the Suffolk County Landbank Corporation (County Executive). And Mr. Zwirn, if you guys want to make a presentation about the bill now, it would be appropriate.

LEG. CILMI:

Do you want a motion?

MR. ZWIRN:

Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

We took a vote on taking it out of order, right?

LEG. CILMI:

Out of order, yeah, we did.

P.O. LINDSAY:

Yeah.

LEG. CILMI:

Shouldn't we have a motion to approve and a second for purposes of discussion?

P.O. LINDSAY:

Sure. Yeah, we can do that.

LEG. GREGORY:

I'll make a motion to approve.

LEG. ROMAINE:

Second.

LEG. CILMI:

I'll second.

P.O. LINDSAY:

Okay, second. The bill is before us.

MR. ZWIRN:

Thank you, Mr. Presiding Officer. As I said, Bob Braun from the Law Department is here. The purpose that we're using this for, this -- under the Suffolk County Tax Act, with respect to Brownfields, we have not been able to sell Brownfields because they cannot be sold for less than the amount of taxes that are owed on the property. And because the properties are suspect, nobody is bidding on them because they don't know what they're buying, and if they have to pay the back taxes it may not be worth it for them not knowing how much money they're going to have to do to remediate the property.

The land bank would be able to allow us to sell these properties by transferring the properties and the properties that would be transferred would have to be approved by the County Legislature in advance. It's not as if we just transfer any property that we have on the list and move it into the land bank; each one would have to be done before the Legislature so that you wouldn't lose control of properties that are within the districts that you have. But it would allow, then, for the properties to be sold below the taxes that are owed on them and try to get these properties back on the tax rolls and to be cleaned up and developed. That is the purpose that we're using the land bank program for and that's primarily why we're here, because the legislation -- there are going to be ten,

apparently, around the State. It is a competitive process. We're trying to get it in the first round, which is now. I know Legislator Cilmi has put a couple of bills in, laid on the table; those bills should stay on the table and should be discussed as a committee. This is not -- you can use a belt and suspenders approach, one does not necessarily preclude the other. But we think this is a very good way to go to try to get these properties back. I mean, we care about -- these properties are just sitting there, and they're in communities where people are very much concerned about what could be there. And this is one way for us to try to help get the private sector to come in and take a look at them and to try to get them sold. As I said, I'll ask Bob and Sarah to come up if there are any other questions; otherwise, we'd --

P.O. LINDSAY:

Just before there's any questions, just so if I grab the concept. The Governor signed the enabling legislation last year.

MR. ZWIRN:

Yes.

P.O. LINDSAY:

Now, it's up to us to say, "Yeah, we'll dispose of this property, even if we get less money than what taxes are owed on the property."

MR. ZWIRN:

That's correct.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

Otherwise we wouldn't be able to do it.

P.O. LINDSAY:

Otherwise we wouldn't be able to sell it, okay. Legislator D'Amaro.

LEG. D'AMARO:

I just want to clarify something. Ben, I just want to understand the mechanical part of it. Right now the County has a lien, not in title but we have a lien on property that is -- we don't want it going to the chain of title.

MR. ZWIRN:

Right.

LEG. D'AMARO:

And we can't sell the lien --

MR. ZWIRN:

Right.

LEG. D'AMARO:

-- because no one wants to buy it because of the cost and all that, the unforeseen costs. So what exactly are we transferring to the land bank? We don't own the property and we're not going in the chain of title; what are we giving the land bank? The lien.

MR. ZWIRN:

The lien.

LEG. D'AMARO:

So the land bank is going to take the lien, so the owner of the property that defaulted on the taxes is still in title. So now the land bank holds the land.

MR. ZWIRN:

Right.

LEG. D'AMARO:

So what does the land bank do; do they foreclose the lien?

MR. BRAUN:

My name is Robert Braun.

LEG. D'AMARO:

Hey, Rob.

MR. BRAUN:

I'm an Assistant County Attorney.

LEG. D'AMARO:

Thanks for being here.

MR. BRAUN:

My pleasure. Thank you. The land bank has a number of options. It can either foreclose the lien, become the owner and clean-up and redevelop the property, or it can -- then it can sell the lien to a third party. The third party then could, under the environmental clean-up programs that the State and the Federal government have available, agree to a clean-up program with the appropriate agency and not take title to the property. Yet once the clean-up program is approved and the buyer's liability is limited to the cost of that program, then the land bank can transfer either the lien or have the Treasurer transfer the property to the buyer in the same way as the Treasurer currently transfers other properties directly to the County.

LEG. D'AMARO:

And that's -- that all makes sense to me. So the -- let me ask you this question, then; this is really my only question. The County sells the lien or gives the lien to the land bank?

MR. BRAUN:

The County gives the lien to the land bank. But what's I think been proposed is that the land bank continue to have the obligation to return to the County the full amount of the lien until that lien would have been satisfied.

LEG. D'AMARO:

So --

MR. BRAUN:

So that any cash flowing into the land bank, after its expenses are covered, keeps coming back to the County.

LEG. D'AMARO:

Okay. So when we --

MR. BRAUN:

And then we get the maximum -- I'm sorry, the maximum amount out of each property.

LEG. D'AMARO:

Got it. So when we transfer the lien to the land bank we, in effect, get an IOU.

MR. BRAUN:

Correct.

LEG. D'AMARO:

And if any funds materialize in connection with that particular lien and the underlying property, the County first would be made whole; is that correct?

MR. BRAUN:

After -- I mean, there would have to be some priorities set which have not yet been done.

LEG. D'AMARO:

Right.

MR. BRAUN:

But after some expenses are covered, administrative expenses, the proposal is, for example, that the County will send personnel to the land bank, but the land bank ultimately would have to pay the County for those.

LEG. D'AMARO:

Okay.

MR. BRAUN:

Those expenses.

LEG. D'AMARO:

And at the end of the day, the advantage to doing this is that the land bank, unlike the County, can dispose of the liens for less than a hundred cents on the dollar.

MR. BRAUN:

Correct.

LEG. D'AMARO:

It's just kind of like what you cannot do directly we can do indirectly.

MR. BRAUN:

Yes.

LEG. D'AMARO:

You gotta love it (*laughter*).

MR. BRAUN:

And ultimately the County gets the benefit of having the property back on the tax rolls and having people pay taxes.

LEG. D'AMARO:

Very good. Thank you. Thank you, Mr. Presiding Officer.

LEG. GREGORY:

Mr. Chair, if I may, just to add that the land bank has been used as a very successful mechanism to dispose of properties like Brownfields and other properties that municipalities own throughout the country.

MR. ZWIRN:

And if I might add, Legislator --

P.O. LINDSAY:

I didn't know who was talking. I've got a list here. All of a sudden there's somebody else talking. Did you get your answer?

LEG. GREGORY:

Yes.

P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

Ben, a quick question, hopefully. You said that in order for the property to go into the land bank, it has to be approved by the Legislature, right?

MR. ZWIRN:

That's correct.

LEG. MONTANO:

Now, how is that done? Is that done -- is each individual property voted on individually by the Legislature or will there be sort of an Omnibus bill listing all properties or a master list? How do you -- is the bylaws or is that process laid out? I mean, if you want to know why I'm asking the question, I'll --

MR. ZWIRN:

I understand why you're asking the question.

LEG. MONTANO:

Okay.

MR. ZWIRN:

And I think we would suggest doing it similar to when we do auction properties. The Legislature takes a look and there are certain parcels in their district that they said they'd like to use for affordable housing or for some other purpose, and in past we have pulled those properties off the list. We're not trying to, you know, take the Legislature, you know, out of their own districts and control properties that are there; they may have input with that. So I think if we did it individually -- how many properties do we have, about 80?

DIRECTOR LANSDALE:

Eighty-three.

MR. ZWIRN:

There are 83 properties in total that we have currently.

LEG. MONTANO:

Well, the reason --

MR. ZWIRN:

But we're not going to do them all -- we're not going to give you a list of 83 and say, "This is the group we want." We'll do it on an individual base, we can do it on --

LEG. MONTANO:

Well, that's -- and I appreciate that and that's where I'm going. For instance, when you package 50 properties, then someone may be opposed to a particular, you know, property, but doesn't want to vote against the other 49. So what I'm looking for is some kind of guarantee or commitment that when we look at these properties that we're going to be transferring, that we get to look at them individually; in other words, I don't want a master list where it's a problem. So do you have -- have you identified how you're going to do that and can you assure me that each property will be looked at individually so that each Legislator from that district gets, you know, an opportunity to express yea or nay without messing up another property that may be on that list. Do you follow me?

MR. ZWIRN:

I understand. I don't think -- that's not a problem. Look, we want to work -- we want to work with you and we're all in this together, so.

LEG. MONTANO:

Okay.

MR. ZWIRN:

We're trying to get these properties back, cleaned up and back on the roles for the benefit of the people in the County and in the community. So I don't think -- there's a good faith effort here to try to work with all the Legislators to get this done.

LEG. MONTANO:

Okay. And the reason I'm asking, and I spoke with Sarah earlier, that we have -- years ago we passed two bills on two particular properties, Liberty Plating in Brentwood which is on Suffolk Avenue and the MacKenzie Chemical Plant in CI, so I have a particular interest in that. And I know that Legislator Cilmi has some properties that he and I had been discussing before this came up. So I just want to be sure that if and when those properties are transferred, that we have the ability to look at it individually and not part of a package. So I see you're shaking your head and that assures me, so.

MR. ZWIRN:

Our intent is to work with you, not -- it's a new Administration. We're trying to work with the Legislature to try to get things done cooperatively.

LEG. MONTANO:

Famous last words, but I got you on the record.

MR. ZWIRN:

(Laughter).

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

And we're still trying to get used to that.

*(*Laughter*)*

Legislator Kennedy.

LEG. KENNEDY:

Yes. Thank you, Mr. Chair. You may have said this already, so let me start at the beginning. Why are we doing this as a CN?

MR. ZWIRN:

Because under the authorizing legislation that the Governor signed, we have to get an application in by March 30th, that's our deadline.

LEG. KENNEDY:

Okay. And are there any other land banks that have been created yet in New York State as a result of this legislation?

DIRECTOR LANSDALE:

No. However, Syracuse last night passed a -- went through the similar process of what's before you today and passed a Local Law authorizing the creation of a land bank.

LEG. KENNEDY:

Okay.

LEG. GREGORY:

And if I may, the legislation that passed last July only allows for ten in the whole State. This bill was originally modeled for Upstate counties. So with -- with us being in first, you know, we really kind of took the lead on this in Suffolk County. And there's been an interest of the State and us pursuing this, that we get ahead and then try to get it designated as quickly as possible because we don't know what the competition is going to be for the next round, whenever that round is designated.

LEG. KENNEDY:

Okay. Thank you. Let me talk to the lawyer now; Mr. Braun?

MR. BRAUN:

Yes. How are you?

LEG. KENNEDY:

Good, fine. How are you?

MR. BRAUN:

Good, Sir. Thank you.

LEG. KENNEDY:

Relative to what Legislator D'Amaro was talking about, the lien is something for us in Suffolk County here, as you well know, which is unique to us in Suffolk County because we're special act.

MR. BRAUN:

Correct.

LEG. KENNEDY:

Has anybody explored yet whether or not we go through what's -- we go through this process which separates the lien from the reality, which up to this point I've never heard of or seen. Has anybody explored whether or not an insurer will actually embrace that and now ensure this parcel as lien-free?

MR. BRAUN:

The -- the property's really not separated from the lien; I think it's more who owns the lien. Currently the County owns the lien. If the County wanted to sell it rather than take title, the County could do that now.

LEG. KENNEDY:

Because we have that authority under the Tax Act, we've exercised that we will always reclaim all liens in the first instance and not put them out to market them.

MR. BRAUN:

Correct. We --

LEG. KENNEDY:

Okay.

MR. BRAUN:

That's the procedure that that we currently use, but it's not the only procedure that we might use.

LEG. KENNEDY:

Okay.

MR. BRAUN:

We might sell the liens. And it's my understanding that in the past we have tried to do that specifically with Brownfield properties, but couldn't get any bidders who were willing to pay what you would consider the upset price, which is the amount that's owed on that lien. So the property -- the lien continues to be attached to the property and the property follows the owner of the lien until the owner of the lien either forecloses on it in a court action or the Treasurer writes a deed, as the Treasurer currently does, in favor of the County.

LEG. KENNEDY:

Okay. I'm still trying to follow how we get this thing from being bundled up and unmarketable to something that actually somebody can acquire and have good title on.

MR. BRAUN:

Because the Land Bank Act, which is a new Article 16 and a not-for-profit corporation law, says, "Notwithstanding any other provision of law, the municipality that owns the lien may transfer it on whatever terms it deems is appropriate." And so we could give it to the land bank, we could sell it to the land bank or to anybody else who wanted it. Excuse me, just to land bank and they can give it to anybody else who wanted it on whatever terms they come to. So the ownership of the lien will ultimately result in ownership of the property, and so the property is kind of just sitting there waiting for that to happen. We're talking about doing this, of course, once the redemption period is over.

LEG. KENNEDY:

I understand.

MR. BRAUN:

Not before that.

LEG. KENNEDY:

Okay. I've heard the term Brownfield and other terms, but let's go specifically to properties that would be eligible to be entered into the land bank. Must it be an environmentally compromised property or a Brownfield?

MR. BRAUN:

No. Not by the enabling legislation, no. And in fact, in other communities they're using it for other purposes there, at least they're applying to use it. Nobody else in the State has this yet. But the -- they use it for affordable housing, workforce housing, open space, they use it for lots of things.

LEG. KENNEDY:

So then who sets the definition as to what categories of property could come in; do we or does the State-enabling legislation?

MR. BRAUN:

No, no, no, the enabling legislation lets municipalities use a land bank to rehabilitate any property, blighted for whatever reason.

LEG. KENNEDY:

Okay.

MR. BRAUN:

But what this Legislature approves, of course, is up to it. So what -- it's the intention to bring Brownfield properties before you, but if someone wanted to introduce an Introductory Resolution which was to propose to put in affordable housing and put it in the land bank for that reason, then that could be done as well.

LEG. GREGORY:

Okay, if I may. Originally, when I had looked into this legislation, my focus was on providing affordable housing, because that's -- generally that's the use that other land banks have used throughout the country. My bill that was passed asked the Planning Department to do a feasibility study. And when they came back to me, the Director and her staff, they said, "Well, you know, we kind of do what other municipalities do as far as affordable housing, we get 72-h programs, 72-h houses, we can auction properties which land banks are doing in other municipalities." But where we really see our best use and benefit for this program is for Brownfields, because they're just laying dormant, nothing's happening. We tried to dispose of them through sale of the liens and that hasn't been successful, generally because of the State -- the Suffolk County Tax Act which doesn't apply to the land banks itself. So we saw -- that's when we kind of refocused ourselves on just addressing the Brownfields. But the program itself can be expanded to any properties that are in the County's possession.

LEG. KENNEDY:

Okay. I'm going to make, I guess, the request just to the three of you and then I'll yield. That I assume this is going to go through today. It seems like an issue that many of us need to be able to work with because of distressed properties. But I'm going to ask you to have a more substantive conversation with the Land Title Association or some of our insurers, just to get their take and aspect. We may be viewing something that appears to be an excellent tool, but absent the ability to insure, they property's not going to move.

MR. BRAUN:

Legislator, I believe that once the deed is issued, the property will be insurable. The lien will have been off the County's books.

LEG. KENNEDY:

You and I --

MR. BRAUN:

But yes, we can certainly do that.

LEG. KENNEDY:

-- might agree to that, but as you and I know, if the insurer doesn't agree, then the transaction doesn't occur.

MR. BRAUN:

I'll try to have that conversation tomorrow.

LEG. KENNEDY:

Thank you.

MR. BRAUN:

Thank you.

*(*The following testimony was taken & transcribed by
Diana Flesher - Court Reporter*)*

D.P.O. HORSLEY:

Are you done? I guess he is. Legislator Anker.

LEG. ANKER:

I just have -- I think -- I'm going to break it down to two questions. The first question I'm looking through the information about land banks and I guess it's on page -- page five and it's under Section 7. It's under Executive Committee and it talks about expenditures. And I know the last page, you have -- it says zero -- the General Fund, of course, is zero, you know, no costs to taxpayers or whatever. But I just want to get a clear idea of -- what is the cost of this program? I guess this has to do with expenditures. And it says any expenditure in excess of \$2500 shall be authorized by vote of the board. What is the expenditure of this committee?

MR. BRAUN:

The -- the way the bylaws are written, it's a little broader than the way we anticipated will actually be used. Certainly the land bank might want to have stationery printed or something, and in that case they might be able to spend a few dollars. But it's -- at least conceptually, what I think we have in mind is that the land bank uses existing County personnel, existing County resources and we keep track of time spent and materials used, and phone bills and whatever else is appropriate. And then as the land bank brings in money from the sale of these properties, it reimburses the County for those expenses. Those -- some of the provisions that are contained in the bylaws are there to give us a little breathing room on some of these issues. That's all.

LEG. ANKER:

Okay. Yeah, again, I just wanted to clarify what that -- what that meant. The other, you know, concern that I had, and I brought this up at a former meeting, was what is the status of the properties in relationship to the Federal and State Superfund Site funding?

MR. BRAUN:

There's no direct relationship, but there are limits in some of the laws as to what is considered a Brownfield property. But, again, any property on which the County owns the tax lien, even if it doesn't yet own the property, the County might decide to transfer it to the land bank to deal with in accordance with whatever law might apply. So, I don't think there's a direct relationship between the concept of a Superfund property and whether or not the property is eligible to be transferred to the land bank.

LEG. ANKER:

So, my concern is, there's a property, say, for example, and it's an auto mechanic shop and it's got some barrels of oil or something, toxic, whatever, and it could be classified as a Superfund site, for whatever reason. If there's -- you know, if it has certain chemicals that's even more of an issue. Is there a way that we can check first to see if it's funded through those sources of funding? They have millions, hundreds of millions of dollars to clean up those Brownfields. What -- how does that fit into what we're doing?

MR. BRAUN:

It's a little difficult for us to do the level of investigation of each of these properties that we would need to do while someone else is the owner. Unless the most recent titled owner wants to give us some kind of access to the property, then we really -- we really are somewhat limited. And that's why it's -- someone used the analogy that in some respects it's like buying site-unseen. Whoever might bid on our tax lien would have to know this is a former gas station where there's one barrel of -- a rusting oil drum in the back, or this is a place where they dump mercury in the ground for 30 years, and they would have to know what they're dealing with. They then would have to take some business risk in doing that. But at least -- excuse me -- it gives us the opportunity to move these properties forward where right now we have no opportunity.

LEG. ANKER:

But how would the -- so basically it's hit or miss. If the property is available for this land bank, if someone wants to buy it, they're not going to know how contaminated the property is.

MR. BRAUN:

Well, there are some ways -- I mean, each of these properties that's been identified, has been identified on some basis. They -- you know, we've decided that they're contaminated based on something. And it's, I think, part of the way this will work, is that we make whatever reports we have available to potential bidders before they bid, so they know at least what we know about the properties.

LEG. ANKER:

Okay. And, again, I think it's a wonderful idea. We need to move these Brownfield properties. You know, I'm sure there's -- you know, there's a lot we can do and this is one of the options, but again, what I'm thinking of right now is Lawrence Aviation in Port Jeff.

MR. BRAUN:

Right.

LEG. ANKER:

And how long it took to clean up that property. And they gave {Coen} plenty of time to go in there and clean up the property. But what happened is, it become worse. Ten years down the road, Port Jefferson is now contaminated. The Town of Port Jefferson, TCE everywhere. And if we were to back up in time ten, fifteen years prior and gone in there and said, you know, "clean up your mess," it wouldn't be as contaminated. And, again, that's my greatest fear in letting these properties just sit. Do you have -- what is your response and how can you help me understand that this will not be an issue?

MR. BRAUN:

This is -- this is a way in which the properties will -- we hope will sit for shorter amounts of time rather than continue to sit. Some of these -- the property that you mentioned has been there for, I believe, over 20 years in this condition. The idea is to -- a mechanism to help us get this out of our stagnant area and into productive use again. And this is a shot. It may not be the only shot. There may be State legislation that enables us to do other things, perhaps. This is only one of maybe several parallel paths that the County could take. And there's no requirement that any particular property go through one path rather than another. But this is one that we can control better because the County gets to ask the State to approve us as one of the first five land banks and that application, as has been said, has to be in by the end of this month. So, we hope that if this goes forward, we will then be in a -- at least have one mechanism that we can use to move these properties.

LEG. ANKER:

Okay. And again, I can only put my confidence in your team there, Sarah and Ben and John and the people that I know are trying to do the right thing. So I wish you, you know, best of luck. And again, if the Legislature can help you in any way, I'm sure we will be there to support you. Thank you.

MR. BRAUN:

Thank you. Thank you.

D.P.O. HORSLEY:

Thank you, Legislator. Legislator Cilmi.

LEG. CILMI:

Yes. Thank you, Mr. Chair. This is -- I'm really excited about this -- this legislation. As many of you know, I've been working on this issue of Brownfields since I got elected. And this is really an out-of-the-box way of dealing with one of the most vexing problems we have here in Suffolk County, the issue of Brownfields. And when I first got involved in the issue, it became very apparent to me that, you know, we were -- those of us -- those who are in government were confounded by the laws that currently exist that really prevented us from dealing with these -- these issues.

And the Brownfields are not -- these properties are not only posing quality of life issues in communities because they're often times blighted; potentially public safety issues, because, you know, kids and vagrants are finding their way onto these properties and vandalizing buildings. They pose economic problems because, as we all know, that although we're not collecting taxes on these properties, we are, in fact, paying property taxes to all of the other taxing jurisdictions on these properties. So, there's an economic cost to our taxpayers and to Suffolk County.

In addition to that, and perhaps most importantly, is the potential environmental impact that these properties may have on communities and the potential public health impact those environmental problems may have. And the problem with these properties is that we don't know that there's a significant environmental impact because we don't have the ability to go onto the properties and check them thoroughly because we don't own them. And we don't want to own them because we're scared that the environmental impact may be significant and, therefore, it might cost us a ton of money to clean up.

So, this is a way that we can get these properties back onto the tax rolls, make sure that the entities that are purchasing the properties return them to productive use, clean them up so that -- so that they're not posing environmental threats or public health threats in the future and remediate the quality of life issues that may exist as a result.

So, although I have to admit being somewhat -- somewhat cautious when -- when we first spoke about this, conversations with the County Executive's Office and with Legislator Gregory have allayed those concerns. And I'm really excited that not only am I going to be an integral part of this organization going forward, in that, you know, we'll be able to in turn have a significant impact on not only our economy in Suffolk County but our environment in Suffolk County as well, but that the County Executive has said -- and, Ben, please confirm this for me, if you would, that the County Executive envisions this going forward in parallel with three resolutions that I have sponsored that also deal with this situation.

And I'll briefly touch on those three resolutions. The first of which is a Home Rule Message, which we'll be voting on today, HR 5-2012, which basically supports an Assembly bill which was sponsored by Assemblyman Englebright and a companion Senate bill which is sponsored by Senator Marcellino, which would effectively change the Suffolk County Tax Act to allow the County to deal with these properties outright. Now, while that may happen, it's been proposed for years and it's never gone

through. So, I think the County is prudent in pursuing this land bank legislation now. Additionally, the land bank legislation avails us of some foundation funding, which we wouldn't otherwise have even if we didn't have this constraint of the Suffolk County Tax Act.

The second bill that I sponsored is a bill that asks our Health Department to prioritize the properties that we have that are considered Brownfields and to do so within a year, so that we know which are the more problematic properties and which ones we should deal with more quickly and which ones are less of an immediate concern.

The third bill I have is a funding mechanism to help our Health Department do that. And the funding mechanism is -- is a Capital Project bill which takes \$250,000 out of that -- out of the Legislature's two-and-a-half million dollar infrastructure fund and uses it to -- gives it to the Health Department to help them with investigation and cursory remediation of some of these properties.

So my understanding, Ben, and please confirm, is that the County Executive fully supports those three bills and hopes that in addition to the land bank legislation that we're going to vote on today, those three bills proceed in parallel; am I correct?

MR. ZWIRN:

Well, I haven't had a chance to talk to the County Executive about all of them personally. But I know that -- certainly the most far-reaching bill that you have is the Home Rule Message right away to try to get the Suffolk County Tax Act passed, the amendments made, and we've been trying to do that for years.

I -- the money that you want to take out of the Legislators' account is something that -- that'll be dealt with by the Legislature. And the County Executive, I think, traditionally has kept hands off that account and how the Legislature spends that money is up to the Legislature. But certainly prioritizing the properties would certainly be something that the Health Department can do. I just don't know about -- I'm not going to get involved, I think, on the County Executive's part on expenditures that the Legislature would -- the funds that they have traditionally used for projects that is within their domain.

LEG. CILMI:

Inasmuch as that was a commitment made to me, I would hope you would get involved, Ben. And I would hope that you'll be able to make that commitment very -- in short order.

MR. ZWIRN:

If the County Executive made that commitment to you, I know the County Executive and that commitment --

LEG. CILMI:

I did not speak with the County Executive directly. I ask you to confirm that my understanding is correct.

MR. ZWIRN:

Okay, I will do that.

LEG. CILMI:

I appreciate that. So once again, very excited about this bill, happy to be a part of it. Congratulations to Legislator Gregory for suggesting this whole idea of land banks and that we study it. You know, there's a couple of other bills that we have in the hopper that are suggesting that our Planning Department study a variety of things and I think, you know, if -- this shows that when the Planning Department is set free to look at some things, that good things come out of it. And I would hope the Planning Department continues to do so. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Cilmi. Legislator Stern, do you remember asking? It's been a while.

LEG. STERN:

Thank you, Mr. Chairman. We've been talking about an awful lot of different types of benefits to Suffolk County when we transfer properties or their liens into -- into the land bank. Sarah, can you speak to -- one of the things that we haven't yet touched on was not necessarily just the immediate, perhaps, economic benefit, but you had suggested that when properties or their liens are transferred using land bank, that there might be other government benefit programs that are available, that might not otherwise be available. I was hoping you can speak to that.

DIRECTOR LANSDALE:

Sure, definitely. There's a number of Federal and State grants available to investigate and to clean up Brownfields. The EPA has -- has a revolving loan fund grant as well as a Brownfields Site Assessment Grant. New York State has a Brownfield Opportunity Area Program also that could be used to prioritize these properties and to also assess them, do phase I, Phase II Environmental Site Assessments and also there's funding available to clean up and remediate these properties.

LEG. STERN:

These -- these potential benefits would not otherwise be available to these properties that would -- that would sit idle, but transferring the interest to the land bank makes them eligible for these programs. It's placing them into the land bank or their liens into the land bank that allows them to access these benefits.

DIRECTOR LANSDALE:

Well, the Environmental Protection Agency has recently recognized that land banks are an efficient mechanism to transfer these properties to facilitate the redevelopment. These programs -- these State and Federal programs are available to the County currently. Historically, the County has not been successful in obtaining these funds. What is not currently eligible or available to the County that would be available to the land bank would be access to private foundations to help fund the assessment and clean-up of these properties.

D.P.O. HORSLEY:

Thank you very much, Legislator Stern. Legislator Montano.

LEG. MONTANO:

Thank you. First, let me preface by saying I think it's well known that I have an aversion to C of N's. And I know -- and it's been longstanding. And I know that it's a new administration so, you know, there's a lot of latitude that should be granted. And the reason I have an aversion to them is because we don't fully get to vet the issues that come before us in the brevity of this meeting.

Now, earlier my understanding was that the County would supply staffing for the land bank. But as I look at Section 8 of the bylaws, it says, "*The land bank shall employ a secretary, an executive director, its own counsel and legal staff and such technical experts and such other agents and employees permanent or temporary as it will -- may require,*" etcetera, etcetera, etcetera. My concern is, would you call this a quasi-governmental agency? Is that a fair definition, Counsel?

MR. BRAUN:

Well, it's a --

LEG. MONTANO:

Sort of like a Dormitory Authority or something like that?

MR. BRAUN:

It's not an authority under the Public Authority's Law. It's a not-for-profit corporation under the Not-For-Profit Corporation Law.

LEG. MONTANO:

Right.

MR. BRAUN:

So it doesn't have the governmental trappings that an authority like the MTA or even the Water Authority would have.

LEG. MONTANO:

But it's performing -- it's performing essentially a quasi-governmental function, is it not? And it's staffed with all government -- I guess with the exception of one government official.

MR. BRAUN:

Well, the -- the Board of Directors, the way it's been structured, are all government officials, as you say, with one --

LEG. MONTANO:

One exception.

MR. BRAUN:

The President of the Supervisors Association is -- a couple of people from this body are on that, the County Planning Director, the County --

LEG. MONTANO:

Right. Well, then let me cut to the chase. If the County has the ability to provide staffing, why then does it have the need to hire all of these employees when the County should be in a position to provide staffing? We have a County Attorney that could possibly do that.

And then the last sentence kind of throws me off, because it says, "*Unless Suffolk County shall be unwilling or unable to provide such services,*" referring to the employees. What I'm getting at is that I don't want to create a patronage mill here.

MR. BRAUN:

No.

LEG. MONTANO:

And I want to know what the cost is, and I don't see a budget attached to the bylaws or a limitation on who's going to be hired and who's going to be working there. And where is this money going to come from? Those are the issues that I'm curious about, Ben.

LEG. GREGORY:

Ben, I can answer it if you want me to.

LEG. MONTANO:

I asked Ben, but if you want --

D.P.O. HORSLEY:

Ben, why don't you give a try first?

MR. ZWIRN:

Let me say there's no intention to hire anybody but people who already work for the County.

LEG. MONTANO:

I'm sorry, what was that?

MR. ZWIRN:

There is no intention to hire any additional staff other than those who work for the County at the present time. We're just going to have them do -- members of Planning Department staff will help out --

LEG. MONTANO:

Right. That was my understanding.

MR. ZWIRN:

Absolutely. This is not going to be a boondoggle where we're going to try to set up an authority and put people in jobs.

LEG. MONTANO:

Right, but it's in the document, and if it's in the document then the document rules. And I'm just trying to figure out where we're going with this. And by the way, I think it's a great concept, don't get me wrong. But in this day and age with our fiscal situation -- and it also talks about bonding. We'll get to that next -- address that issue. You don't intend to hire staff, so why is it here?

MR. BRAUN:

First of all, the State law, the enabling law, has that provision. But the proposed bylaws specifically say notwithstanding all of that, the land bank will use County staff and will use County resources unless --

LEG. MONTANO:

-- the County Executive says no.

MR. BRAUN:

No. Unless the County says no.

LEG. MONTANO:

Well, okay.

MR. BRAUN:

Which will be the Legislature or -- I mean, the idea is to provide as much flexibility as possible. The idea is not to create something. The idea is to have a fallback plan. And if for some reason this body was to decide that it didn't want the County's employees to be sidetracked from their County responsibilities, then the land bank would have the authority to hire staff, if it needed staff to continue its mission. Of course, if you don't want it to use County staff, you probably won't transfer any tax liens to it either. So we'd be in the same position.

LEG. MONTANO:

Okay, I get that. But at the same time, the way it's written, the authority or this land bank has the authority or the power to go out and hire 15 people if it wanted to. Is that the way -- am I reading this correctly?

MR. BRAUN:

Except for that one sentence, which says notwithstanding all of that, they will use the County, unless the County --

LEG. MONTANO:

Unless Suffolk County shall be unwilling or unable to provide such services. So who is Suffolk County; the Legislature, the County Executive? How does that work?

MR. BRAUN:

I think it's a combination of both. I think if there are -- if the Legislature wanted to prohibit the County from using County resources, it could adopt a bill that said that. If the County Executive wanted to propose that the County employees not be used for this purpose, then he could do that and the Legislature could either agree or not agree with that. That's a matter of the Legislative process.

LEG. MONTANO:

I'm not so sure I read it that way, but I won't argue the --

MR. BRAUN:

But, again, all of those enumerated powers are what the enabling legislation says *shall be the powers of the land bank*.

LEG. MONTANO:

Shall be or may be.

MR. ZWIRN:

(Shaking head)

LEG. MONTANO:

Ben's shaking his. Ben, go ahead. I'm not trying to give you a hard time. I'm just trying to get -- here's my point. Let me --

MR. ZWIRN:

But there's no resources for the land bank to pay anybody.

LEG. MONTANO:

Well, yeah, exactly.

MR. ZWIRN:

So, there's just no way. And when the land is sold, if it is sold, the money goes back to the County. So, I mean, what they're going to get --

LEG. MONTANO:

Right. Unless -- unless -- but if it goes back to the County and their staff, then the staffing goes off -- comes off the top; am I correct? Do you follow what I'm saying? Am I off-base or what?

MR. ZWIRN:

No, no, I don't think so. You know, what do I know?

LEG. MONTANO:

What was that?

MR. ZWIRN:

What do I know? But I don't think so.

LEG. MONTANO:

You know more than you say. Go ahead.

MR. ZWIRN:

(Laughter) But the purpose -- look, the purpose of this is to try to get these Brownfields -- as Legislator D'Amaro has stated, what you can't do directly, we're trying to do with this new enabling legislation. Our intention is not to create another bureaucracy, not to hire more people, which you have no money to pay for.

LEG. MONTANO:

Right. That's my concern.

MR. ZWIRN:

So your point -- I absolutely see --

LEG. MONTANO:

Okay.

MR. ZWIRN:

-- that red flag it for you. That is not our -- our intention is honorable and to try to do the right thing. Legislator Cilmi's going about it another way with the Suffolk County Tax Act, but we've tried it that way. Maybe this year the Home Rule Message will go through and be heard. But in the interim, we have this opportunity. But I stated on the record, and we are not -- County Executive has no intention of hiring staff with this; we're going to use existing staff, the Health Department --

LEG. MONTANO:

Okay.

MR. ZWIRN:

-- the Planning Department --

LEG. MONTANO:

Okay.

MR. ZWIRN:

And you have a Board of Directors that are made up of people who are on this board as well. So I don't think we're going to go too far afield.

D.P.O. HORSLEY:

Legislator Cilmi's on this, so.

LEG. MONTANO:

What was that?

D.P.O. HORSLEY:

Legislator Cilmi's on this. No one's hiring anybody.

LEG. MONTANO:

I'm not done yet. I just want to move very quickly, I don't want to monopolize this, to the bonding -- the section that talks about bonding. That doesn't -- all right -- any bonding -- it says here on the Rule 28 message, "*Shall not constitute an indebtedness or pledge of the General Fund -- general credit of the County.*" So the County is not underwriting or guaranteeing any bonding that may be issued by this entity; am I correct?

MR. ZWIRN:

That's correct. And there's no intention to do any bonding. It has to be unanimous from the Board of Directors. And I think you can get a commitment from Legislator Cilmi that he's not --

LEG. MONTANO:

You keep saying there's no intent, but it's written into the -- but my point is that -- the point I'm making here is that we as a County are not going to be legally obligated for any type of expenditure or bonding that may be done by this not-for-profit entity; am I correct?

MR. ZWIRN:

Correct.

LEG. MONTANO:

Thank you so much.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Hahn.

LEG. CILMI:

Just to answer Legislator Montano's question --

D.P.O. HORSLEY:

On the comment.

LEG. CILMI:

There were two issues -- two issues that were most significant to me were exactly the two that you articulated and questioned. One was our ability to hire staff, which I didn't want to be able to do; and two was the bonding, which was the utmost significance to me. And I ensured that we had to have not only a majority or a supermajority, but a unanimity of the Board of Directors in order to do any bonding. Inasmuch as we have a majority member of the Legislature that sits on this board and a minority member that sits on this board, rest assured that, you know, we're going to make sure that that doesn't happen.

D.P.O. HORSLEY:

Right, like a goalie, he won't spend a dollar. No question. Legislator Hahn. Let's move on.

LEG. HAHN:

Thank you very much. The longer I've had to listen, the longer my comments and questions have gotten. I'm sorry about that. (Laughter) That's what happened. But I want to thank Legislator Gregory, the County Executive and Planning Director Lansdale for moving this discussion forward. I think that this is a -- sounds to be a four-pronged win/win/win/win sprucing up blighted communities, cleaning up environmental scars, protecting public health, returning properties to productive use and returning them to the tax rolls.

But as Chair of the Environment Committee, I want to make sure prong number two, cleaning up the environmental scars, you know, is protected. And last week I attended the -- was it the Economic Development Committee where you -- okay, yes. And I don't sit on that Committee, but I went to hear Sarah's presentation on this. And I asked if the requirements for environmental cleanup continue, I just want to make sure, and I want it just on the record here again, that the land bank legislation passed by this State doesn't in any way lessen what has to be cleaned up?

And then also how do we ensure -- and Stern kind of touched on -- Legislator Stern kind of touched on this before. How do we ensure, then, if purchased, the environmental clean-up gets done? Is that part of the Town's review of the site plan approval? Who's going to inspect when the transfer happens? You know, just to really make sure that it's -- if the land changes hands and we get someone to buy it, that they're really cleaning it up.

DIRECTOR LANSDALE:

Legislator Hahn, I appreciate your concerns, particularly from the environmental perspective. The properties would still follow the -- have to follow the State and Federal Brownfields Programs. So, the properties would follow the clean-up guidelines outlined in those State and Federal programs, and then the property owner would go through the Brownfields Clean-up Program at the State level. And the State would follow and monitor to make sure that the volunteer was cleaning up these parcels.

LEG. HAHN:

Okay, good. So there's no lessening of standards and environmental clean-up or --

DIRECTOR LANSDALE:

Not at all.

LEG. HAHN:

I didn't think there was, but I just wanted to put that on the record.

DIRECTOR LANSDALE:

Sure.

LEG. HAHN:

Thank you.

D.P.O. HORSLEY:

The list wasn't too bad. That's good. Legislator Spencer.

LEG. SPENCER:

Hi. Thank you, once again. My question with regard to, as we looked at the list, we saw that these Brownfields had various undiscovered issues that we're not looking into. And I guess my question is if there is a transfer of property and the discovery in terms of the level of contamination is beyond what the purchaser can handle, and they walk away, what happens? How is that liability handled and what's the oversight?

MR. BRAUN:

I think ultimately the property falls into tax arrears again. There's a new tax lien. The County's back where it started and maybe some effort has already been made for remediation. Maybe the property's -- the property's certainly no worse at that point than it had been before we began this. So, it can only be better.

LEG. SPENCER:

I guess my particular concern would be we're not looking in detail. I know that Legislator Cilmi has the legislation that we're considering to prioritize these properties, but one of the things that we're not doing is we're not looking at it beforehand because we're kind of concerned with what we might uncover.

MR. BRAUN:

Well, excuse me, I don't mean to interrupt you. It's not so much that as our constraint in actually, you know, drilling test wells and so forth on property that we don't own. We just don't have the right to at the moment. So, yes, there's some -- there's some, maybe, concern about discovering things. But ultimately, when someone makes the business decision that they want to own this particular property, it's going to be with the knowledge that they're going to have to clean it up. And if they are unable to clean it up after they've purchased the lien from us, then the new -- the next year's taxes won't be paid and the County will have a new lien.

LEG. SPENCER:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. And I believe last but not least Legislator D'Amaro.

LEG. D'AMARO:

Thank you. So we get to approve putting the properties or the liens into the land bank, but we don't have any approval of the amount that the lien may be sold for; is that correct?

MR. BRAUN:

Essentially that's correct, yes.

LEG. D'AMARO:

Okay. So, have you done -- well, maybe Director Lansdale knows. Are there any projections? You know, what's going to be the level of success, or it's just an unknown.

DIRECTOR LANSDALE:

It's unknown right now.

LEG. D'AMARO:

Okay. All right. But it's certainly better than doing nothing.

MR. BRAUN:

That's the theory.

LEG. D'AMARO:

So, the price gets set by the Board of Directors, I would assume, through a negotiation with the potential buyer of the lien.

MR. BRAUN:

There's a possibility that we do this in a similar way to the way we do auctions like the --

LEG. D'AMARO:

Okay.

MR. BRAUN:

-- Division of Real Property Acquisition and Management. And that is we have a number of liens that the Legislature has said yes, give them to the land bank and then the land bank holds an auction. What kind of response does it get?

LEG. D'AMARO:

Sure.

MR. BRAUN:

I also believe the Board of Directors of the land bank would have the authority to set an upset price if it felt that that was appropriate.

LEG. D'AMARO:

What does -- does the legislation require any reporting back to the Legislature?

MR. BRAUN:

No, it doesn't.

LEG. D'AMARO:

No. And is there any mechanism in place to avoid conflicts?

MR. BRAUN:

Yes. The bylaws of the land bank itself talk about conflicts and the conflicts need to be disclosed and then that Director is, you know, recuses himself from that --

LEG. D'AMARO:

Right.

MR. BRAUN:

-- property.

LEG. D'AMARO:

Okay. So there's no -- there's no built-in reporting requirement or -- basically once we make the decision to put the lien into the land bank, it's then the obligation of the land bank and the new Board of Directors and Executive Director, I guess of that, to go forward with, I would think, I guess the best -- trying to realize as much as possible.

MR. BRAUN:

Right.

LEG. D'AMARO:

But there's no real -- there's no oversight or reporting back to the Legislature, so how do we ensure that that is the case?

MR. BRAUN:

Well, there -- the structure as it's envisioned now requires the land bank to continue pushing money at each lien until the lien and the amount that the lien would have increased to would -- including interest and penalties, is fully satisfied. So, to that extent, there's going to have to be a reporting system set up and somebody's going to have to examine how much we've gotten for lien A and how much we've gotten for lien B as it goes along. And -- excuse me. And in addition. There's also the reimbursement of the County for staff and supplies and so forth. So that --

LEG. D'AMARO:

Right. The records will be there, but there's no automatic reporting requirement --

MR. BRAUN:

No.

LEG. D'AMARO:

-- for that. Okay.

DIRECTOR LANSDALE:

If I may add, there is in the State law reporting requirement not back to the Legislature, but a reporting requirement on line on what would be the inventory of the land bank at any given time. The land bank has a certain specific time period. I'm not sure what it is off the top of my head, but it's a specific time period that it needs to post on line its inventory.

LEG. D'AMARO:

All right. I was going a little beyond that, you know, as far as accountability and reporting back to the Legislature. One last question; are you absolutely certain that this method will not ever result in liability back to the County for the clean-up or the cost of clean-up?

MR. BRAUN:

The whole point of this is to keep the County out of the chain of title and that's what gives it -- would have given the County --

LEG. D'AMARO:

Even though there are County officials sitting on the board?

MR. BRAUN:

They're wearing a different hat. They're not --- they come from --

LEG. D'AMARO:

Do they get insurance?

MR. BRAUN:

One of the things that the Board of Directors can -- well, first of all, the enabling legislation says in the State law, that the entity has liability but none of the Directors has personal liability. So that's part of the State law to start with.

LEG. D'AMARO:

Okay. Good.

MR. BRAUN:

And if there was some reason that the Board of Directors felt that they should buy errors and omissions insurance or some other kind of insurance, they could -- they could ask the County for money to do that and they'd owe that to the County as well.

LEG. D'AMARO:

All right. Thanks, again. Appreciate it.

P.O. LINDSAY:

Okay. Everybody talked out?

LEG. GREGORY:

I just wanted to thank Sarah Lansdale and the County Executive's Office and Bob, the County Attorney's Office for all the work that they have done to bring this together and Legislator Cilmi's cooperation and collaboration and participation in this process. Thank you.

P.O. LINDSAY:

Okay. Everybody done? Thank you, Ladies and Gentlemen. Before us is 1296. We have a motion and a second; am I right, Madam Clerk?

MS. ORTIZ:

Yes, you are.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Okay, it passes.

MS. ORTIZ:
I'm sorry, eighteen.

P.O. LINDSAY:
Back to the regular agenda. We're making progress, we're on a second bill.

1129, Amending the 2012 Operating Budget and appropriating funds in connection with bonding for a settlement in a Medical Malpractice Case Against the County (\$4,000,000) (Co. Exec.), which we aired earlier. Do we have a motion on that, Madam Clerk? We took it out of order.

MS. ORTIZ:
Yes, we do.

P.O. LINDSAY:
Okay. We have a motion and a second.

LEG. MONTANO:
Oh, we do?

P.O. LINDSAY:
Yes, to approve. Is there any other motions? No other motions. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Can you hold your hands up for negative.

(OPPOSED: LEGISLATORS ROMAINE, CILMI, BARRAGA, SPENCER, SCHNEIDERMAN)

MS. ORTIZ:
Thirteen.

P.O. LINDSAY:
Okay, got it? On the accompanying Bond Resolution **1129A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$4,000,000 bonds to finance the payment of a settlement in a Medical Malpractice Liability Case),** same motion, same second. Roll call.

(ROLL CALL BY MS. ORTIZ, CHIEF DEPUTY CLERK)

LEG. NOWICK:
Yes.

LEG. MONTANO:
Yes.

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

No.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Thirteen.

P.O. LINDSAY:

1156, Amending the 2012 Operating Budget and appropriating funds in connection with bonding for a settlement in a Medical Malpractice case against the County (\$195,000) (Co. Exec.)

LEG. MONTANO:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Accompanying Bond Resolution **1156A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$195,000 bonds to finance the cost of a settlement in a Medical Malpractice Liability Case)**, same motion, same second. Roll call.

(ROLL CALL BY MS. ORTIZ, CHIEF DEPUTY CLERK)

LEG. MONTANO:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

(Not present)

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Okay, **1160, Authorizing a lease agreement with Village Marine of Westhampton Ltd., d/b/a South Shore Boats for use of property at Francis S. Gabreski Airport (Co. Exec.).**
Motion to by Legislator Schneiderman.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Leg. Gregory not present)

P.O. LINDSAY:

1174, Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grant Program for a Consortium Project: Audiovox, GPSI, and Wilbar International 88% reimbursed by State funds at Suffolk County Community College (Co. Exec.)

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion by Legislator Anker, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1145, Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grant Program for OneSource Document Management, Inc. 82% Reimbursed by State funds at Suffolk County Community College (Co. Exec.)

LEG. ANKER:

Motion.

P.O. LINDSAY:

Same motion, same second okay? All in favor? Same vote?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1120, Making A SEQRA determination in connection with the proposed Suffolk County Sewer District No. 3 – Southwest, truck scale at Bergen Point WWTP(CP 8180), Town of Babylon (Lindsay).

D.P.O. HORSLEY:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Horsley, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1134, Amending Adopted Resolution No. 909-2011, amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Programs, and appropriating funds in connection with storm water abatement within the Village Of Southampton (CP 8240.327) (Schneiderman)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1048, Adopting Local Law No. -2012, A Local Law to require all retail stores to display fees associated with layaway programs (Lindsay). I'll make a motion.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

LEG. CILMI:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. ROMAINE:

Opposed.

MS. ORTIZ:

Fifteen.

P.O. LINDSAY:

1124, Designating individual agents of the Suffolk County Society for the Prevention of Cruelty to Animals as volunteers of the County of Suffolk for the purposes of indemnification (Romaine)

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Muratore.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

Yeah. Didn't we deal with this issue last year and move against it? And I thought that there was insurance that was to be acquired, if I recall. Maybe -- Legislator Cilmi, were you on this last year?

P.O. LINDSAY:

Counsel might have an update.

LEG. MONTANO:

Maybe Counsel. I'm sorry.

MR. NOLAN:

This was an issue -- this was an issue last year where a resolution was introduced, a similar resolution. At that time, I believe, the County Attorney came down and testified against it, and kind of a compromise was worked out where the County gave the group money to go and buy their own insurance policy.

LEG. MONTANO:

Twenty-five thousand, right?

P.O. LINDSAY:

Now, this vote -- go ahead.

LEG. MONTANO:

Why are we indemnifying? What happened with the insurance, they couldn't get it?

P.O. LINDSAY:

Legislator Romaine, you can update us on this.

LEG. ROMAINE:

I think it would be better discussed by someone from the SPCA. I believe there's a representative here --

P.O. LINDSAY:

Sure.

LEG. ROMAINE:

-- who could talk to this issue.

P.O. LINDSAY:

And I would be interested, too, in the Executive's opinion on this. I mean, it seems to be a different change of mind here. Did we buy -- in fact, buy the policy last year and is that --

LEG. MONTANO:

I don't know. I thought it was Legislator Cilmi, but actually it was Legislator Cooper. He's no longer with us, so I don't know what happened.

P.O. LINDSAY:

Well, maybe we could --

LEG. CILMI:

I mean, I could speak to it briefly, if you'd like.

LEG. MONTANO:

Can you?

LEG. CILMI:

Mr. Presiding Officer.

LEG. MONTANO:

Can you just refresh my recollection somebody?

LEG. CILMI:

Basically what happened was we -- I worked closely with the SPCA. And they did end up -- they did end up purchasing insurance and we ended up helping them with that financially. I think the concern here is that it was very difficult to get that insurance. And I think they're worried that going forward it might be more and more difficult for them to get insurance. And I'll leave it at that.

P.O. LINDSAY:

Let's hear from the Society.

LEG. MONTANO:

May I continue?

P.O. LINDSAY:

Oh, okay, we have a representative SPCA at the mic.

LEG. MONTANO:

All right, I'll wait.

MR. LLOBELL:

Paul Llobell, I'm a Detective with the Suffolk SPCA. I live in Great River.

P.O. LINDSAY:

Paul, so did we, in fact -- you's did buy insurance last year?

MR. LLOBELL:

Yes, you did. You appropriated, I think, 25,000; 25,000 was the number. It helped us. We've been informed by our insurance company we're going to expect quite a substantial increase.

P.O. LINDSAY:

Okay.

MR. LLOBELL:

The feel we have right now is the markets are so limited.

P.O. LINDSAY:

Yep.

MR. LLOBELL:

There is literally -- many of you know on this board that have --

P.O. LINDSAY:

So, the policy's in effect. We don't -- we're not up against a deadline or anything. You's have a policy right now. This is looking forward for a different way going back to the original idea.

MR. LLOBELL:

Yeah. And you know what it does, we'll always have a policy. We'll always have some sort of insurance. We have, you know, we have our basic liability, we have our automobile insurance, we have our umbrella policies. We're always going to have some insurance. But 90 -- 85 to 90% of the 2500 to 3,000 calls we do every year originate from the County of Suffolk, from the 911 system, to the Police Department, Sheriff's Office, whoever it may be. And we're really performing the duties for the County, and there needs to some indemnification there.

You know, we all run around as volunteers with homeowner's umbrella policies. And you declare to your homeowner's policy that you're an agent with the Suffolk SPCA and that drives up your homeowner's rates as well. It really shouldn't fall upon us personally.

P.O. LINDSAY:

No, it's a valid point. And, Ben, is the Administration okay with this now? I know the prior administration -- no?

MR. ZWIRN:

We are not -- unless we put something in later that makes it a little more limited, we're not going to stand in the way of this legislation.

P.O. LINDSAY:

You're not going to stand in the way. Okay, the Administration does not oppose it.

LEG. MONTANO:

Oh, you're not opposed to it?

MR. ZWIRN:

(Shaking head in the negative)

P.O. LINDSAY:

No. Okay, Legislator D'Amaro.

LEG. D'AMARO:

So, 80 or 85% of the calls that come into your organization are originating from the County?

MR. LLOBELL:

Yes, majority of our calls are coming from the County, from the 911 system.

LEG. D'AMARO:

Isn't that like -- can you make a leap to then we should indemnify. But isn't that just kind of helping out? I mean, you want the calls, right?

MR. LLOBELL:

That's what we do.

LEG. D'AMARO:

Right. That's what I'm saying. So, but to make -- but then you said, so, therefore, we should indemnify. How come?

MR. LLOBELL:

Well --

LEG. D'AMARO:

If 80% of the calls came from somebody else -- you know, I don't follow that.

MR. LLOBELL:

Well, you wouldn't send your Suffolk County Police Officers out or your Sheriffs out without indemnification, I don't think, to work every morning.

LEG. D'AMARO:

They're County employees, though.

MR. LLOBELL:

No, we're not.

LEG. D'AMARO:

No, no. I'm saying the Suffolk -- you said the Suffolk County Sheriff or Police --

MR. LLOBELL:

We're asking to be --

LEG. D'AMARO:

I know what you're asking. But I'm saying -- so I'm trying to see the significance and weight that you're giving to the fact that the calls originate from the County. But, you know, like as a Legislator, I might refer a constituent to VIBS or some other not-for-profit organization, but I'm not indemnifying them. I don't understand the connection between why we must indemnify if we're just helping you to function.

MR. LLOBELL:

We're kind of very unique. We're -- even though we are a not-for-profit organization, we're a not-for-profit law enforcement organization. We go out, we have the powers to make arrests. We have the powers to incarcerate people.

LEG. D'AMARO:

Right.

MR. LLOBELL:

We have the powers to -- and when we do all of this, any of the revenue that comes back goes into the County. It doesn't come to the SPCA for starters. And, you know, if we -- you know, if we make a wrongful arrest, I mean, you know, you shouldn't have to worry about your own personal homeowners policy covering you for something look that.

LEG. D'AMARO:

Well, does the County -- if you make a wrongful arrest, does the County have any oversight over your organization or any control of your organization or your hiring or your training or anything else?

MR. LLOBELL:

Well, we are trained by the Sheriff's Office and the Police Department. We go through the same training that every other Peace Officer in the State of New York goes through.

LEG. D'AMARO:

Okay.

MR. LLOBELL:

We train with the Police Department and the Sheriff's Office.

LEG. D'AMARO:

Right.

MR. LLOBELL:

The County really doesn't have any jurisdiction over what we do, although the District Attorney's Office, we consult with them almost on every arrest we make; not all of them. Almost.

LEG. D'AMARO:

I think the County --

MR. LLOBELL:

Many times we're working at their request as well.

LEG. D'AMARO:

But if someone called the Police, the County would certainly have jurisdiction over that. The County would respond to the call. What do you mean we don't have jurisdiction? I don't follow that.

MR. LLOBELL:

No, no, I didn't say they didn't have jurisdiction.

LEG. D'AMARO:

I thought you did.

MR. LLOBELL:

No, no. The County would call us to go out -- I'll give you a perfect example. You all saw it on the news a couple days ago. We found -- Friday morning about 11:00, I get a phone call from the First Precinct. The Town of Babylon Highway workers were all cleaning up along Long Island Avenue by the Deer Park rail and they found about 12 bags -- black garbage bags containing, I don't know, 20 or so mutilated animal bodies. They called the Suffolk County Police Department. The First Precinct called us, we responded down and we're taking complete -- we're taking charge of that particular case.

LEG. D'AMARO:

And I appreciate very much that you're doing that. I'm just trying to -- again, I don't see how the County reporting that to you somehow is a leap that, therefore, we should require indemnification of whatever -- you know, of the functions that you're doing. I don't follow that.

MR. LLOBELL:

Well, in all due respect, we are not able to continue to get insurance coverage.

LEG. D'AMARO:

Okay. So we'll get to that in a second. But that's a -- from a County perspective, that's a really open-ended liability.

MR. LLOBELL:

Right.

LEG. D'AMARO:

Suffolk County.

MR. LLOBELL:

It would be, yes.

LEG. D'AMARO:

Right. Which we have no real control over how you operate. I mean, it may make more sense just to do that as a County or Town, even.

MR. LLOBELL:

I think the request is to make us official volunteers for the County of Suffolk.

LEG. D'AMARO:

I don't think there is such a status, though.

MR. LLOBELL:

I believe there is.

LEG. D'AMARO:

Well, I don't believe there is, so. So the bottom line here is that what's going to prevent another not-for-profit corporation from coming in and asking for a limitless open-ended liability of the County? How do I say no to anybody else?

MR. LLOBELL:

I don't think there are any other not-for-profit organizations that have the same type of status that the Suffolk County SPCA has.

LEG. D'AMARO:

Oh, all we're doing is referring, though. We refer to a lot of not-for-profits.

MR. LLOBELL:

In respect to?

LEG. D'AMARO:

Every function that a not-for-profit does. We refer clientele to all the time, everything. Parents for Megan's Law, VIBS, I mean I can go through -- I would say there's hundreds of them.

MR. LLOBELL:

Again, there can only be one SPCA in each county. There is no other 501 (c) (3) not-for-profits that have the same type of status and authority --

LEG. D'AMARO:

Right.

MR. LLOBELL:

-- that the SPCA has. So you will not have the same situation with another not-for-profit --

LEG. D'AMARO:

So, if you don't get the indemnification, though, you still intend to carry insurance?

MR. LLOBELL:

Well, at this point, yeah, because we could still get it. But if we don't get the indemnification, the SPCA will not be here any longer.

LEG. D'AMARO:

You're going to go out of business?

MR. LLOBELL:

Yes, Sir.

LEG. D'AMARO:

I see. So, then that obligation and responsibility would fall back to the County?

MR. LLOBELL:

Yes, it would.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Legislator Romaine, you had some --

LEG. ROMAINE:

Yes. You had made my point for me, Mr. Llobell. You had indicated that without this, obviously people don't want to run up -- they're volunteers. They're giving their time, their energy and their effort to do work that if you were not here, which you may not be here if this does not pass, this would then fall on the respective Police Departments within Suffolk County, including Suffolk County Police, the nine Villages and the five towns; all of them have their own Police Department, so it would fall on them. I can only imagine the cost of sending a police officer out to investigate animal cruelty. How many cases of animal cruelty did you investigate last year, Sir?

MR. LLOBELL:

We average between two -- 2500 and 3,000 cases a year.

LEG. ROMAINE:

Of animal cruelty. I can only imagine, if because of a scarcity of resources, the Police Department did not do as active an investigation into animal cruelty, what many of the people who care about the care of animals in this County would draw the conclusion of. And that's what I would say.

So, I think you fulfill a very necessary function. I think it's very important and I want to commend all of -- yourself and all the members of the SPCA who volunteer who carry out these often very difficult duties and relieve our police departments of it, I think it's a reasonable thing to say although you carry insurance, that, you know, you'd like some type of indemnification. Now, I know you've been sued a number of times in the past, a couple times in the past. Have any of those lawsuits been successful?

MR. LLOBELL:

Never had a successful lawsuit against us.

LEG. ROMAINE:

And how many years is that, Sir?

MR. LLOBELL:

Twenty -- 33 years or something like that.

LEG. ROMAINE:

Thirty more years. So although there may have been lawsuits, none have been successful. Thank you very much, Sir.

MR. LLOBELL:

Thank you.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. Just quickly, if you can, just refresh my memory on this. I mean this issue seemed to pop up maybe a year-and-a-half ago, two years now. Why is it a continuing, ongoing issue?

MR. LLOBELL:

Oh, we're kind of at the end of our rope. If we can't get indemnification, there will be no more SPCA in Suffolk County.

LEG. GREGORY:

What was the arrangement prior to 18 months ago?

MR. LLOBELL:

We've always had indemnification from the County of Suffolk. We've had it in prior years. And for some reason last year somebody determined that it wasn't -- they couldn't give it to us. They said there was no section of the law, something. We said, "*Well, tell us the section of the law that says you can't give it to us*", and that was never founded. And, you know, we've always had indemnification above and beyond anything we've had, so, you know.

LEG. GREGORY:

Say that again. You said you always had indemnification above and beyond what you already had?

MR. LLOBELL:

We've always had a level of indemnification. We have a certificate that was issued by the County. We have one right now, it ends -- it actually ended 12/31 of 2011.

LEG. GREGORY:

What were you indemnified for above and beyond; was it four million, three million?

MR. LLOBELL:

I don't recall off the top of my head.

LEG. GREGORY:

But there was a cap to your insurance and we indemnified above the cap.

MR. LLOBELL:

I don't believe there was a cap. I think it was above and beyond whatever type of coverage we had at the time, to the extent that it exceeded our coverage. I believe that's how it read.

LEG. GREGORY:

Okay.

MR. LLOBELL:

Because I don't have it with me, otherwise I'd give it to you.

LEG. GREGORY:

Okay. I think you guys do tremendous work, obviously. I don't think anyone believes otherwise. The concern that I have is in this bill, there's no provision to require you to maintain coverage.

MR. LLOBELL:

Correct. But I can tell you that it is our desire to still have our own coverage, especially, you know, Legislator Cilmi last year was instrumental in helping us. Actually, quite a few members on the Legislative board were instrumental in making phone calls and securing this coverage. Unfortunately, again, the markets are so limited. There's only a couple places we can get coverage. We may not get coverage. You know, the insurance industry is pretty tough right now. And again, it comes down to the same -- same type of thing. You know, we are performing a good service and a good function for the County of Suffolk, and most of the time at the County's request. And, again, you wouldn't send your Police Officers out, you wouldn't send your Sheriffs out, you wouldn't send your Bay Constables out, you wouldn't send your Fire Marshals out and not indemnify them.

LEG. GREGORY:

And I agree, but there's a clear difference between a desire and requirement to maintain insurance. I would be more supportive of this resolution if there were some type of requirement. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay. Legislator Nowick.

LEG. NOWICK:

I don't want to belabor this meeting any longer than it has been but --

MR. LLOBELL:

Thank you.

LEG. NOWICK:

-- it sound to me, what I'm gathering is, you are a specialized organization doing a specialized job and a good job at that. And when you say the County calls you, and just because I think from what I was understanding with Legislator D'Amaro, you said, well, you want them to call. From what I think, it's not so much that you want the County to call you, that's what you do. The County needs what you do. And I don't think we can hire or have another bureau specifically dedicated to do what you do. So, I understand. I'm gathering that, of course, we call you. That's what you do and we need you.

MR. LLOBELL:

Right.

LEG. NOWICK:

And 2500 to 3,000 incidents, that's a lot of work. So, I commend you and I'm hoping that this legislation is passed.

MR. LLOBELL:

Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Hahn.

LEG. HAHN:

Just quickly, I don't think anybody asked this. How do other counties handle this issue? How are SPCAs around the country getting insurance? Like, can you work together?

MR. LLOBELL:

Believe it or not, within the State of New York, the Suffolk County SPCA is one of the largest and one of the most active SPCAs in the State. Many of them work under the umbrella of the Sheriff's Office in their County. Many of them work under their own small insurance policy that they may have. Many of them are not very active. Many of them, they just do a couple cases here and there. We're very active -- we're a big County. You know, what we do have? 1.3 million residents here? 1.5? 1.5 million residents here. And, I mean, you know, we literally -- I'm sitting here since 9:30 this morning. And I fielded five phone calls today for the SPCA. And, you know, it's -- how do the other counties all handle it? All differently. A lot of them are under the guise of their own Sheriff's Department, I think, you know.

LEG. HAHN:

Volunteers?

MR. LLOBELL:

Yes, yes.

D.P.O. HORSLEY:

Good?

LEG. HAHN:

Okay.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Anker.

LEG. ANKER:

Okay. You know, I support the work that you do, but I got to tell you, I have a concern. And that concern is that we just allocated \$4 million. And I believe Legislator Romaine did not vote on that, but if that is -- he voted against it, right. And I have a huge concern that with our fiscal situation, and with the risk that -- that could ensue, is that we could be responsible for litigation that we may not be able to handle, you know. It's difficult for me to try to understand -- let's see -- how can we help you other than creating this legislation? In other words, is there -- is there a way -- we gave you money last time. I don't know how we can provide funding, but I think it would be safer if we could provide -- help you find funding for additional insurance than create, you know, legislation to allow volunteers, you know, for liability issues. Counsel? Do we have Counsel here?

MR. LLOBELL:

He just stepped out.

LEG. ANKER:

I just have a question, if we've ever allowed volunteers -- I don't know if the Legislators know -- to be -- to have this liability issue off their shoulders? Do you know?

MR. LLOBELL:

Well, you know, I could say -- be a real smart aleck and say, if we're not here, and one of your Police Officers or Deputy Sheriffs or Bay Constables or Town -- one of your Fire Marshals or something takes that same call, and it affects the lawsuit, you're going to end up paying anyway.

LEG. ANKER:

Right. But you're still going to be here. Whether or not we pass this legislation or not, you still will continue to do your job as --

MR. LLOBELL:

No.

LEG. ANKER:

You're saying absolutely not?

MR. LLOBELL:

Suffolk County SPCA will cease to exist.

LEG. ANKER:

If we don't pass this legislation, your volunteers will not be around and you will no longer be a not-for-profit?

MR. LLOBELL:

The organization could still be there, but we won't be handling the cases and certainly the volume of cases we handle. It just -- it wouldn't be prudent for us. And, you know, you got to remember, all -- these people are volunteers. These people are putting their -- you know, their homes and their livelihoods at risk when they go out there. And, I guess, when they do that, they do it because they have a passion. But if this -- there's no confidence right now. I can tell you, we have some officers right now that don't want to go out and do cases. They just don't want -- they don't want -- who wants the responsibility? Who wants that?

LEG. ANKER:

Have you had any communication with either the Sheriff's Department or the Police Department in bringing in your services and -- this way we wouldn't have to create volunteers, you know, as part of our legal --

MR. LLOBELL:

Yeah, we've actually been through that. I think Tom knows we've been through that quite a bit. And this is really -- you're going to indemnify whoever's going to do it anyway. I mean, you do. If the Police Department ends up handling it, you're indemnifying the cops. If the Sheriffs handle it, you're indemnifying the Sheriffs.

LEG. ANKER:

But what makes me nervous is that, you just said, it's -- passionate volunteers are going out there and doing this as a job where, you know, we indemnify our Police Officers and they've had training. And, you know, again, maybe you can help me understand what type of training do the volunteers have? And, again, some of these are Peace Officers with guns, which may make the situation even

more intense or more at risk.

MR. LLOBELL:

We attend the Sheriff's Academy. We're trained by the Suffolk Sheriff. Some people have been through the Suffolk Police Academy. Most of -- many of our -- many of our agents are retired Police Officers, whether they be Suffolk County, Federal or another agency. We're all certified by the State of New York, Department of DCJS. We go through the same standards that anybody else would go through. Nothing really -- nothing really changes. I know where you're coming with that and I understand that. I understand the concern there. We have a very paramilitary type of organization. We have Chiefs, Lieutenants, Captains, Sergeant. People are told what to do. It's done in a professional way. We're not a bunch of guys running out there with weapons and making our own decisions.

LEG. ANKER:

Do we have -- is there a contract between Suffolk County and your organization stating the ramifications, the qualifications, the certifications, what's involved with our relationship with you?

MR. LLOBELL:

No, not really. And the other thing I wanted to mention is we train -- we train at the Police Academy. We train the Police Officers on animal cruelty. I mean, that's one of our jobs. We have -- we have a couple of our guys go in couple times a year and they run in-service training for the Police Officers and the Sheriffs.

LEG. ANKER:

Okay. Now, that Counsel's here, Counsel, have we ever indemnified volunteers with Suffolk County?

MR. NOLAN:

We did find a couple resolutions from, I think, back in 2003, '04, '05 where we actually passed a resolution to indemnify this group. I think in the last couple of years they've been issued a certificate of some kind. But, I don't believe it was really any meaningful indemnification. I remember when I looked at it, it was pretty weak. But we have indemnified this group in the past by Legislative resolution.

LEG. ANKER:

Okay. Thank you.

MR. LLOBELL:

You're welcome.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Spencer.

LEG. SPENCER:

Good evening. And I'm an avid supporter of what you do. Thank you for really the service that you provide. And it would be a major loss if we didn't have your services.

My concerns are in the fact of, you know -- and we did address this in Committee. I have no problem with indemnification, but indemnification without parameters -- you indicated that we wouldn't send our Sheriffs out or our Police. But the difference is is that they have some rules of engagement. There's an organization; there's some sort of contract that we have. Here there's no specification in terms of -- you're trained by the Sheriff. But in terms -- of a certain level of proficiency. You're armed, you're acting as an agent of the County. And we would be indemnifying you without any particular parameters.

And I just think that whether or not -- you are volunteers, you should be respected. If we're -- so the indemnification, one, is blanket. So, you are responding 80% to County calls, but at times you are responding to other calls. I think that to -- if we're going to indemnify you, we need to have some sort of parameters on that indemnification in terms of whether or not it's a certificate, a level of expertise, the types of calls; because you're a volunteer, you can choose to respond or not to respond, even though you do and you're very brave, that is -- is one issue.

And the second issue is with regards to the -- there are -- even though you haven't successfully been sued, if you were to lose your current coverage, even though this legislation states that indemnification above and beyond, if you didn't have that coverage in place, there's nothing that -- there's no impetus to maintain that coverage. If you have the County backing the coverage, it can be very expensive, very hard to get. And so there's nothing in the legislation that gives any parameters at all. It's just a blanket indemnification. Although it's very important, I think that we need to have something around that, and I think that's my question to you. Are you opposed to having a contract or some parameters with the County? Should that indemnification be when you're involved specifically with regards to the County calls or issues?

MR. LLOBELL:

Well, you know, we also get calls from the different Townships, you know, all these ten Towns. We get calls from the Town of Islip, Town of Babylon, Town of Brookhaven. You know, so I mean, would that mean we'd have to have a contract with every different Township and everything -- you know, it's not how the State law's written.

LEG. SPENCER:

If they're indemnifying you, I think in this particular case, we're indemnifying you without any oversight. There needs to be some sort of oversight. We're taking the responsibility. So I support you. We cannot have you cease to exist. We need to work this out. But, you know, I am concerned about just bestowing indemnification without any sort of parameters around that. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Stern.

LEG. STERN:

Yes, thank you.

MR. LLOBELL:

That's the second time today they did that.

LEG. STERN:

George, looking at the second RESOLVED clause and going to -- I think several of my colleagues have brought this up in various forms, so let me ask you the question. It calls for indemnification for a judgment or a settlement that exceeds the limits of any liability insurance policy purchased by the SPCA and in effect on the date of loss. It doesn't require that there be an indemnity policy. It doesn't lay out any parameters as to what the amount should already be in place. Is this -- does this language just give up the responsibility of having that policy in place? Or does it only require that we provide coverage for anything over and above that the organization might have? Does it require that for this to apply, that there be a policy in place initially?

MR. NOLAN:

They're not required under this resolution to have their own policy in place. They have a policy in place. There will be an excess.

LEG. STERN:

It also suggests, then it requires that to the extent that there is no policy then we would be responsible for dollar one.

MR. NOLAN:

Yes.

LEG. STERN:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Barraga.

LEG. BARRAGA:

I want to make sure I understand. I think you made mention before that currently to protect yourself from personal liability, you've had to add to your homeowner's coverage. How many Officers, Detectives, Lieutenants do you have in your organization?

MR. LLOBELL:

We have about 60 people in the organization. Thirty of them are sworn Peace Officers.

LEG. BARRAGA:

Are they all doing the same thing as you did, referencing their homeowner's policy and trying to get coverage under the policy?

MR. LLOBELL:

They should be.

LEG. BARRAGA:

Okay.

MR. LLOBELL:

You know, we don't require it.

LEG. BARRAGA:

Can you tell me percentage-wise how much additional premium you pay for that added coverage?

MR. LLOBELL:

I think my homeowner's policy, my -- through GEICO, I think, I pay 13, \$1400 extra a year.

LEG. BARRAGA:

You pay 13 or 1400 extra per year?

MR. LLOBELL:

For a three million dollar --

LEG. BARRAGA:

In order to get the coverage?

MR. LLOBELL:

Yep.

LEG. BARRAGA:

And that holds true for just about maybe 25 or 30 in your organization?

MR. LLOBELL:

I would assume, Tom, somewhere in that area. I don't know what they all pay, but that's what mine was.

LEG. BARRAGA:

So you received a notification that you would no longer have to do that?

MR. LLOBELL:

No, I would still continue to have that.

LEG. BARRAGA:

Okay. As I sit here, I was listening to Mr. D'Amaro, the problem I face is that if we're getting -- you know, 85 to 90% of the calls that you receive that are coming from the County, what is the option if we no longer use your service? I mean, who picks up that responsibility?

Is the Police at the County level? Is it the municipalities? I don't think they would be too eager to do what you do. Most of them are strapped financially, anyway. It would seem to me, based on your history and the fact that suits in the past have not been successful, that it's in the best interest of the County to give you indemnification.

MR. LLOBELL:

I believe it is.

LEG. BARRAGA:

Thank you.

MR. LLOBELL:

Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Calarco.

LEG. CALARCO:

Yeah, I would just like to echo some of the sentiments by Legislator Spencer earlier. You said about 30 of your volunteers are actually Peace Officers?

MR. LLOBELL:

Yes.

LEG. CALARCO:

And the other 30, do they go out and investigate cases or do they do work within your office? What do they do?

MR. LLOBELL:

They do -- they do menial type cases. Nothing that would bring us into a -- they don't have any laws -- any powers of arrest, they don't have any jurisdiction to -- you know, take somebody from the Civil Liberties. You know, they might do some followup cases, investigation, research, etcetera, etcetera; but they don't physically go out and make arrests and enforce the Agriculture and Market Laws.

LEG. CALARCO:

And the laws that you help us enforce, if you did not do these, would it be Suffolk County PD responsible for going out and dealing with some of these animal cruelty laws?

MR. LLOBELL:

Yes, they would.

LEG. CALARCO:

And you said you had indemnification from the County once before?

MR. LLOBELL:

Yes, we've had prior indemnification. And for some reason it did -- it fell off.

LEG. CALARCO:

And did you ever have a legal agreement in place with the County about the terms and conditions of that indemnification?

MR. LLOBELL:

Negative, no.

LEG. CALARCO:

I would just feel much more comfortable with this if we had some sort of legal arrangements so that we knew that we're going to indemnify your agents to perform a function for us and that is basically the payment to that not-for-profit for providing that service, is that we're going to indemnify you. But then we also know what to expect from the agency in terms of response to calls and those kind of issues. I just think it's a better way of going about this to make sure that we are both getting what we're looking for out of this arrangement.

MR. LLOBELL:

Okay.

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator Gregory.

LEG. GREGORY:

Thank you, Legislator Horsley. I think after hearing some of the comments today and the concerns, we're just giving a blanket indemnification, I think I'm going to offer a table. I will offer a table -- a tabling motion.

LEG. BARRAGA:

Second.

LEG. MONTANO:

Second.

LEG. D'AMARO:

On the motion.

D.P.O. HORSLEY:

Yes, we have -- we also have Legislator Montano. Did you want to --

LEG. MONTANO:

Just very briefly, you know, I think we should table it. But what I wanted to say to you is, you know, having dealt with insurance companies and homeowners, every homeowner's policy is different. So, you might without reading the policy, your members might be under the assumption that a homeowner's policy is going to cover this particular activity. And I got to tell you as a lawyer who's done this kind of work, you may be mistaken. So, if I were you, I'd go read my policy to make sure that this is not an exclusion, because I've never seen an insurance company,

homeowner's policy cover this type activity.

MR. LLOBELL:

Yeah, I can tell you that I make sure when I list my outside activities and boards and groups that I sit on, I specifically list the Suffolk County --

LEG. MONTANO:

Now, you're talking about a homeowner's or an umbrella policy?

MR. LLOBELL:

Umbrella.

LEG. MONTANO:

Umbrella is different than a homeowner's. You said homeowner's.

MR. LLOBELL:

Well, my umbrella above my homeowner's.

LEG. MONTANO:

Right, no, I understand, I know how that works. But certainly, I think, my opinion based, you know, on just general knowledge is that a homeowner's would not cover this, where as an umbrella policy covers just about everything. That's why they call it the umbrella.

MR. LLOBELL:

I agree with you.

LEG. MONTANO:

But I think your people need to understand that. But we also need to understand what we're getting into and that's why I would second the tabling motion and leave this for further discussion.

MR. LLOBELL:

Well, it's been going on for quite a while and unfortunately it's --

LEG. MONTANO:

I know, but it just came back to us after a year-and-a-half and it's kind of hard to make that kind of decision based on, you know, this popping up. I agree. And we did give you money for insurance last time out, and I think that's a reasonable thing to do, but, you know, unlimited liability, as Doc Spencer said, is something that we have to be concerned about. We just spent \$4,195,000 on indemnification today.

MR. LLOBELL:

Yeah, I saw that.

LEG. MONTANO:

A lot of, you know, a lot of dinero.

MR. LLOBELL:

Yeah, I understand it. You know, it's almost like being a Deputy County Fire Coordinator.

LEG. MONTANO:

Yeah.

MR. LLOBELL:

With the County of Suffolk, you know.

LEG. MONTANO:

It's a tough one for everybody.

MR. LLOBELL:

You go out, you're indemnified when you're with the County, you know. Same thing. You put your -- if we're not doing the cases, whoever's going to be doing the cases for you, you're indemnifying them anyway.

LEG. MONTANO:

Yeah, no, listen, I just -- I just said to Legislator Anker, if I leave this meeting and run you over in my private car and I'm not working, you're going to get up to my policy limit. But if I run you over in the County car, it's unlimited coverage.

MR. LLOBELL:

Right.

LEG. MONTANO:

So you better hope I'm driving the County car and we got to be worried about that.

MR. LLOBELL:

Yeah, I'm with you. (Laughter) I come out of the Ford business. I understand the County car business.

P.O. LINDSAY:

The guy underneath the car doesn't really care, you know.

LEG. MONTANO:

You know -- you know, when the lawyer says "this is all you can get on the policy " --

D.P.O. HORSLEY:

This can only be a lawyer's argument here. (Laughter) Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just real quick.

D.P.O. HORSLEY:

I think you're last again.

LEG. D'AMARO:

Okay. Legislator Barraga, you're right, I did bring up that point. But the larger point really was just about the -- you know, I think they do great work and certainly there's a need for it, but we do have to be a little careful with the indemnity in offering a blanket indemnity. The difference, you know, we voted on that settlement today, and that was based on indemnification, which some people didn't even vote for it here.

And I have to say there we have a contractual relationship, as Legislator Calarco was pointing out; at least we have some mutual obligations running back and forth, some definition of the relationship between the not-for-profit or the entity that we're indemnifying. And I think that's essential because, as Legislator Spencer said, you know, to give a blanket open-ended indemnification, which is a complete unknown, at the same time that you have absolutely no oversight or control, I think, is borderline irresponsible. So, I would encourage folks to support the tabling motion, if for no other reason than we can find a mutual way to do this so that you can continue, and that the County can protect itself as best we can as well.

But I did have one more question for the gentleman. Do you have any notice or knowledge right now of any claims or potential claims against you?

MR. LLOBELL:

Anything new? We have some -- there's some claims out there, but, you know, obviously they're --

LEG. D'AMARO:

So there are some --

MR. LLOBELL:

Yeah.

LEG. D'AMARO:

You know, that's another issue when you grant indemnification that needs to be addressed. And it wasn't a trick question. You want to address that.

MR. LLOBELL:

Yeah.

LEG. D'AMARO:

You know, you're giving indemnification. Before you pass a bill like this, you better get full disclosure of what's out there. And you better get it in writing. It's important.

MR. LLOBELL:

Oh, it's like, you know, it's like your Police Department. You get -- you get lawsuits in the mail every day. I mean, it's --

LEG. D'AMARO:

Yeah, but the Police Department, sir, we have a direct relationship with and we control. We don't have any oversight, we don't have any control, we don't have any say. You don't have any obligation to -- even to respond because you may decide, just to carry it to an extreme to make the point, you may decide after getting the indemnification to never answer a County call again and there's nothing I can do about that.

MR. LLOBELL:

Yeah, I don't think that's the case, though.

LEG. D'AMARO:

Well, I'm not saying it is. But I'm making the point that a Suffolk County Police Officer has no choice but to respond to that call.

MR. LLOBELL:

And then they call us.

LEG. D'AMARO:

You know, I have to tell you, I have no objection to giving the indemnification as long as there are parameters, as long as we know what we're getting into, as long as we know for the disclosure of pending claims, as long as we know what your Society's obligation is going to do in return for the indemnification, you know; but to just blanket pass this, I think, it's premature.

D.P.O. HORSLEY:

Okay. Thank you very much, Legislator. What motions do we have on the floor at this point? I know we have a tabling, but did we have one prior to that?

MS. ORTIZ:

Yes, a motion to approve.

D.P.O. HORSLEY:

We have a motion to approve as well. Okay.

LEG. MONTANO:

Tabling goes first.

D.P.O. HORSLEY:

Thank you very much. We have a motion to table. I guess we'll have to do a roll call. Why don't we do a roll call. Thank you.

(ROLL CALL BY MS. ORTIZ, CHIEF DEPUTY CLERK)

LEG. GREGORY:

Yes.

LEG. MONTANO:

Yes, to table.

LEG. ROMAINE:

No, to table.

LEG. SCHNEIDERMAN:

No, to table.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

Yes, to table.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. CILMI:

(Not present)

LEG. BARRAGA:

No.

LEG. KENNEDY:

No, to table.

LEG. NOWICK:

No.

LEG. STERN:

Yes, to table.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

No, to table.

MS. ORTIZ:

Nine.

D.P.O. HORSLEY:

Okay. The motion -- motion fails. Motion to approve? Roll call.

(ROLL CALL BY MS. ORTIZ, CHIEF DEPUTY CLERK)

LEG. ROMAINE:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

(Not present)

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

Yeah.

MS. ORTIZ:

Nine.

P.O. LINDSAY:

Okay. Okay, so both failed. And let me just say this to you, Paul.

D.P.O. HORSLEY:

Should we get Tom back in here?

P.O. LINDSAY:

I can't hold up the agenda for him. But just -- let me just say this. Let me talk to the Executive branch about tightening this whole operation up a little bit. And I think with some kind of format here or some kind of arrangement or parameters, and I think that you will -- you know, I think this -- this body wants to help. They don't want to see the SPCA go out of business. We want to see it continue providing your service, but you couldn't appear before this body on a worse day. We're shellshocked from a \$4 million --

MR. LLOBELL:

I understand that. I saw it happening this morning.

P.O. LINDSAY:

So just give me some time to work on it. All right?

D.P.O. HORSLEY:

Do you know when your policy expires?

MR. LLOBELL:

I think it's April 1st.

D.P.O. HORSLEY:

April 1st.

P.O. LINDSAY:

I thought we just did this last year.

MR. LLOBELL:

We did. It's a year ago. That's the problem, you know. I believe it's April 1st. I'll confirm that with you. I think it's the 1st.

P.O. LINDSAY:

I thought it was later in the date. They can't find coverage. The insurance companies don't want to cover anything anymore. Sure, go ahead.

LEG. MONTANO:

Have they canceled your policy?

MR. LLOBELL:

No, no.

LEG. MONTANO:

Have they told you they will not renew it?

MR. LLOBELL:

No. They told us to expect at least a 25% increase this year.

LEG. MONTANO:

All right, but you can renew the policy.

MR. LLOBELL:

We may.

LEG. MONTANO:

You better.

MR. LLOBELL:

We may decide to cease operations until we get this handled.

P.O. LINDSAY:

All right. Let's see what we can do with it in the next couple of weeks. All right, Paul?

MR. LLOBELL:

Okay.

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

P.O. LINDSAY:

Moving on, *1127-12 - Authorizing a two-year extension for the development of three parcels of land transferred pursuant to the 72-h Affordable Housing Program to the Village of Southampton and an increase in the income levels of eligible occupants for such affordable homes (County Executive).*

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Cosponsor, please.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1128-12 - Authorizing the Retirement and use of Workforce Housing Development Rights banked in the Suffolk County Save Open Space Bond Act Workforce Housing Transfer of Development Rights Program Registry for use in the Town of Huntington (County Executive). Does someone from Huntington want to sponsor this, affordable housing?

LEG. D'AMARO:

(Raised hand).

P.O. LINDSAY:

Legislator D'Amaro makes a motion. Legislator Spencer seconds it. Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1138-12 - Authorizing a two-year extension for the development of eleven parcels of land transferred pursuant to the 72-h Affordable Housing Program to the Town of Babylon (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro. Seconded by Legislator Gregory. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

IR 1013-12 - Adopting Local Law No. -2012, A Local Law to amend the County prohibition on the sale of synthetic cannabinoids (Browning).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi.

LEG. CILMI:

Please list me as a cosponsor.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1054-12 - Adopting Local Law No. -2012, A Local Law to extend the date for filing disposal plan for unused medications (Kennedy).

LEG. KENNEDY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Kennedy.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1060-12 - Designating April as Medication Take-Back Month in Suffolk County (Nowick).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion to approve by Legislator Nowick.

LEG. SPENCER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

We already did 1135.

1136-12 - Appropriating funds for the Forensic Sciences Medical and Legal Investigative Consolidated Laboratory (CP 1109) (County Executive).

LEG. KENNEDY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by -- Legislator Kennedy, did you make that motion?

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

I'm sorry. Second by Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

I might have to revisit 1136. Counsel thinks there should be a Bond with that, he's checking on it. But 1136 passed; if there's a Bond, we left it off the agenda.

1000-12 - Appropriating funds in connection with improvements to Red House at Inlet Pond County Park (CP 7122)(Romaine). Legislator Romaine?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

LEG. BARRAGA:

Opposed.

LEG. MONTANO:

Opposed.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

Okay. Did you call the vote?

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

Okay. On the accompanying Bond Resolution, ***1000A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$120,000 bonds to finance the cost of***

improvements to Red House at Inlet Pond County Park (CP 7122.310), same motion, same second. Roll call.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

Okay.

Okay, *IR 1063-12 - Authorizing use of Smith Point Park property by Getco Company, Between the Ports and Event Power, Long Island, for a Triathlon (Browning).*

LEG. BROWNING:

Motion.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Motion by -- who made the motion? I'm sorry.

LEG. CALARCO:

Browning.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1068-12 - Authorizing use of Smith Point County Park property by Mastic Beach Fire Department, Inc., for Public Safety Services Fund Drive (Browning).

LEG. BROWNING:

Motion.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1123-12 - Authorizing the sale of the Suffolk County Vanderbilt Museum's 1937 Chrysler Imperial to Howard Kroplick (Spencer).

LEG. SPENCER:

Motion.

P.O. LINDSAY:

Motion by Legislator Spencer. Second by Legislator D'Amaro.

LEG. D'AMARO:

I just had a question on this, also.

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

If we're authorizing the sale, then does the County own this vehicle?

P.O. LINDSAY:

I think it's an asset of the museum and the museum is a County holding.

LEG. D'AMARO:

Well, I thought that we owned the property that the museum sits on, but we don't normally approve the sale of an asset of the museum. Maybe George can address that.

MR. NOLAN:

All the real property and personal property there is under the code, County property. This is not part of their collection, Lance Reinheimer explained at their last meeting, so they can excess it and sell it and that's what they're seeking to do. But they're looking for approval as well since, you know, it is County property, technically.

LEG. D'AMARO:

So it's County property, and what's happening to the proceeds?

P.O. LINDSAY:

They'll get the revenue, the museum.

MR. NOLAN:

The museum is going to keep the proceeds, that's what the resolution calls for. We're allowing them to keep the money to use for their operations.

LEG. D'AMARO:

Okay. We can do that, right, George?

MR. NOLAN:

You can.

P.O. LINDSAY:

Are there any other questions? We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1167-12 - Reappoint Gretchen Oldrin-Mones as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 2). Legislator Hahn makes a motion. Do I have a second?

LEG. CALARCO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1168-12 - Reappointing Rodney Rodriguez as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 1) (Montano).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1169-12 - Reappointing Thomas D. Glascock as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 9) (Spencer).

LEG. D'AMARO:

Motion.

LEG. STERN:

Second.

P.O. LINDSAY:

Motion by Legislator D'Amaro and seconded by Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Hahn).

P.O. LINDSAY:

1170-12 - Appointing Stephen F. Melore as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 12) (Presiding Officer Lindsay). I'll make a motion.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Hahn).

P.O. LINDSAY:

1176-12 - Appointing Michael Mule as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 7) (Spencer). Motion by Legislator Spencer. I'll second it.

All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
We already did 1194.

1198-12 - Appointing Anthony Guarnischelli as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 10) (Spencer). Legislator Spencer would like to make that motion?

LEG. SPENCER:
Motion.

P.O. LINDSAY:
Motion. I'll second it. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
1122-12 - Appointing member of the Suffolk County Vocational, Education and Extension Board (John Sipala) (Schneiderman). Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman. I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
1187-12 - Directing the Suffolk County Police Department to establish a "Scam Alert" on the Departmental Website (Anker). Motion by Legislator Anker. I'll second it. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
1067-12 - Amend deadline for the Long Wharf Advisory Committee (Schneiderman).

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

LEG. ROMAINE:
Second.

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. ANKER:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Anker.

LEG. ANKER:

I just have a question. What individuals are going to be on this committee, or is there, you know, parameters on who's going to be on the committee?

LEG. SCHNEIDERMAN:

The committee already exists and it's been meeting. It's almost done, but our deadline is up. We need, actually, a few more months, so this gives us a lot more time, I think a year. We really only need a few more months. I expect a report will be completed within two months.

LEG. ANKER:

Okay. Who's on the committee?

LEG. SCHNEIDERMAN:

There's various membership. There's a Presiding Officer appointment, a County Executive appointment, the Village Mayor sits on it, I sit on it, you have Sag Harbor Chamber of Commerce and Historical Society, a DPW representative; there are quite a number of people on it.

MS. STARK:

Marine interests.

LEG. SCHNEIDERMAN:

Marine interests as well.

LEG. ANKER:

Okay. They're looking, again, at the possibility of revenue that could be generated from the Wharf?

LEG. SCHNEIDERMAN:

Yes.

LEG. ANKER:

Thank you.

P.O. LINDSAY:

You're done? I'm sorry, Legislator Anker. So we have a motion and a second, Madam Clerk.

MS. ORTIZ:

Yes, we do.

P.O. LINDSAY:

On 1067, right? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1071-12 -Reappointing member to the Suffolk County Traffic Safety Board (William A. Devore)(Presiding Officer Lindsay).

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion by Legislator Muratore.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1107-12 - Authorizing illumination of the H. Lee Dennison Executive Office Building for Pancreatic Cancer Awareness (Kennedy). Legislator Kennedy, you want to make that motion?

LEG. KENNEDY:

Well, what I'm going to do, Mr. Chair, is I know there was some question in committee, specifically about cost associated with the actual illumination itself, the electricity, and then the overtime associated with any kind of a ceremony. We're not having any ceremonies outside of hours, but this is not until November, so I'm going to ask that this one be tabled. Actually, I'm only going to ask for consideration of one of the four, because the date's coming up relatively quickly. But I'll ask for a table on this until I can drill down and get the actual price for the electricity for the week.

P.O. LINDSAY:

One of the four; there's four dates?

LEG. BARRAGA:

It's only \$97 a week, so we can go ahead with the bills.

LEG. KENNEDY:

Oh, oh, oh, oh, okay. All right. My colleague and I just had a little side-bar, so you know what? I'll withdraw that and I'll make it a motion to approve.

LEG. MONTANO:

Which one are we on, 1107?

LEG. KENNEDY:

1107.

LEG. D'AMARO:

As long as it's under a hundred dollars, John.

LEG. BARRAGA:

It's under \$100 for the week.

P.O. LINDSAY:

Okay.

LEG. BARRAGA:

Next to nothing.

P.O. LINDSAY:

So we have a motion to approve. Is there a second? I'll second it. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1119-12 - Requiring the County to consider the Planning Commission's Green Methodologies Guidelines in relation to County parking lots and New York State Environmental Facilities Corporation's Grant Parameters (Hahn).

LEG. HAHN:

Motion.

P.O. LINDSAY:

Motion.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. MONTANO:

May I ask a question?

P.O. LINDSAY:

Sure, Legislator Montano.

LEG. MONTANO:

Yeah, could you just give me a brief explanation of the bill and what would happen? I know it says to consider the guidelines, but what does that really mean?

LEG. HAHN:

Asking them to look at the guidelines and then to look at the New York State Environmental Facilities Corporation Grant parameters and grant availability, if there are grants available. And it's something they can do --

LEG. MONTANO:

There's no -- there's, like, no penalty or anything like that, right?

LEG. HAHN:

No.

LEG. MONTANO:

Okay.

LEG. HAHN:

I just want them -- I want them to consider green infrastructure in parking lots to, you know, minimize as much as possible storm water that's going off into our bays and waterways and causing real problems with red tide, brown tide.

LEG. MONTANO:

Right. But if they look at it, that's sufficient.

LEG. HAHN:

If it's too much money and they can't do it, if they can't do it for other reasons. I'm not saying they have to, I'm not mandating anything, I'm just asking them to always look at it.

LEG. MONTANO:

Okay.

LEG. HAHN:

When they pave the new parking lot --

D.P.O. HORSLEY:

And the Public Works Commissioner said okay, it's not a problem.

LEG. HAHN:

-- or repave.

P.O. LINDSAY:

Legislator Romaine, did you want to weigh in on this?

LEG. ROMAINE:

Simply to say that I believe they already do this. This legislation has already been implemented by Public Works. I worked very closely with the Public Works Department when they did -- redid the entire parking lot in Cornell Cooperative Extension. If any of you go over there to get gas, because there's a gas pump there, you'll see we have a rain garden right in the middle of the parking lot and that's exactly what they do now. I don't know if the legislation is needed since this is exactly what Public Works does now. I guess it's -- it doesn't hurt, you know, like anything else, but it is what they do now. They do apply for grants, they do look at green methodologies and they do install rain gardens in parking lots when they rebuild them. So it's being done now, in defense of Public Works.

LEG. MONTANO:

You got me.

LEG. ROMAINE:

So it's a nice piece of legislation, but --

LEG. MONTANO:

You got me.

P.O. LINDSAY:

Okay, Legislator Horsley.

D.P.O. HORSLEY:

Yes, that may be the case and they may look at that as part of this, but the fact is we're codifying an ideal and we're sending a message that this is what the Legislature feels is important.

LEG. ROMAINE:

Okay.

D.P.O. HORSLEY:

And so with that, I think it's a great idea.

LEG. HAHN:

And as you know, Legislator Romaine, this particular department head -- and that's -- you know we have an extraordinary Commissioner, and so in future years this will just be something that they're asked to always look at. And we can't guarantee that for whoever comes in next, that just because this one does it, the next one will.

P.O. LINDSAY:

Okay. So we have a motion and a second, Madam Clerk?

MS. ORTIZ:

Yes, we do.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1125-12 - To study the feasibility of relocating Patchogue's Carnegie Library to the Sixth District Court property (Calarco).

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1148-12 - Authorizing illumination of the H. Lee Dennison Executive Office Building for Parkinson's Awareness Month (Kennedy). Do you want to approve this one, Legislator Kennedy?

LEG. KENNEDY:

Absolutely, yeah. Motion to approve.

LEG. ANKER:

On the motion.

P.O. LINDSAY:

Well, let me get a second first.

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

Second by Legislator Montano. Legislator Anker.

LEG. ANKER:

I think -- again, we approved the first one. I know you have four on this round, but --

LEG. KENNEDY:

Yes.

LEG. ANKER:

-- the expenses that are incurred with this lighting -- and again, it's important that we have awareness because that's how I started, that's why I'm a Legislator today is because I was trying to create awareness with breast cancer. But again, my concern with these illuminations is the cost, you know, the lighting they have to have, and I think there is an additional cost. Can you give me specifics on those costs?

LEG. KENNEDY:

Yes. And I am just scrolling through now. The members of the committee actually received an e-mail from Commissioner Anderson, I believe it is 90 --

LEG. BARRAGA:

Ninety-seven.

LEG. KENNEDY:

Ninety-seven for a seven-day a week, and they actually broke it down by the hour. So I'll be happy to forward that over to you.

And as I've said, under no circumstances am I going to look to go ahead and have an after-hours lighting that would require our Public Works personnel to be there on overtime. Apparently, that's what's driven some of the actual cost in the past where one of us may have had a seven or 8 PM type of ceremony at dusk at the Dennison Building; that is not the case here. Our office will do it by --

LEG. SCHNEIDERMAN:

By day?

LEG. KENNEDY:

-- press release. I'll be happy to have everybody noted on it and made aware. It's simply to bring some awareness for these various illnesses.

LEG. ANKER:

Okay. Yeah, my concern, again, was overtime, I think that was an issue. Okay, thank you.

LEG. KENNEDY:

Absolutely. Throw a switch.

P.O. LINDSAY:

Okay. Do we have a motion.

LEG. BARRAGA:

The letter indicated \$97.

MS. ORTIZ:

Yes, we do.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. *1149-12 - Authorizing illumination of the H. Lee Dennison Executive Office Building for Estee Lauder's Breast Cancer Awareness Program (Kennedy).*

LEG. KENNEDY:

I'll make a motion to approve on this one as well with a similar explanation.

LEG. HAHN:

Is this a week or a month?

P.O. LINDSAY:

A week.

LEG. ROMAINE:

Light 'em up, John.

*(*Laughter*)*

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

We have a second by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. *1150-12 - Authorizing illumination of the H. Lee Dennison Executive Office Building for Judy's Run for Stroke Awareness (Kennedy).*

LEG. KENNEDY:

That's coming up, as a matter of fact, I think within the next month, Mr. Chair. That's the last one that I have in this series. And again, likewise, it will be by press release only and there'll be no overtime or ceremony. So I make a motion to approve.

P.O. LINDSAY:

Motion. What is Judy's Run?

LEG. KENNEDY:

Judy's Run is actually a not-for-profit 501(c)3 --

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

-- that's dedicated to promoting stroke awareness.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

And does so primarily through organization runs, actually making information tables available at street fairs. They'll work in collaboration with Stony Brook. And it's one gentleman who's dedicated to education on behalf of his wife, Mr. Chair. It's a good group.

P.O. LINDSAY:

Okay. Thank you. Thank you. Do we have a motion and a second?

MS. ORTIZ:

I did not hear a second.

P.O. LINDSAY:

Do I have a second on stroke?

LEG. NOWICK:

Second.

P.O. LINDSAY:

Legislator Nowick. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1155-12 - Amending prior capital authorized appropriations for the Partial Renovation of the Peconic Building (CP 2181)(County Executive). I'll make a motion.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. *1008-12 - Adopting Local Law No. -2012, A Charter Law to amend local legislation filing requirement (Presiding Officer Lindsay).* I'll make a motion.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Second by Legislator Montano.

LEG. ROMAINE:

Quick explanation of what that does.

P.O. LINDSAY:

Go ahead, George, you do it.

MR. NOLAN:

What it does is it allows resolutions and Local Laws, Charter Laws to be laid on the table at Special Meetings of Legislature so the aging requirement can begin.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1009-12 - Adopting Local Law No. -2012, A Charter Law to clarify Presiding Officer's authority to establish and appoint special Legislative committees (Presiding Officer Lindsay). I'll make a motion.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1062-12 - Appointing member of Suffolk County Board of Ethics (Thomas A. Isles) (Presiding Officer Lindsay). I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

LEG. MONTANO:

Abstention.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

1066-12 - Authorizing the conveyance of County-owned real property having a Suffolk County Tax Map Identification Number of District 0903 Section 002.00 Block 03.00 Lot 023.001 for municipal purposes pursuant to Section 72-h of the General Municipal Law (Schneiderman). Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Who was the second?

LEG. SCHNEIDERMAN:

Romaine.

P.O. LINDSAY:

Romaine, Legislator Romaine. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Opposed: Legislator Montano).

P.O. LINDSAY:

1131-12 - Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 North Babylon Volunteer Fire Company, Inc. (SCTM No. 0100-151.00-01.00-104.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1133-12 - Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 Richard J. Scola and Claire Scola, his wife (SCTM No. 0200-762.00-04.00-082.002) (County Executive).

LEG. KENNEDY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Kennedy. Do I have a second?

LEG. CALARCO:

Second.

LEG. BROWNING:

(Raised hand).

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1141-12 - Approving list of appraisers and engineers as designated by the Division of Real Property Acquisition and Management (County Executive).

LEG. KENNEDY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second. Who seconded it? Legislator Gregory.

LEG. MONTANO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

Yeah, it was discharged without recommendation. I had asked whether or not this list was the same list as last year and we weren't clear. But I understand, and Pam is here, that this is the exact same -- you don't have to get up. This is -- unless I'm wrong. This is the exact same list as last year; am I correct?

MS. GREENE:

(Nodded head yes).

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Ms. Greene shook her head yes and acknowledged it is, for the record.

*(*Laughter*)*

LEG. MONTANO:

And she waved too.

P.O. LINDSAY:

1141-12 - Approving list -- oh, we did that?

LEG. GREGORY:

You have to call the vote.

P.O. LINDSAY:

Oh, I have to call the vote. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1158-12 - Sale of County-owned Real Estate pursuant to Section 72-h of the General Municipal Law (Town of Islip) (SCTM No., f/k/a 0500-157.00-02.00-007.000 and 004.000)(County Executive).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, *1159-12 - Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 Nicholas J. Busa and Rosaria Zarro Busa, his wife (SCTM No. 0209-028.00-03.00-041.001) (County Executive).*

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. CALARCO:

Second.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern.

LEG. D'AMARO:

Just on the motion?

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

If I could just have a discussion with Real Estate on this, very quickly?

P.O. LINDSAY:

Go right ahead. Go ahead. Ms. Greene, they got you to the mic anyway.

MS. GREENE:

I thought I'd miss my opportunity to say good evening, everyone. And it's particularly nice to see you, Legislator Lindsay.

P.O. LINDSAY:

Thank you.

MS. GREENE:

Very nice to see you. Mr. D'Amaro, how can I help you? Can I help you by telling you that this property is sterilized for Health Department credit so it could never be built on, which might be why it has such a low appraisal given it's a building lot?

LEG. D'AMARO:

When you say sterilized, you mean the development rights have been stripped from the property?

MS. GREENE:

Correct.

LEG. D'AMARO:

When did that happen?

MS. GREENE:

I don't know. It was done by the Health Department.

LEG. D'AMARO:

So you can partly help me, then.

MS. GREENE:

I thought that was your question, which I thought was pretty good (*Laughter*). It has been sterilized, it cannot be built on so the Division is selling it by direct sale to the adjacent owner.

LEG. D'AMARO:

Okay. So it's -- I was going to get a little more into whether it's a buildable lot, but you're saying that it's already been stripped of development rights.

MS. GREENE:

I am.

LEG. D'AMARO:

But you don't know when that happened.

MS. GREENE:

I don't.

LEG. D'AMARO:

Uh-huh. All right, that will do it.

P.O. LINDSAY:

Are you satisfied or do you want us to hold up on it until you --

LEG. D'AMARO:

Well, if you can't build on it, then obviously it would have a low value, which is what happened with the appraisal.

MS. GREENE:

Yes.

LEG. D'AMARO:

Right?

MS. GREENE:

Correct.

LEG. D'AMARO:

Okay. So -- and there's nothing that would allow to put the development rights back on to the property.

MS. GREENE:

I've never seen the Health Department do that before.

LEG. D'AMARO:

All right. Okay, that's fine.

P.O. LINDSAY:

Okay. We have a motion and a second on this, Madam Clerk?

MS. ORTIZ:

Yes, we do.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

LEG. BROWNING:

Cosponsor, Renee.

P.O. LINDSAY:

1177-12 - Appoint member to the Suffolk County Board of Ethics (Heather M. Palmore, Esq.)(Gregory).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Anker).

P.O. LINDSAY:

Okay, that completes the regular agenda. I think we have some in the manilla folder as well.

D.P.O. HORSLEY:

You have a Home Rule Message.

MR. NOLAN:

Oh, we forgot the Home Rule Message. It's on the agenda.

LEG. BROWNING:

Did we do the Home Rule Message?

P.O. LINDSAY:

Okay, I'm sorry? Oh, okay, we've got -- there's one more page, it's ***Home Rule Message No. 2-2012 - Requesting New York State Legislature to amend the General Municipal Law, in relation to the regulation of taxicabs and limousines in Suffolk County (Assembly Bill S.6366-A and Assembly Bill A.8268-A) (Romaine).***

LEG. ROMAINE:

There's no Senate bill.

P.O. LINDSAY:

Okay, just was -- whatever.

LEG. SCHNEIDERMAN:

What does it do?

P.O. LINDSAY:

You want to make a motion?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Okay. Motion by Legislator Romaine.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. D'AMARO:

Can I get an explanation?

LEG. MONTANO:

On the motion?

P.O. LINDSAY:

Yeah. Who wanted an explanation?

LEG. D'AMARO:

I did. I'd like to know what the bill actually does.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Counsel?

P.O. LINDSAY:

Counsel will give it to you.

MR. NOLAN:

This is a bill I think we've passed several years in the past.

P.O. LINDSAY:

Yes, we did.

MR. NOLAN:

It basically authorizes us to enact by a Local Law to establish a Taxi & Limousine Commission, just like Nassau County has. And I guess the underlying issue has always been this reciprocity idea and this is a step towards that.

LEG. MONTANO:

Just a quick question, if I may? I can't pull up the Assembly or the Senate bill on the computer. Who are the sponsors in the Assembly, or who's the prime sponsor in the Assembly and in the Senate?

LEG. ROMAINE:

Thiele in the Assembly, LaValle in the Senate.

LEG. MONTANO:

Okay, thanks.

P.O. LINDSAY:

Okay, we have a motion and a second. Just on the issue. It's like they said, Legislator Romaine, I did something similar to this a couple of years ago. At the time, it took so many resources to actually go through the licensing process in Consumer Affairs, the Executive Branch didn't want to get into it and we made a deal with Nassau to accept ours and I don't know whether they kept their end of the deal.

LEG. ROMAINE:

Haven't kept the deal, that's the problem.

P.O. LINDSAY:

Yeah, it's certainly understandable. So we have a motion and a second. All in favor?

LEG. D'AMARO:

Bill, just before you call the vote?

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

I don't have the legislation.

LEG. NOWICK:

Look at the last page.

LEG. D'AMARO:

Where is it?

P.O. LINDSAY:

No, it's the legislation -- I don't -- is it in the -- is it on-line?

LEG. MONTANO:

No.

P.O. LINDSAY:

Is that what you mean, Legislator D'Amaro?

LEG. D'AMARO:

I don't see what we're voting on.

P.O. LINDSAY:

Oh, it's on the agenda, the last page. The bill itself, the State legislation, or Legislator Romaine's legislation?

LEG. MONTANO:

Romaine's is on the computer, but not the Senate or Assembly bill.

LEG. D'AMARO:

Yeah, I don't know what -- I don't even know what the issue is. I don't know what we're doing. I see it on the agenda, but that's not telling me anything. I mean, I can read the agenda.

MR. NOLAN:

Lou, I can't tell you. I don't have it in front of me either, but it essentially says -- basically what this says is the County of Suffolk is authorized to create a Taxi & Limousine Commission by Local Law, that's all it says, and it's extremely short.

LEG. D'AMARO:

And it's just a Home Rule Message.

MR. NOLAN:

Home Rule Message.

LEG. D'AMARO:

And forgive me, Legislator Lindsay, that's something that we've visited?

P.O. LINDSAY:

We did this about five years ago, we got a bill passed in the State Legislature, it was signed into law. We never implemented it because the amount of complications in licensing this group of people was huge. We got into fingerprinting and criminal record checks, and at the time the Executive didn't want to do it and the Consumer Affairs Commissioner said he didn't have the staff to do it. And we entered into negotiations with Nassau County because this all came about because we felt that Nassau County was really beating up on our taxis out here and our limousines. They would, you know, really causing raids, one of our guys went into Nassau, you know, confiscated the cars. I mean, they really did some pretty nasty stuff.

LEG. D'AMARO:

Let me ask you this. If the State decides to go ahead and pass the legislation, we would still need to come back here and authorize the --

P.O. LINDSAY:

Absolutely. Absolutely.

LEG. D'AMARO:

Okay, that's -- I just wasn't sure if we were voting on the merits of this right now.

P.O. LINDSAY:

It's a whole policy issue whether we want to expend the assets to do this and whether -- because when you do this, you kind of -- you have to generate money in order to pay for the services, you know, and it became an issue of was it worth it, was it not worth it?

LEG. D'AMARO:

But we'll discuss all of that and debate it if we even get to that point --

P.O. LINDSAY:

I would --

LEG. D'AMARO:

-- if the State Legislature --

P.O. LINDSAY:

I would absolutely say yes.

LEG. D'AMARO:

Okay. Thank you. Thank you, I appreciate that.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, so now we're done with the agenda.

Back to the manilla file, and I got **1298**, it's a ***Bond Resolution (Bond Resolution of the County of Suffolk, New York, amending Bond Resolution No. 611-2011 heretofore adopted on August 2, 2011, authorizing the issuance of \$250,000 bonds to finance the cost of the replacement of the GOTO Projector at the Suffolk County Vanderbilt Museum and related costs (CP 7452.311).*** I'll make a motion.

LEG. SPENCER:

Second.

P.O. LINDSAY:

Second by Legislator Spencer.

LEG. SCHNEIDERMAN:

On the motion, Bill?

P.O. LINDSAY:

On the motion.

LEG. SCHNEIDERMAN:

So this is not a new Bond, we've already bonded this.

MR. NOLAN:

Right.

LEG. SCHNEIDERMAN:

This is a technical correction, right?

MR. NOLAN:

This is really a technical correction that the Comptroller requested, it had some language in the earlier Bond Resolution that he didn't like so it's just removing that language, but it's not new money or anything like that.

LEG. SCHNEIDERMAN:

Doesn't cost us anything.

MR. NOLAN:

No.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Seventeen.

LEG. MONTANO:

We need a roll call on this, it's a Bond.

P.O. LINDSAY:

Okay. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. SPENCER:

Yes.

P.O. LINDSAY:

We passed the Bond last year, but there was a technical correction needed in the Bonding Resolution, that's why we're revoting on it.

*(*Roll Call Continued by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

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.

D.P.O. HORSLEY:

Yes.

LEG. MONTANO:

Renee, change mine to a no.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

Okay. Next up is *1299-12 - Bond Resolution of the County of Suffolk, New York, amending Bond Resolution No. 1054-2008 heretofore adopted on December 2, 2008, authorizing the issuance of \$500,000 bonds to finance a part of the cost of improvements to the Yaphank County Center Wastewater Treatment Plant (CP 8158.310)*. I'll make a motion.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. On the question, Legislator Romaine.

LEG. ROMAINE:

Yes. I'm looking at this and we want to go to bond for 500,000 to finance part of the improvements to the Yaphank County wastewater treatment, yet we're going to take \$7 million, I believe, from the Sewer Reserve Fund to help upgrade the facilities in Northport. Why are we not using the Sewer Assessment Stabilization Reserve Fund for this cost? Why are we going to bond for this instead of using that reserve fund? If we are using reserve funds for municipal sewage treatment plants, which is what the Sewer Stabilization Assessment Reserve Fund is for, this clearly is a municipal plant; not only is it a municipal, not only is it owned by Suffolk County, but it serves Suffolk County offices. Why are we doing this Bond instead of a sewer -- taking the money from the reserve account?

MR. NOLAN:

We've already approved the Capital Budget appropriation and the Bond, we're just correcting the Bond to reflect that, you know, 50,000 is going for planning. It's a technical change; we've already taken the step.

LEG. ROMAINE:

We've taken the step; well, then we don't need to vote on this. But if we need to vote on this, this brings back the whole Bond issue in front of us once again. If we vote no, this Bond isn't going forward. I'm asking a legitimate question. You are using Sewer Stabilization Assessment Reserve Funds for other municipal plants. Why are we going to bond when we have a reserve fund that we could utilize? This is a municipal sewage treatment plant; why are we going to bond for this?

P.O. LINDSAY:

Legislator Romaine, I don't think that we know the answer as we sit here because it's five after seven and I don't think we have any technical backup.

LEG. ROMAINE:

I don't want to hold this up. Can I make a motion to table, Sir?

P.O. LINDSAY:

Certainly.

LEG. CILMI:

Second.

LEG. ROMAINE:

Because I think it's a legitimate question. If we can reserve -- use reserve funds instead of bonding it out, it helps us financially.

P.O. LINDSAY:

Okay, you certainly can make a motion to table. And there's a second by Legislator Cilmi. But Legislator Horsley, you want to try and --

D.P.O. HORSLEY:

I don't even want to get that far into it, but all I wanted to let you know is that no decision has been made on the Northport financing of their repairs as yet. That's an application process, they're -- we're still completing the application themselves, so that has not been -- that has not been agreed upon by anybody as yet.

LEG. ROMAINE:

But if other sewage -- municipal, municipal sewage treatment plants can tap into the Assessment Reserve for improvements that are mandated oftentimes, why are we not, when we do our own plant, tapping into that reserve fund as opposed to going to bond?

D.P.O. HORSLEY:

All right, I'm not going to argue that.

LEG. ROMAINE:

It's a legitimate question.

D.P.O. HORSLEY:

The point I'm making is that decision has not been made as yet.

LEG. ROMAINE:

Okay.

D.P.O. HORSLEY:

And there's no application as yet finalized for that application. So I just wanted to correct you on that issue.

LEG. ROMAINE:

I know they have an application, but it's a question of can it be used, can we use the reserve fund as opposed to going to bond?

P.O. LINDSAY:

I think it's a legitimate question. Legislator Montano, you had a question on this?

LEG. MONTANO:

Yes. Is there --

P.O. LINDSAY:

You've got to talk on the mic.

LEG. MONTANO:

Is there an urgency that we pass this now?

P.O. LINDSAY:

I don't think there's an urgency, I just think --

LEG. MONTANO:

I mean, is there a time limit we're coming up against?

P.O. LINDSAY:

Well, I have a more basic question. We passed the original Bond in 2008; how are we just finding out that the language was inappropriate in 2012?

LEG. MONTANO:

Because we probably didn't go for the funding until now.

MR. NOLAN:

The project was changed in 2011 to move \$50,000 to planning. It was \$500,000 originally, it was all for construction, now 450 is for construction, 50 is for planning, we did that in 2011. The Bond Resolution needs to be updated to match that, that's all it is.

P.O. LINDSAY:

Okay. But you would think that a 2008 project would be built out already, I mean. All right.

LEG. ROMAINE:

That begs another question.

P.O. LINDSAY:

All right. We have a motion to table and a motion to approve; the tabling goes first. Roll call.

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

LEG. ROMAINE:

Yes.

LEG. CILMI:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

Yes.

LEG. CALARCO:

No.

LEG. MONTANO:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes to table.

LEG. NOWICK:

Yes.

LEG. GREGORY:

No to table.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No to table.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Nine.

P.O. LINDSAY:

Okay. (*Laughter*) that's a sticky wicket we're in now.

*(*Laughter*)*

LEG. MONTANO:

Here we go again.

P.O. LINDSAY:

Okay. Let me change my vote to yes to table and let's get some answers, all right? So I changed my vote to a yes.

MS. ORTIZ:

Ten.

P.O. LINDSAY:

So the tabling wins and we're again meeting in two weeks and we'll have the answers by then. All right?

D.P.O. HORSLEY:

Good idea.

P.O. LINDSAY:

1229-12 - Amending Resolution No. 1061-2011, implementing budget, staff and taxes for the Fiscal Year 2012 (Mandated) (Presiding Officer Lindsay). I make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1230-12 - Amending Resolution No. 1060-2011, implementing budget, staff and taxes for the Fiscal Year 2012 (Discretionary) (Presiding Officer Lindsay). I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1231-12 - Authorizing amended tax warrant for Resolution No. 1062-2011 (for the Town of East Hampton) to be signed by the Presiding Officer and the Clerk of the County Legislature (Presiding Officer Lindsay).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

We have a *Home Rule Message No. 5-2012 - Requesting the New York State Legislature to amend Chapter 311 of the Laws of 1920, Constituting the Suffolk County Tax Act, in relation to the sale of delinquent tax liens on Brownfields property (Assembly Bill A.5554 and Senate Bill S. 4229) (Cilmi).*

LEG. CILMI:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Procedural Motion No. 5-2012 - Apportioning Mortgage Tax By: County Treasurer (Presiding Officer Lindsay). I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Home Rule Message No. 6-2012 - Requesting State of New York to amend the Civil Service Law, in relation to resolution of disputes between a Public Employer and Suffolk County Probation Officers (Senate Bill S.6576 and Assembly Bill A.9423) (Presiding Officer Lindsay).

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco.

LEG. BROWNING:

Second.

LEG. MURATORE:

(Raised hand).

P.O. LINDSAY:

Second by Legislator Muratore.

LEG. CALARCO:

Cosponsor.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Home Rule Message No.7-2012 - Requesting the New York State Legislature to amend the Racing, Pari-Mutuel Wagering And Breeding Law in relation to adding a new section establishing additional powers of the Suffolk Regional Off-Track Betting Corporation (Senate Bill S.6293/Assembly Bill A.9062)(County Executive). I'll make a motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Home Rule Message No. 8-2012 - Requesting the State of New York to amend Chapter 311 of the Laws of 1920, constituting the Suffolk County Tax Act, in relation to the sale of delinquent tax liens on Brownfields property (Senate Bill S.4229/Assembly Bill A.5554)(County Executive). Okay, they're telling me it's a duplicate, so we don't have to pass it.

MR. NOLAN:

No.

P.O. LINDSAY:

Okay, so just skip over eight.

Home Rule Message No. 9-2012 - Requesting the State of New York to amend the vehicle and traffic law to increase the number of intersections at which traffic-control signal photo violation-monitoring devices may be installed (Senate Bill S.4197/Assembly Bill A.6751)(County Executive).

LEG. CALARCO:

Cosponsor.

P.O. LINDSAY:

I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Any comments?

LEG. SPENCER:

Sure.

P.O. LINDSAY:

Go ahead, Legislator Spencer.

LEG. SPENCER:

What this -- I don't know if there's anyone from the Executive's Office who can speak on this, but I guess my concern is relative to the cost benefit with regards to this. I know that these red light cameras are revenue producers, but there's some new compelling evidence out there that there is sort of a learned behavior that after one of these red light cameras are installed in a community, over a period of time there's a significant drop-off in revenue because everyone knows that they're there.

P.O. LINDSAY:

That's why we move them. No, seriously, we move them.

LEG. SPENCER:

So I guess my -- what's the -- I understand that. I guess my concern is as we expand it, especially in light of the current budget situation, just I would like to hear a little bit more about the cost benefit.

P.O. LINDSAY:

Well, Legislator Spencer, our contract with the vendor is a no-cost contract to us, we don't pay for any of the equipment. The equipment is purchased and installed by the vendor. In return, we give the vendor a percentage of the receipts from that intersection. So you can't lose money on the deal because we don't lay out anything and we only pay the vendor a portion of what we take in at that intersection. So if -- believe me, if everybody is stopping for the red light and there's no tickets, the first one that wants to move that camera is the vendor. Legislator Romaine.

LEG. ROMAINE:

You're absolutely right, Presiding Officer. Plus, this is not for -- this is not a revenue enhancing program, that's a collateral benefit. This is a safety program first; in fact, it benefits safety. However, you can raise questions, as I did several years ago when this contract was going into being, because the contractor is getting a rather rich deal out of this. Nassau County, where they pay for the equipment, by and large is making a lot more money than Suffolk County.

And I would say to you that while you can ask -- this is only to ask the State for 50 more cameras in addition to the 50 we have, I don't know if we'll get it. But what you should do thereafter, and I'm going to vote for this, but you should look in -- and I'll be happy because I have a lot of material on this, you should look into the contract that we have, the vendor we have and then look at Nassau. I think the Long Island Press or one of those newspapers did a story, Newsday, one of them did a story on this, and I think that then you can ask these questions whenever the contract comes up for renewal. But this is -- I've always looked at this and the Presiding Officer has led me to the conclusion that this is safety. But I think on the financial side, you can ask those questions when

this contract comes due again if this is the best procedure. Personally I don't think it is, but whenever that contract comes due, that's a separate issue, raise the question then.

LEG. SPENCER:

That is part of my concern and you did address it. Thank you. Thank you, Presiding Officer.

P.O. LINDSAY:

And the other question here is that our contract with the vendor is only for the initial 50 intersections. If we should get permission to expand it, I don't believe that's covered under our current contract. So again, the door would be wide open whether we want to purchase the equipment again. And the original concept is I was originally for purchasing the equipment and keeping all the revenue, the problem is fiscally I don't know whether we can afford to purchase the equipment anymore. Mr. Zwirn, did you want to add something to the discussion, no?

MR. ZWIRN:

Well, I always -- it's true that this was designed for public safety first.

P.O. LINDSAY:

Right.

MR. ZWIRN:

And when Legislator Romaine said that, I thought I saw his nose growing just a little bit, but that is the primary focus. And we move the cameras around when people do respond and we put in -- we have put in for another 50 cameras, it was in the Governor's budget, but this certainly would be helpful.

P.O. LINDSAY:

Yeah. And something that I have long advocated for and would like to see is we're only installing these on State/County intersections, and the reason for that is that we keep all the revenue. You know, there's such a broad system of town roads with such dangerous intersections, I know there's one right at my corner that, you know, absolutely begs for a red light camera. I mean, eighteen wheelers blow that light every day doing 60 miles an hour.

LEG. ROMAINE:

Nichols Road, I know it.

P.O. LINDSAY:

Yeah, and we would never even consider that site because we'd have to share the revenue with the town.

MR. ZWIRN:

But that's going to change, Mr. Presiding Officer. So we are examining how to do revenue sharing with the towns, if that's a way to go, but we would like to start -- if we get approval for another 50, we're going to start looking at that.

P.O. LINDSAY:

That's wonderful, because it goes back to enhancing the safety aspect of the system.

MR. ZWIRN:

Nassau County does it in other intersections and they don't do any revenue sharing. We don't know how they manage to do that, but they just --

P.O. LINDSAY:

Well, I think Nassau maintains all of the red light cameras in the County. Not the -- not the cameras, the intersections themselves.

So they don't own the basic equipment. So we have different arrangements out here; for some reason the towns out here maintain all the signals on town roads, you know.

MR. ZWIRN:

That's correct.

P.O. LINDSAY:

I'm sorry, I know Jay wanted to talk and Kara wanted to talk.

LEG. SCHNEIDERMAN:

Ben, a lot has been said about this being a safety program; of course we had the added benefit of the revenue. But in terms of safety, I've been following the debate nationally and some communities are trying to expand red light cameras, as we are, others are trying to get rid of red light cameras. And in some of the debates, I hear people saying that actually there are more accidents because people now are jamming on the brakes when they see that light go yellow and there's a lot more rear-end collisions because of that. Is there any evidence, any anecdotal record, anything? Have we looked at this issue before we expand the use of red light cameras to make sure we're not creating a --

P.O. LINDSAY:

I don't have it at my finger points, Jay, but the data doesn't support that.

LEG. SCHNEIDERMAN:

Okay. Ben, is that your understanding, too, that we're not --

MR. ZWIRN:

That's my understanding. They look at the cameras all the time.

There was a question because some County vehicles also go through this, County buses, they can't stop that short, so the County buses go through, the County issues a ticket for that, and there's some tweaking that goes on constantly trying to figure it out. They try to make it fair because the drivers of the buses said, "There's no way we can stop."

LEG. SCHNEIDERMAN:

On point, we don't know of anything that would suggest that there's more vehicle accidents because of the red light cameras?

MR. ZWIRN:

No. Just to the contrary.

LEG. SCHNEIDERMAN:

Okay.

MR. ZWIRN:

But I know that there's been issues about privacy; all sorts of things have been raised. Some municipalities have expanded, some have gone the other way. We think the program has been successful and, as I said, we're trying to expand it.

P.O. LINDSAY:

Okay. Kara, did you want to say something, too? Legislator Hahn.

LEG. HAHN:

Yeah, I think that we should review all options in the contract, including purchasing if the return on the investment is going to be quick, you know, and bring in a lot more money, it may be worth investing if it's a short ROI. I have had complaints from constituents about the short, yellow light. I believe the State has a range of time in which the yellow light can be set. You know, I don't know -- I think we need to look at that, you know, as we move forward, but I do think this improves it. Legislator Spencer's point showed it works, people stop at the red lights where we have cameras, so it actually has the effect on safety and we need to continue and expand it.

P.O. LINDSAY:

Somebody else? We're all set? Okay.

LEG. BROWNING:

Just one question.

P.O. LINDSAY:

Yes, Legislator Browning.

LEG. BROWNING:

You said County roads and State roads. I've had requests for William Floyd Parkway and Montauk Highway, which it's two County Roads intersecting. Why can't we put it there?

MR. ZWIRN:

Well, the first 50 they had -- we'll just mention it to Public Works. I mean, I know they're looking to move a couple of cameras because, as Legislator Spencer said, there's some intersections right now where they're getting one or two infractions maybe a day; people have either adjusted. I mean, part of the problem, I think, Suffolk County drivers are better than Nassau County drivers, Legislator Romaine, that's why the revenue has been down. *(Laughter)*.

LEG. ROMAINE:

No, no, no, it's the contract, you know that.

*(*Laughter*)*

LEG. BROWNING:

But Ben, there is no issue with being able to put it where two County roads intersect?

MR. ZWIRN:

No, not at all.

P.O. LINDSAY:

As long as it's a County/County or County/State Road.

LEG. BROWNING:

Okay. Well, then I guess we'll have to make that request.

MR. ZWIRN:

I'll make the request of the Commissioner of Public Works.

P.O. LINDSAY:

And it was a policy by the last Executive and I'm really happy to hear that this Executive wants to change that policy. Because like I said, some of the town roads are very, very dangerous.

LEG. BROWNING:

I have had constituents, many calling me asking me for it, and when I called DPW they said they could not do it.

P.O. LINDSAY:

Yeah, that's the reason why, it's a policy decision.

LEG. BROWNING:

Excellent.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Procedural Resolution No. 6-2012 - Approving partial settlement of AWP Litigation (Schering Corp.) (Presiding Officer Lindsay).

MR. NOLAN:

We're getting money.

P.O. LINDSAY:

We're getting money on this settlement, all right, 221,000. This goes back to the pharmaceutical litigation that we filed a few years ago, we're still getting driblets and drabs. But that's --

MR. NOLAN:

You need a motion.

P.O. LINDSAY:

Yeah. I'll make a motion. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

LEG. CALARCO:

Second.

P.O. LINDSAY:

Legislator Calarco. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay. Did we do this --

MR. NOLAN:

Yeah, we did the mortgage tax rebate.

P.O. LINDSAY:

Okay. Okay, that's it for the manilla folder.

We didn't do everything in CN's. Okay, red file.

First up is **1153-12 - Approving ferry freight license for Roncalli Freight Company Inc., d/b/a Coastline Freight (Presiding Officer Lindsay)**. Didn't we do this?

MR. NOLAN:

We did the Public Hearing.

P.O. LINDSAY:

Oh, we did the Public Hearing, we closed the Public Hearing. I'll make a motion.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1250-12 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Town of Brookhaven Industrial Development Agency (SCTM No. 0200-728.00-05.00-010.003) (County Executive).

LEG. CALARCO:

Motion.

P.O. LINDSAY:

Motion by Legislator Calarco. I'll second it. And Ms. Greene, do you want to add something about this, or just here in case someone has a question?

LEG. ROMAINE:

I do.

MS. GREENE:

I'm here to add something about it if there's a question, but I can just share with you that the reason this is being requested as a Certificate of Necessity is it offers the same language as three Local Law 16's that were already passed by you in the Consent Calendar earlier today that allowed the deed to be verified at the February 28th date to allow the exemptions to be applied. The division looked at all pending applications to see if any other applicants that came in after the last deadline could also take advantage of any exemptions and this was the only one, so we are asking for your permission to do so.

P.O. LINDSAY:

Okay. And Legislator Romaine, did you have an additional question on this?

LEG. ROMAINE:

No, I did. I just kind of find it hard for us to do this as of February 28th on March 13th, but that's okay.

MS. GREENE:

When you only meet once a month (*laughter*).

LEG. D'AMARO:

Bill, could I ask a question?

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Ms. Greene, could you explain to me again why we're considering this as A CN right now?

MS. GREENE:

I can. I don't believe it was ever considered, when people are putting their redemption applications in, that the second meeting of this full body would take place on March 13th.

LEG. D'AMARO:

I don't follow that at all. I don't know what that means.

MS. GREENE:

So we were able to --

LEG. D'AMARO:

Usually a 16 would go to committee and be reviewed by committee.

MS. GREENE:

Exactly.

LEG. D'AMARO:

So was it not -- why was it not submitted to the committee?

MS. GREENE:

The paperwork came in on January 31st. The resolution was prepared on February 8th at that time it was passed, the laid on the table deadline from the last meeting, which took place the first week of February.

LEG. D'AMARO:

Right.

MS. GREENE:

So at this point, we're asking for approval tonight so we can --

LEG. D'AMARO:

So it just didn't meet the prior cycle that we were in.

MS. GREENE:

Correct.

LEG. D'AMARO:

So why would you bring it as a 16 and not just put it in the next packet? I'm sorry, why did you bring it as a CN?

LEG. ROMAINE:

Tax abatement.

LEG. CALARCO:

If I may. This is in my district and this is a -- Motorola is in this property, it's part of the Town of Brookhaven's IDA Program. They actually have exemptions on all their taxes with the exception of the Suffolk County Sewer Tax which was the issue and cause for taking in the first place. In order to get them their exemption and keep this parcel within the Brookhaven IDA, we need to pass this and have it retroactive to the March 1st application deadline.

LEG. D'AMARO:

Okay. So what you're saying is if we waited another cycle, you might lose that exemption.

LEG. CALARCO:

Exactly.

LEG. D'AMARO:

Is that true? That's not what the Director had said to me.

LEG. CALARCO:

Well, I think in order to move this forward in an expeditious manner, they're looking to have this approved today.

LEG. D'AMARO:

Well, that's a little different than whether or not they're going to lose their exemption.

LEG. MONTANO:

May I, point of information? There were -- this is -- I had stepped out but I came in during this. There were three resolutions that were presented at Ways & Means that fell into the same situation.

MS. GREENE:

Correct.

LEG. MONTANO:

And you essentially asked us to approve them non-pro-ton to February 28th, which is permissible.

MS. GREENE:

Correct.

LEG. MONTANO:

And this one for some reason did not go in. But I think Legislator D'Amaro's question is appropriate in that if we don't pass this today on a C of N and we pass it in two weeks, if it comes out of -- they don't lose the exemption, because we're still passing it non-pro-ton.

LEG. CALARCO:

I think there's an issue for Brookhaven Town and the Tax Assessor in order to get this into his books and on the record.

LEG. ROMAINE:

They close the tax rolls on March 1st.

LEG. CALARCO:

Correct, and I think they're looking to get this expedited so that they can have their tax rolls closed and all taken care of.

LEG. D'AMARO:

So my other question is there were three others in a similar situation, this one, though, is not included with the three others; why is that?

MS. GREENE:

This paperwork came in on January 31st; by the time the resolution was submitted it did not -- it was not making the deadline for the laid on the table as the other three were.

LEG. CALARCO:

Lou, I think the big issue here is that we changed our calendar dates and instead of having two Legislative meetings prior to the 1st of March, which we usually do, we only had this single one which only allowed those other resolutions to be laid on the table, this one didn't make the cycle.

LEG. D'AMARO:

Legislator Calarco, I don't take issue with you wanting to move this, but I'm really questioning the use of the CN. Because if you look at the written explanation, it said it's "because it is the desire of the Office of the County Executive to promote economic development"; well, yeah, we all want to do that. "By expediting the exemption process which will allow the prior owner to avail themselves of the March 1st taxable status deadline"; well, we're already past that. So I think Legislator Montano is making exactly the point that I think I was trying to make, that you really -- you know, the use of a CN is that there's an impending deadline that we would miss if you can't wait another cycle. This did not go through the committee process, that's my point. When I asked the Director that question, that is not the explanation that I was given.

LEG. CALARCO:

All I can add to that is I received a call from the Tax Assessor of Brookhaven, he's looking to have this moved for his own paperwork purposes.

LEG. D'AMARO:

I do not doubt that at all, I really don't, and I understand that. Everyone wants to move things as fast as possible, but we have a committee process and these bills are supposed to be reviewed, they're supposed to be debated. And it's getting thrown at me at 7:30 at night, I know nothing about it and there's no need for the CN.

P.O. LINDSAY:

So make a motion to table it then.

LEG. D'AMARO:

I'll make a motion to table it, sure.

LEG. MONTANO:

Well, no, it's a motion to table or to commit?

LEG. D'AMARO:

Commit.

LEG. MONTANO:

I'll second the motion. Because -- and if I may speak on the motion?

P.O. LINDSAY:

Go ahead.

LEG. MONTANO:

If we pass it at the next meeting, it's still going to be retroactive to the 28th, right?

MS. GREENE:

I hope so.

LEG. MONTANO:

Right. So unless there's -- Legislator D'Amaro's point is unless there's a compelling reason for a C of N, which I said earlier I have an aversion to, then we should send it to committee. Now, is there a compelling reason why it needs to be done today? And I think that's Legislator D'Amaro's question and my question also.

MS. GREENE:

Again, I believe in this instance the ability to have it passed by the full Legislature was a matter of concern for the Town of Brookhaven that they wanted to see if it could --

LEG. MONTANO:

Right, but my question was is there a compelling reason? What is the compelling -- Lou? Legislator D'Amaro, are we on the same page here?

LEG. D'AMARO:

But, you know, Legislator Montano, you're exactly right. You know --

LEG. MONTANO:

That's what you're asking and I'm backing you up on that.

LEG. D'AMARO:

-- I'm hearing "*I believe*," "*I think*", I have nothing in writing, I have nothing showing me the compelling reason. "I think", "Maybe," "I hope so"; this is what I'm hearing to justify a CN, it's crazy.

P.O. LINDSAY:

Okay. We have a motion to commit and a motion to approve with accompanying seconds, and the commit reso goes first. Roll call.

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

LEG. D'AMARO:

Yes.

LEG. MONTANO:

This is commit; yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No to commit.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

No.

LEG. STERN:

Yes.

LEG. SPENCER:

No.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Six.

P.O. LINDSAY:

Okay, motion to approve. Roll call.

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

LEG. CALARCO:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. MONTANO:

Abstain.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Okay.

MS. GREENE:

Thank you.

P.O. LINDSAY:

Next one, *1268-12 - Amending the 2012 Adopted Operating Budget to accept and appropriate 100% State Aid from the New York State Office of Alcoholism and Substance*

Abuse Services (NYS OASAS) to Concern for Independent Living, Inc., for Shelter-Plus Care Case Management Services (County Executive). I'll make a motion.

LEG. BROWNING:

Second.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. And the last reso is Resolution ***1282-12 - Resolution delegating to the County Comptroller the power to authorize the issuance of not to exceed \$90,000,000 Revenue Anticipation Notes of the County of Suffolk, New York, in anticipation of the receipt of certain revenues for the fiscal year ending December 31, 2012, to prescribe the terms, form and contents of such notes, and to provide for the sale and credit enhancement thereof (County Executive).*** I'll make a motion.

D.P.O. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. Anybody want to speak? Legislator D'Amaro.

LEG. D'AMARO:

Well, I would like to ask the Budget Review Office if they are confident that we can meet the debt service on this.

MR. LIPP:

The answer to that is no, we cannot determine that at this point.

What will happen is we're going to start reserving money for the RAN the beginning of next year, and really what's happening is, A, we need the money now in terms of cash; B, we need to develop a long-range plan well before the end of the year is over. So we will have to be able to do that by then.

LEG. D'AMARO:

Okay. So your answer is no because we don't have the plan in place yet.

MR. LIPP:

Correct.

LEG. D'AMARO:

For repayment.

MR. LIPP:

Correct.

LEG. D'AMARO:

To make sure that we can meet the debt service obligation. So I want to understand, the County is facing a -- this is more about cash management, cash flow. And we're in a position now where there's a possibility that we won't be able to meet our cash flow obligations, and that's why we're going to the market to borrow.

MR. LIPP:

Correct.

LEG. D'AMARO:

Okay. I just -- I have to question whether or not there are any other alternatives. Because it seems to me that there's a very loud and clear signal coming to us, if you can't meet your cash flow obligations that the County is in a very dire fiscal position, as we all know. And I just want to be sure that there's the ability of the County to repay this substantial amount of debt.

MR. LIPP:

The County can do it if it puts together a plan; at present, that plan isn't put in place. That being said, both the Budget Review Office and the Executive's Budget Office are working up lists of solutions, we have not gotten together yet. And also, we will be a part of a Budget Steering Committee group that will be presenting to that group a list of solutions. What comes of that remains to be seen, but it can be done if we have the will.

LEG. D'AMARO:

What happens if we do not do this borrowing?

MR. LIPP:

We probably will not be able to make payroll some time in April, possibly May.

LEG. D'AMARO:

Right. And my last question is how much -- what's the debt service on this?

MR. LIPP:

Debt service, according to Audit & Control who did the fiscal impact, is at 2% for full-year, it was 1.4 million. However, the net debt service was a lesser amount, about one and a quarter million, one million perhaps.

LEG. D'AMARO:

So in order for the County to continue to meet its cash flow obligations, there's a cost associated with doing that because we're borrowing.

MR. LIPP:

Most definitely. We'll have to be paying an interest-expense next year, not this year but next year, of over a million dollars.

LEG. D'AMARO:

Uh-huh. Okay. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Robert, I just want to -- were you at the Ways & Means Committee?

MR. LIPP:

Yes.

LEG. MONTANO:

Okay. You remember that Connie and --

MR. LIPP:

Brenda Sloan.

LEG. MONTANO:

Came to the Ways & Means and presented this at Ways & Means.

MR. LIPP:

Correct.

LEG. MONTANO:

But my understanding at the time, and I think the record will bear me out, I asked a question whether or not this Revenue Anticipation Note was going to be repaid with money that was already appropriated or whether or not this was anticipated State aid. And my understanding was that this was money -- the money to repay this Revenue Anticipation Note was for money already appropriated by the State that we just haven't collected; am I correct in that?

MR. LIPP:

Yes, account receivables from the State, correct. And they've done their due diligence, that is Audit & Control, and they said at the Ways & Means Committee that in theory they could actually ask for a RAN over 200 million; of course they don't want to do that, so they restricted it to what they thought they need, 90 as a maximum.

LEG. MONTANO:

Right, but the repayment is for money already appropriated. It has nothing to do with money that may come to the State, that may come to the County from the State in the next anticipated budget which will probably be passed on April 1st; am I correct?

MR. LIPP:

Yes, but the problem --

LEG. MONTANO:

I just want to be clear on that.

MR. LIPP:

Yeah, the problem is there's a difference --

LEG. MONTANO:

That's not what I thought I heard you say.

MR. LIPP:

The problem is there's a difference between cash and budget, okay.

And what we're talking about here is cash, and that cash is basically -- we're going to be -- we have lots of receivables from the State that we've already budgeted for in prior years that basically what it is is the State has said, "Okay, we approve this item and this is what the State aid will be," they just have not come forward yet to pay it.

That being said, though, there is a significant difference now between the budget and cash, that is we're maxing out in terms of cash. We're borrowing the full amount we can, tax anticipation notes and now we're doing RAN's.

LEG. MONTANO:

But this is where I'm confused. The money that is going to be used to repay this Revenue Anticipation Note is money from -- money already appropriated. But the question I have, then, is that money that was appropriated, was it not appropriated for a different item?

P.O. LINDSAY:

The debt cost doesn't kick in till next year. We couldn't appropriate the money.

LEG. MONTANO:

No, the money that --

MR. LIPP:

Yeah, we have to -- what we have to do is -- what they're doing is they look at the receivables for State aid, and as long as that number is above the 70 or 90 million, however much we're going to borrow, they don't have to reserve until the beginning of the year, and that's likely to be the case. They'll have to start reserving at the beginning of the year.

That being said, money is sort of fungible, even though it is tied clearly to the State aid, so we're doing it properly.

LEG. MONTANO:

All right. So since it's fungible, it may have been appropriated for something else, but what you're saying is that we can use it to pay back the debt service. Is that an accurate statement?

MR. LIPP:

Yes, but the problem is -- yes, but the expenses are unless we come up with a plan, the expenses are we're --

P.O. LINDSAY:

But Robert, the debt service on this we don't pay until next year, right?

MR. LIPP:

That is correct.

LEG. MONTANO:

Right. But the --

P.O. LINDSAY:

So how can it be appropriated? That would be in next year's budget.

LEG. MONTANO:

No.

P.O. LINDSAY:

It would be an expense of part of next year's budget.

MR. LIPP:

I'm assuming what Legislator Montano means is that the money is already, you know, in the budget for this State aid.

LEG. MONTANO:
Or something else.

MR. LIPP:
Right.

LEG. MONTANO:
And we are now going to have to move it from that category to pay back the RAN. That's all I'm --

MR. LIPP:
Yes.

LEG. MONTANO:
That's the point I'm making.

MR. LIPP:
Right, we'll have to --

LEG. MONTANO:
Somewhere we're going to be short, then.

MR. LIPP:
That's right. We'll have to reserve the money the beginning of next year for this purpose.

LEG. MONTANO:
Okay.

LEG. D'AMARO:
Bill, could I just follow-up on that?

P.O. LINDSAY:
Well, I've got a list here. Legislator Barraga.

LEG. BARRAGA:
There is no doubt in your mind in terms of the amount of money that we're going to collect from New York State and the Federal Government in terms of aid, what's coming in.

MR. LIPP:
We should have no problem in terms of meeting this \$90 million figure.

*(*The following testimony was taken & transcribed by
Diana Flesher - Court Reporter*)*

LEG. BARRAGA:
Okay. The calculation on the interest -- the amount charged in interest is predicated on a net interest cost of 1.25%. The question is, I don't know if you'd be able to answer this, but with Moody's downgrading the County as of yesterday, how accurate is this 1.25% or can we anticipate once we go out with the RANs paying a higher rate?

MR. LIPP:
The answer is I would anticipate a higher rate. Conservatively, I'd say about 50 basis points as a half a percent, probably another, say, 400,000 or so just for the RAN and -- but also that higher rate will apply to all other cash flow and serial bond issues that we have.

LEG. BARRAGA:

So, the gross interest costs in 2013 would be not a million four; it'd be around a million eight, a million nine based on the higher rate?

MR. LIPP:

Yes. Actually what it would be is, the figure that Audit Control did was off of 70 million, not 90 --

LEG. BARRAGA:

Yes.

MR. LIPP:

Because that's what they're saying they expect, that's 1.4. If you add 50 basis points, it'll be 1.75 million.

LEG. BARRAGA:

Okay. Thank you.

MR. LIPP:

Sure.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Yes, thanks. Robert, could you talk to us a bit about these receivables that we have from New York State? You know, what's the extent of those receivables, what are they for, how behind -- and this is a question that's of particular interest to me -- how behind is New York State in terms of paying us some of the money that they owe us?

P.O. LINDSAY:

If I might, I had a discussion at lunchtime with our Comptroller, because last fall we had a situation where the State was seriously behind in their payments. Myself and Legislator Kennedy both advocated with the State to try and -- and the Comptroller tells me that is not the case now, that the State is very up-to-date with their -- with their payments.

LEG. CILMI:

Would you concur with that, Robert?

MR. LIPP:

Yes.

LEG. CILMI:

And so, the money that we're expecting to receive from the State is money that we just receive during the normal course. It's not -- it's not money that we've been waiting for for some time?

MR. LIPP:

It's a combination of money we've been waiting for. But, you know, it's not as dragged out as it used to be. And also money that will be coming due to us during the year. And, you know, the calculation from the Comptroller's Office is we're way above, you know, the amounts to hit the 70 or \$90 million figure.

LEG. CILMI:

Okay. The other question I have is with respect to a comment that you made, Robert, in terms of working -- you're working on a group -- a working group, a budget working group of some sort.

Could you explain what you meant by that exactly?

MR. LIPP:

Well, currently, all we're doing currently -- I shouldn't say all we're doing, what we're doing currently is in-house and Budget Review Office -- we're working up a list of, I'll call it potential solutions to the budget problem. There aren't any simple or painless solutions, but we're, you know, we have a large list. And our understanding from conversations with the Budget Director -- County Executive's Budget Director and Deputy County Executive for Budget and Finance is that they're also working on a list. And we're supposed to be getting together with them. I'm not sure exactly when, as well as, we're supposed to be part of this Legislative working group, but which has not started up yet.

LEG. CILMI:

To the best of your knowledge, are any of those discussions going to be public?

MR. LIPP:

I have no idea what the procedure's going to be. You know, we're just going to show up when asked to.

LEG. CILMI:

Okay. I would just, very respectfully ask through the Presiding Officer, that particularly given the challenges that we face, which by any measure are monumental, these discussions should be held in public. You know, I mean, there may be some sensitive information; certainly that can be discussed privately. But as we're debating or as a budget working group and Legislators and County Executive's people are debating, discussing how to deal with these fiscal challenges that we have, I would hope that those discussions could be held in a public forum so that, you know, all of the stakeholders, taxpayers, everyone who's going to be impacted by those decisions, and there will be many, as you said, painful impacts of these decisions, you know, they're not sprung on people, sort of, at the last minute and they have an opportunity to weigh in and see how painful these discussions are going to be from our point of view as well. So, just a -- through the Chair, I would just request that. Thanks.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. I just want to make sure I understand this issue fully. Rob, the need for the RAN is not a function of the State being behind in its payment to the County?

MR. LIPP:

Correct.

LEG. D'AMARO:

It's not?

MR. LIPP:

No.

LEG. D'AMARO:

So, the State, as you stated earlier with Legislator Lindsay, is pretty much up-to-date and the revenue that's due us has pretty much come in?

MR. LIPP:

Yeah. You can make a case that if they were prompter payers, and I'm not saying that they're not prompt, but if they were more prompt, perhaps we wouldn't -- we would be able to get through the

year without the RAN. But they're not doing anything inappropriate, to my knowledge.

LEG. D'AMARO:

All right. So, because our revenues, then, other than the State aid or State revenue is not coming in timely or sufficiently to meet bills as they come due, we are, in effect, pledging a portion of our future State aid to back up this borrowing?

MR. LIPP:

Exactly.

LEG. D'AMARO:

But what if the revenue that we're trying to replace doesn't materialize?

MR. LIPP:

Well, we have two problems. Over the last few years, even though we've tried to hold the cost -- the line on costs, we haven't been able to do it sufficiently because of the decreases in revenue; for instance, sales tax is an example. Number one.

Number two, moving forward as, for instance, the Blue Ribbon Panel, for lack of a better term, spoke to moving forward, we're going to have large increases in expenditures. That will be the major problem moving forward. That, all of these things, you know, are projections which even if they would be accurate projections, if we were asleep at the switch, hopefully they will not come to fruition because we'll do something about it.

LEG. D'AMARO:

Right. So, again, the RAN is about cash flow. It doesn't mitigate in any way the fiscal picture that we're in, the circumstances that we're under. We still need to come up with those mitigation measures, we need to address all of that. We will be doing that. But until -- you know, that's going to take a little more time, at least. And until we can implement all of that, we need to get in effect a bridge loan, if you will?

MR. LIPP:

Exactly. That's a good way of putting it.

LEG. D'AMARO:

Right. Right. Okay. So, the bottom line is, just like the financial wherewithal of the County, it's dependent on our mitigation measures. Our ability to repay this RAN is also directly tied to how well we manage this budget going forward.

MR. LIPP:

Right. And as a matter of fact, the -- you know, we were downgraded and the two other rating agencies didn't downgrade us and they said, "well, we're going to hold off a while and see what sort of mitigation plan these guys actually have." You know, so we're, you know, we're being watched. And if we can come up with something, then, it won't be as bad. Easier said than done, though.

LEG. D'AMARO:

Well, I can support this as a function of cash flow. You know, that makes sense to me. It doesn't -- it doesn't in any way address all the other issues that we've been hearing about for the last month or two months. But this is buying us the time that we need in order to put the fix in. So, okay, thank you, Robert. I appreciate your answers.

MR. LIPP:

You're welcome.

P.O. LINDSAY:

Legislator Stern, did you want to --

LEG. STERN:

My question was already answered.

P.O. LINDSAY:

Thank you. Anybody else? All right. We have a motion and a second. I'm going to call a roll call on this.

(ROLL CALL BY MS. ORTIZ, CHIEF DEPUTY CLERK)

P.O. LINDSAY:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. We -- got on, don't any -- I don't want to lose everybody yet. We still got a little bit more business. Just hold in a few more minutes.

We got yellow folder, late starters. I need a motion to wave the rules and lay on the table --

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

-- the following late starters: 1297 to Public Safety, 1300 to Public Works, 1301 to Public Works, 1302 to Public Works, '03 to Public Works, '04 to Public Works. What's the next one? '05 to Public Works, '06 to Budget and Finance, '07 to Ways and Means, '08 to Budget and Finance. And I have a motion by Legislator Romaine. I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. And I'll accept a motion to adjourn.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion.

(THE MEETING CONCLUDED AT 7:54 AM)

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